



Republic of Namibia
Annotated Statutes

Agricultural Produce Export Ordinance 13 of 1928

(OG 283)

brought into force on 1 April 1929 by Proc. 4/1929 (OG 309);
extended to Rehoboth Gebiet by the Rehoboth Gebiet (Extension
of Laws) Proclamation 12/1930 (OG 365), with effect from that
Proclamation's date of publication: 1 May 1930

ORDINANCE

To provide for the inspection and grading of agricultural produce which is to be exported from South West Africa for purposes of sale, for the charging of special fees in respect of such inspection and grading, for the inspection of premises used for the slaughter of animals for such export or for the preparation and manufacture of articles derived from such produce and generally for the regulation of the export of such produce.

(Assented to 4th July, 1928)

(Afrikaans text signed by the Administrator)

ARRANGEMENT OF SECTIONS

1. Prohibition of export of agricultural produce without inspection, etc.
2. Prohibition of export of produce which is unsound, etc.
3. Seizure and destruction of diseased animals when meat thereof intended for export and of agricultural produce intended for export
4. Use of abattoirs for slaughter for export of meat oversea
[The word "oversea" should be "overseas".]
5. Prohibitions, limitations of and prescriptions in respect of export
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Agricultural Produce Export Ordinance 13 of 1928

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:-

Prohibition of export of agricultural produce without inspection, etc.

1. No person shall export, or cause or permit to be exported, or attempt to export, any agricultural produce unless and until such produce has been inspected and after inspection branded by an inspector in manner prescribed by regulation.

Prohibition of export of produce which is unsound, etc.

2. No person shall export, or cause or permit to be exported or attempt to export -
- (a) the produce of any animal which is infected with disease; or
 - (b) agricultural produce intended for human consumption which at the time of presentation for export is unfit for such consumption; or
 - (c) agricultural produce which owing to its condition is unlikely to be brought to its destination in a sound or a good marketable state.

The question whether any produce is or is not in such a condition as would render it subject to the prohibitions contained in this section shall be determined by the inspector according to instructions given generally or specially by the Secretary.

Seizure and destruction of diseased animals when meat thereof intended for export and of agricultural produce intended for export

3. (1) Whenever the Secretary has ground for believing that any animal is to be slaughtered and that the meat thereof is intended for export, he may, if such animal is found to be so infected with disease as to render the meat unfit for human consumption cause it to be seized and slaughtered and the carcass thereof dealt with or disposed of as he may determine, but in such a manner that such carcass cannot be used for human consumption or as food for animals: Provided that any moneys received from such disposal shall, after deduction of the expenses incidental thereto, be paid to the owner of the carcass.

(2) If any agricultural produce intended for human consumption is found at the time of inspection under this Ordinance or of its presentation for export to be unfit for such consumption, the Secretary may cause it to be seized and destroyed or otherwise dealt with or disposed of, but in such a manner that such produce cannot be used for human consumption or food for animals: Provided that any moneys received from such disposal shall, after deduction of the expenses incidental thereto, be paid to the owner of the produce.

Use of abattoirs for slaughter for export of meat oversea

[The word "oversea" should be "overseas".]

4. (1) A person who intends to export any meat, and desires to use for the slaughter of the animal from which such meat is to be taken an abattoir or slaughtering place owned or controlled by any other person or by any local authority, shall not send thereto the animal for slaughter until he has given notice to such other person or to such local authority (as the case may be) of such his desire and also of his intention to export such meat. Every person who, and every local authority which, receives such a notice as is mentioned in this sub-section shall,

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before permitting at the abattoir or slaughtering place described in the notice the slaughter of any animal likewise described obtain the sanction of the Secretary.

(2) A person who intends to export any meat and to use for the slaughter of the animal from which such meat is to be taken, an abattoir or slaughtering place owned by himself or under his control, shall, before using such abattoir or slaughtering place for such purpose, obtain the sanction of the Secretary.

(3) The sanction given by the Secretary under this section to the use of any abattoir or slaughtering place may be at any time withdrawn by him if it appears that such abattoir or slaughtering place is not being kept in such a condition, or does not possess such appurtenances or facilities, as will enable the person using it to comply with the provisions of this Ordinance and the regulations.

(4) No person who, and no local authority which, owns or controls an abattoir or slaughtering place shall slaughter or cause or permit to be slaughtered therein any animal the meat whereof is intended for export from South West Africa -

- (a) unless the abattoir or slaughtering place is a place sanctioned by the Secretary as fit for the purpose; and
- (b) until a date specified by the Secretary as a date on and from which the slaughtering in such abattoir or slaughtering place for the purpose aforesaid may take place.

(5) Nothing in this Ordinance shall be deemed or taken to limit or restrict any municipal council in the exercise of the powers lawfully conferred upon it making and enforcing any bye-laws relating to the establishment and use of abattoirs or the slaughtering of animals within the area over which that council has jurisdiction; but the use of abattoirs and the slaughtering of animals for purposes of export within such area shall be subject to the provisions of this Ordinance.

Prohibitions, limitations of and prescriptions in respect of export

5. The Administrator may, from time to time by proclamation in the *Gazette* -
- (a) prescribe the specific designation under which any particular kind of agricultural produce may be exported, and define each such kind of produce;
 - (b) prescribe the maximum of moisture which may be present in different kinds of grain intended for export;
 - (c) prescribe the amount of moisture in, or the condition of, any produce for export;
 - (d) prescribe the maximum amount of moisture, curd, salt or preservative in butter intended for export and prohibit the export of butter in which such prescribed maximum amount is exceeded;
 - (e) prescribe the minimum amount of butter fat in butter intended for export and prohibit the export of butter in which such prescribed minimum amount is not present;
 - (f) prescribe standards of composition for butter, cheese, cream, cream cheese, condensed milk, margarine and butter substitutes intended for export, and prohibit the export of any such article in which the prescribed standard is not maintained;

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- (g) prohibit the export of agricultural produce which has been so treated, as to give it the appearance of an article of different commercial value,

and may by any such proclamation prescribe penalties for a contravention thereof, not exceeding the penalties mentioned in section *seven*.

Regulations

6. (1) The Administrator may make regulations, not inconsistent with this Ordinance, as to the following matters relating to agricultural produce intended for export, namely -

- (a) the inspection of animals or other produce and the inspection of the premises in which animals are slaughtered, or in which other produce is prepared, manufactured or otherwise dealt with;
- (b) the place and manner of inspection of produce;
- (c) the time and place at which, and the manner in which, notice of intention to export shall be given;
- (d) the manner of packing, the size, description, quality and material of the receptacles to be used, the weight of the contents and the marking of such weight and of the receptacles;
- (e) the time and place at which delivery of the produce shall take place at the port of shipment;
- (f) the place and manner of storage, the conveyance and the treatment of any produce;
- (g) the fixing of grades, the place and manner of grading and branding of any produce and the manner in which different designations or grades of produce shall be branded or indicated whether on the receptacle or on a certificate of the inspector or otherwise;
- (h) the percentage which shall be inspected in any one consignment;
- (i) the temperature at which conveyance by rail and shipment of the produce shall take place;
- (j) the abstraction or removal of samples by an inspector for examination, inspection or analysis;
- (k) the circumstances under which different kinds of produce may be degraded, regraded or rebranded by an inspector after examination and inspection;
- (l) the circumstances under which and the conditions on which produce inspected and graded may be withdrawn from shipment;
- (m) the forms of notices, certificates and other documents to be used or issued for the purposes of this Ordinance and the regulations;
- (n) the fees which shall be paid by the owner or the consignor of animals or other produce for inspection and for grading, the time of payment and the person to whom payment shall be made,

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and generally for the better carrying out of the objects and purposes of this Ordinance.

(2) Differing regulations may be made for different kinds of agricultural produce and for agricultural produce exported to different places.

Penalties

7. (1) Any person who contravenes any provision of this Ordinance or of any proclamation issued thereunder or any regulation or makes default in complying with any such provision with which it is his duty to comply shall, if no penalty is specially provided for the contravention or default, be liable, in case of a first conviction, to a fine not exceeding one hundred pounds and, in case of a second or subsequent conviction, to a fine not exceeding two hundred and fifty pounds.

**[A fine not exceeding one hundred pounds is equivalent to a fine not exceeding N\$200.
A fine not exceeding two hundred and fifty pounds is equivalent to a fine not exceeding N\$500.]**

(2) Any person who obstructs, resists or hinders an inspector in the lawful exercise of his powers or duties under this Ordinance or any proclamation issued thereunder or any regulation shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

[A fine not exceeding twenty-five pounds is equivalent to a fine not exceeding N\$50.]

(3) Any person who fails, within the time required by an inspector, to remove any produce from any place of inspection, reception, shipment or dispatch whenever such removal is so required shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds for every day during which the offence continues.

[A fine not exceeding five pounds per day is equivalent to a fine not exceeding N\$10 per day.]

Forging certificate or brand and false warranties

8. (1) Any person who forges or utters knowing it to be forged, any certificate or brand or label, or any writing or signature required by or provided in this Ordinance, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of fraud.

(2) Any person who wilfully applies to agricultural produce intended for export a certificate or invoice or label or warranty given in relation to any other agricultural produce shall be guilty of an offence and liable on conviction to imprisonment, with or without hard labour, for a period not exceeding twelve months.

(3) Any person who in South West Africa, with intent to deceive issues a written warranty or invoice, label or certificate or notification in respect of agricultural produce intended for export shall, if such written document falsely describes such produce or is false in any other material particular, be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

[A fine not exceeding one hundred pounds is equivalent to a fine not exceeding N\$200.]

Powers of entry on premises and inspection, etc.

9. For the purposes of this Ordinance every inspector and any person generally or specially authorised in writing by or on behalf of the Secretary may at all reasonable times enter

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any premises in which is kept or suspected of being kept for export, any agricultural produce, or premises in which any animal is kept the produce whereof is intended for export, and may examine any part of such premises or any receptacle or package therein.

Appointment of board of appeal

10. If any person is aggrieved by any decision of, or action taken by, an inspector under this Ordinance, the inspector shall, if required by such person, state in writing the reasons for his decision or action and the matter shall thereupon be referred to a board which shall be appointed by the Secretary. The decision of the board in the matters shall be reduced to writing and shall be final. Before the matter is referred to the board, the person aggrieved shall deposit at the office of the Secretary such a reasonable amount as, in the Secretary's opinion, will be sufficient to defray the expenses which will necessarily be incurred by the board; but the amount so deposited shall be refunded to such person if his contention is upheld by the board.

Interpretation of terms

11. In this Ordinance and the regulations -

“agricultural produce” means any animal or other article whatever produced or derived from farming operations (whether or not it has undergone any change of form as a result of some process applied to it by any person whomsoever since it was produced or derived) which the Administrator may from time to time by proclamation in the *Gazette* declare to be agricultural produce for the purpose of this Ordinance and the regulations;

[The Agricultural Produce Export Interpretation Ordinance 62 of 1931 (OG 441) provides as follows:

“1. The Administrator may, under and by virtue of the power in him vested by section *eleven* of the Agricultural Produce Export Ordinance, 1928 (Ordinance No. 13 of 1928), declare any animal of other article which was or is declared to be agricultural produce under the said power to be no agricultural produce in regard to the export thereof to a specified country.

2. This Proclamation may be cited for all purposes as the Agricultural Produce Export Interpretation Ordinance, 1931.”]

“brand” when used as a verb means stamp, mark, label or in any other manner distinguished by concrete or visible sign; and, when used as a noun has a corresponding meaning;

“export” or “exported” means export or exported from South West Africa for purposes of sale thereout;

“inspector” means a person generally or specially designated by the Secretary to examine or grade or both examine and grade agricultural produce intended for export or to examine animals the produce whereof is intended for export;

“Secretary” means the Secretary for South West Africa or in his absence any other officer acting on his behalf;

“regulation” means a regulation made and in force under this Ordinance.

Repeal of section *four* of Proclamation No. 50 of 1921

12. Section *four* of Proclamation No. 50 of 1921 is hereby repealed.

Short title and commencement of Ordinance

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13. This Ordinance may be cited for all purposes as the Agricultural Produce Export Ordinance, 1928, and shall commence and come into operation on a date to be fixed by the Administrator by proclamation in the *Gazette*.