

THE TOBACCO (CONTROL AND MARKETING) ACT.

Statutory Instrument 35—1.

The Tobacco (Control and Marketing) Regulations.

Arrangement of Regulations.

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THE TOBACCO (CONTROL AND MARKETING) ACT.

Statutory Instrument 35—1.

The Tobacco (Control and Marketing) Regulations.

(Under section 17 of the Act.)

1. Citation.

These Regulations may be cited as the Tobacco (Control and Marketing) Regulations.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

- (a) “buyer” has the meaning assigned to it under the Act;
- (b) “commissioner” means the commissioner for marketing;
- (c) “crop” means tobacco which is grown by a grower using his or her own funds or by the grower using funds of a sponsor after entering into a sponsorship agreement with a sponsor;
- (d) “grower” has the meaning assigned to it under the Act;
- (e) “inspecting officer” means an officer appointed by the Minister under section 11 of the Act;
- (f) “Minister” has the meaning assigned to it by the Act;
- (g) “sponsorship agreement” means a written agreement entered into between a sponsor and a grower whereby the sponsor undertakes to finance the growing of tobacco by the grower.

3. Registers.

The commissioner shall keep and maintain registers in respect of the following persons—

- (a) any person who is engaged in sponsoring growers in the growing of tobacco;
- (b) tobacco buyers;
- (c) tobacco processors; and
- (d) tobacco exporters.

4. Requirement of valid registration certificate.

(1) No person shall carry out any activity specified in subregulation (2) of this regulation without a valid registration certificate, issued by the commissioner in respect of that activity.

(2) The activities referred to in subregulation (1) of this regulation are—

- (a) buying tobacco;
- (b) processing tobacco;
- (c) operating a factory in which any type of tobacco is processed or is intended to be processed;
- (d) controlling a store used or intended to be used for the storage of tobacco; and
- (e) sponsoring the growing of tobacco.

5. Application for registration certificate.

(1) A person who wishes to carry out any of the activities specified in regulation 4(2) of these Regulations may apply for the relevant registration certificate.

(2) An application for a registration certificate referred to in subregulation (1) of this regulation shall be in the form set out in the Fourth Schedule to these Regulations and shall be accompanied by a fee determined by the Minister.

6. Grant of registration certificate.

(1) Where the commissioner is satisfied that the applicant for a certificate of registration referred to in regulation 5(1) of these Regulations has satisfied the requirement necessary for the grant of the registration certificate, he or she may, upon payment of the prescribed fee, grant to the applicant the relevant registration certificate.

(2) The commissioner may refuse to issue a certificate of registration if—

- (a) the applicant fails to show evidence of availability of capacity to store or process tobacco in an acceptable manner;
- (b) the applicant fails to execute a performance bond determined by the Minister;
- (c) the applicant has been convicted of an offence involving dishonesty or fraud or any offence under these Regulations; or

(d) the applicant fails to pay the prescribed fee.

(3) Where the commissioner refuses to grant a registration certificate to the applicant, he or she shall, in writing, notify the applicant.

(4) The registration certificates referred to under these Regulations shall be in the forms set out in the Fifth, Sixth, Seventh and Eighth Schedules to these Regulations respectively.

7. Cancellation of registration certificate.

(1) Any registration certificate issued under these Regulations may be cancelled at any time if the holder of the registration certificate—

- (a) is convicted of an offence involving dishonesty, or fraud, or any offence under these Regulations;
- (b) in the case of a registered cooperative society, is convicted of an offence under the Cooperative Societies Act.

(2) A registration certificate shall not be cancelled unless the commissioner notifies, in writing, the holder of the registration certificate of his or her intention to discontinue that person's operations in respect of which he or she was issued the registration certificate.

(3) Where a registration certificate is cancelled the holder of that registration certificate shall surrender the registration certificate to the commissioner.

8. Sponsors.

(1) A sponsor may enter into a sponsorship agreement with a grower, cooperative society, association or any other recognised group.

(2) A sponsor shall, before entering into any sponsorship agreement with a grower, ensure that the proposed grower has no outstanding debts secured under a different sponsorship agreement in respect of a crop that is grown or is to be grown.

(3) A sponsor shall maintain records of all the growers with whom he or she has subsisting sponsorship agreements.

(4) The records referred to in subregulation (3) of this regulation shall

include—

- (a) names of the growers, societies or other groups;
- (b) copies of identification cards of each grower; and
- (c) such other information as the Minister may determine.

(5) The sponsor shall make available all the information he or she is required to maintain under subregulation (4) of this regulation to the Minister every season.

9. Restriction on purchasing and transporting of tobacco, etc.

(1) No person shall purchase any crop from a grower with whom he or she has no subsisting sponsorship agreement, except from a grower who used his or her own finances to grow the crop.

- (2) No person shall transport any crop—
 - (a) which is not grown under his or her sponsorship; or
 - (b) which is not of his or her employer.

(3) Where a person is found in possession of a crop purchased contrary to subregulation (1) of this regulation, that person shall surrender the crop for delivery to the lawful sponsor.

(4) A sponsor's identification mark on the bale containing the tobacco shall be prima facie evidence of the sponsor's interest in that tobacco.

(5) A person who contravenes any provisions of subregulation (1), (2) or (3) of this regulation commits an offence and is liable on conviction to the penalty specified in the Act.

10. Obligations of sponsors.

- (1) A sponsor shall—
 - (a) supply to the grower, cooperative societies, association and other groups adequate quantities of good quality seeds;
 - (b) provide for purchase by the grower of a minimum level of inputs and chemicals as specified in Part I of the Second Schedule to these Regulations.
- (2) A sponsor shall not provide a grower with any of the prohibited

chemicals specified in Part II of the Second Schedule to these Regulations.

11. Mode of payment of growers.

(1) A sponsor shall promptly pay the grower for the tobacco purchased from him or her, which payment shall be in accordance with the terms of the sponsorship agreement and the grade specifications specified in the Third Schedule to these Regulations.

(2) Where a sponsor defaults in payments as provided under subregulation (1) of this regulation, he or she shall pay interest on the purchase price in respect of the period of payment, which interest rate shall be calculated at a rate equivalent to the Bank of Uganda minimum commercial lending rate.

(3) The interest payable under subregulation (2) of this regulation shall be calculated on daily balances compounded monthly with an additional margin of 2 percent.

12. Establishment of flue wood tree nurseries.

(1) A sponsor shall assist the growers to establish flue wood tree nurseries that may yield to the growers for transplanting in each year a minimum of—

- (a) five hundred tree seedlings per hectare or part of a hectare of tobacco grown by a farmer growing flue-cured tobacco;
- (b) one hundred tree seedlings per hectare or part of a hectare for tobacco grown by a farmer growing fire-cured tobacco;
- (c) one hundred tree seedlings per hectare or part of a hectare of tobacco grown by a farmer growing air-cured (burley) tobacco.

(2) A sponsor shall ensure that the following minimum number of trees are planted and maintained in each year by the growers—

- (a) five hundred tree seedlings per hectare or part of a hectare of tobacco grown by a grower growing flue-cured tobacco;
- (b) one hundred tree seedlings per hectare or part of a hectare of tobacco grown by a grower growing air-cured (burley) tobacco;
- (c) one hundred tree seedlings per hectare or part of a hectare of tobacco grown by a grower growing fire-cured tobacco.

13. Restrictions on selling of tobacco, etc.

(1) No grower shall enter into a sponsorship agreement with more than one sponsor in respect of the same crop grown in the same growing period in the same area.

(2) No grower shall sell any crop grown by him or her under a sponsorship agreement to any person other than his or her sponsor.

(3) No grower shall sell to his or her sponsor tobacco at a price and buying points different from those specified in the sponsorship agreement.

14. Prohibited chemicals.

(1) A grower shall, in the course of growing tobacco, use the minimum quantities specified in Part I of the Second Schedule to these Regulations.

(2) No grower shall use, in the course of growing tobacco, any of the prohibited chemicals specified in Part II of the Second Schedule to these Regulations.

15. Obligations of a grower.

(1) A grower shall—

- (a) ensure that he or she has a curing barn or the use of one in his or her growing area and storage space sufficient for the storage of tobacco grown by him or her;
- (b) ensure that no tobacco with foreign matter is offered for sale;
- (c) present his or her tobacco for sale after it is graded in accordance with the gazetted specifications specified in the sponsorship agreement;
- (d) ensure that there is no mixing of tobacco offered by him or her for sale; and
- (e) deliver his or her tobacco for sale in such manner as may be specified in the sponsorship agreement.

(2) A grower shall ensure that all tobacco stalks and residue are uprooted from the field and burnt before such date as is specified in the First Schedule to these Regulations.

16. Export of tobacco.

No person shall export any unprocessed or undried tobacco without the consent, in writing, of the Minister.

17. Inspecting officer.

(1) An inspecting officer may enter upon any land or in any building or vehicle where tobacco is grown, purchased, stored or transported for the purpose of ascertaining that these Regulations and the sponsorship agreement are complied with.

(2) Any person who obstructs or refuses entry to a person authorised under subregulation (1) of this regulation from carrying out the required inspection, or fails, neglects, or refuses to produce records required by these Regulations to be maintained, commits an offence and is liable on conviction to the penalty specified in the Act.

18. Search of vehicles.

An inspecting officer may—

- (a) stop and search any vehicle which he or she has reason to believe is being or has been used for conveying any tobacco in respect of which an offence is being or has been committed;
- (b) detain and deliver the vehicle with its contents to the nearest police station;
- (c) cause the relevant authority in the area to seize and remove, upon the issue of a receipt signed by him or her, any tobacco from any land, building or vehicle where he or she has reason to believe that an offence is being or has been committed.

19. Confiscated tobacco to be returned to lawful owner.

Where an offence under these Regulations or the Act is found to have been committed, and without prejudice to the discretionary powers of a court, where the tobacco in respect of which the offence is committed does not belong to the offender, and where the lawful owner can be identified, the tobacco shall immediately be delivered to the owner.

SCHEDULES

First Schedule.

reg. 15(2).

Growing season.

1. Northern areas—
 - (a) sowing of seed bed not before 1st January;
 - (b) removal of all tobacco leaves and destruction of tobacco stalks in the field by latest date 30th September.
 2. Southern areas—
 - (a) sowing of seed bed not before 1st July;
 - (b) removal of all tobacco leaves and destruction of tobacco stalks in the field by latest date 30th March.
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Second Schedule.

regs. 10, 14.

Inputs and chemicals to be purchased by the grower from the sponsor.

Part I.

Minimum availability level of inputs of Part I, U.S.D.A.—approved chemicals. (U.S.D.A. = United States Department of Agriculture.)

Minimum level of inputs of U.S.D.A.—approved chemicals (*note all quantities refer to one hectare of tobacco*)—

- (a) tobacco seedbed inputs—
 - (i) soil fumigant—sufficient;
 - (ii) fungicide—sufficient;
 - (iii) insecticide—sufficient;
 - (iv) fertilisers—sufficient;
- (b) field inputs (per hectare minimum of N.P.K.)—

Flue-cured	Fire-cured	Burley (air-cured)
Base fertiliser		
N 30 kg.	12 kg.	6 kg.
P 72 kg.	36 kg.	18 kg.
K 80 kg.	48 kg.	24 kg.
Top dressing		
N 26 kg.	26 kg.	52 kg.

- (c) chemicals—
 - (i) insecticides;
 - (ii) fungicide, when necessary;
- (d) material supplies—
 - (i) flue pipes—one full set per flue-cured barn;
 - (ii) one hand sprayer per grower;
 - (iii) one barn thermometer per flue-cured barn (except burley farmers);
 - (iv) twine (natural fibres only);
 - (v) chicken wire (1 per flue-cured barn).

Part II.
Prohibited chemicals for tobacco.

1. Aldrin
2. Dieldrin
3. Campheclor (Toxaphene)
4. Chlordane (Octachlor)
5. 2, 4-D
6. DBCP (Dibromochloropropane)
7. DDT + TDE (DDD) + DDE
8. Dicamba
9. Endrin
10. Ethylene dibromide
11. Formothion (Anthio)
12. Heptachlor (Drinox) +
13. Heptachlor epoxide
14. Hexachlorobenzene
15. Metozychlor (Marlate)
16. 2, 4, 5—T
17. 5 Cypermethrin (Cumbush, Repcord)
18. +Permethrin (Ambush, Parnce, Picket)

Third Schedule.

reg. 11(1).

Grade specifications.

Grade specification for burley tobacco.

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|-----|---|
| X1B | Top quality primings and lugs, thin to slightly bodied and carrying frog eye spot. Must be of a true buff to light tan colour and fluffy with elasticity (stretch) and generally sound. No green, pale (“E” type) yellow, pink or red leaves will be tolerated in this grade. Can have 5 percent damage tolerated but no stain or blemishes. The minimum length should be 50 cms. |
| X2B | Thin to slightly bodied primings and lugs with a true buff to light tan colour and preferably carrying frog eye spot. Can have up to 10 percent damage only, with the characteristic fluffy and stretch, but no stain or blemish. No green, pale (“E” type) yellow, pink |

or red leaves will be tolerated in this grade. Minimum length should be 40 cms.

- X3B Primings and lugs thin to light bodied carrying a reasonable percentage of damage (15 percent maximum). Buff to light tan in colour, but pale (“E” type) yellow and running green will be accepted. Can carry a high percentage of frog eye spot. No pink, red, stained or blemished tobacco will be accepted in this grade. Minimum length will be 30 cms.
- X4B Primings and lugs of a lower quality, buff to light tan in colour, but can also have yellow “K” and running “V”. Can be of any length but not less than 30 cms. with damage tolerance of up to 25 percent only. No mouldy, black, dead green or funky tobacco will be accepted in this grade.
- C1B Top quality cutter of light tan in colour with thin to medium body. Can have some frog eye spot with a good stretch and generally sound. No yellow “K”, greenish “V”, pink or red leaves will be accepted in this grade. Minimum length will be 50 cms. Can have 5 percent damage tolerated but no stain or blemish.
- C2B Thin to slightly bodied cutter of light tan colour and can be carrying some frog eye spots. Can carry a reasonable damage, up to 10 percent only; but stretchy and sound, without strain or blemish. No yellow “K”, greenish “V”, pink or red leaves will be accepted in this grade. Minimum length will be 40 cms.
- C3B Cutters of light tan colour, thin to slightly bodied, carrying a reasonable percentage, 15 percent maximum damage. Can have some running green and pale yellow “E” type tobacco, but no pink or red leaves will be accepted in this grade. No stained or blemished tobacco is accepted in this grade. Minimum length is 30 cms.
- C4B Cutter of lower quality; light tan colour, but can have running green “V” or pale yellow “E” type. Can have damage tolerance up to 25 percent only; of any length but not less than 30 cms.
- B1B Midstalk leaf of tan to light tan colour, medium to fleshy body;

with elasticity. No green, yellow, pink or red leaves are accepted in this grade. Damage tolerance is only up to 5 percent or spot. Medium length to be 50 cms.

- B2B Midstalk leaf of tan to light tan colour. Can have up to 10 percent damage tolerance or spot medium to fleshy bodied, with elasticity. No green “V”, yellow “K”, pink or red leaves will be accepted. Minimum length is 40 cms.
- B3B Midstalk leaf of light tan colour, medium to fleshy bodied with up to 15 percent damage tolerable. Running green “V” or pale (“E” type) yellow may be accepted in this grade; but no pink or red leaves are accepted. Also no stained, blemished or mouldy tobacco is accepted in this grade. Minimum length is 30 cms.
- B4B Midstalk leaf of tan to light tan in colour with reasonable damage (25 percent maximum). Can also have a small percentage of stain and blemish tolerated. Also greenish “V” and pale (“E” type) yellow mouldy and funky tobacco may be accepted in this grade. May be of any length but not less than 30 cms.
- R1B Top quality sound upper stalk, leaf tan to dark tan in colour, fleshy to heavy bodied with oil and elasticity. Can have up to 5 percent damage tolerated. No dark sweated, yellow, green or blemished styles will be accepted. Minimum length 40 cms.
- R2B Good upper stalk leaf, tan to dark tan, heavy bodied but can have up to 10 percent damage tolerated. No dark sweated, blemished, green, yellow or mouldy will be accepted in this grade. Minimum length is at least 35 cms.
- R3B Heavy bodied, fair quality upper stalk leaf, tan to dark tan in colour. Can have up to 15 percent damage tolerated. Running green “V” and pale yellow (“E” type) may be accepted in this grade, but no pink or red leaves are acceptable. No blemished, mouldy or funky tobacco will be accepted.
- R4B Heavy bodied upper stalk leaf, tan to dark tan in colour carrying a reasonable percentage of damage (25 percent maximum). Stained or blemished tobacco to a reasonable degree is accepted in this grade. Also pale yellow (“E” type) and greenish “V” style

may be tolerated. No pink or red leaves will be accepted in this grade. Can be of any length but not less than 30 cms.

The following tobacco will be rejected—

- (a) tobacco mixed or nesting in a bale;
- (b) tobacco hands not properly tied either too small or too large;
- (c) hot, funky or mouldy tobacco;
- (d) dead leaves or scrap tobacco under ¼ inch in size;
- (e) tobacco with excessive sand, mud or soil;
- (f) a moisture content greater than 18 percent or less than 14 percent.

Grade specifications.

Uganda dark fire-cured grade description.

(1) Top quality, full sound leaf, heavy bodied, well smoked, mahogany in colour, gummy, oily and elastic. Injury and damage tolerance less than 5 percent. Length over 21 ins.

(2) Above standard quality, sound leaf, heavy bodied, well smoked mahogany in colour, gummy, oily and elastic. Injury and damage tolerance less than 10 percent. Leaf length 19-21 ins.

(3) Above standard quality, sound leaf, heavy bodied, well smoked, mahogany in colour, gummy, oily and elastic. Injury and damage tolerance less than 10 percent. Length between 16-19 ins.

(4) Standard quality leaf, medium to heavy bodied, well smoked, mahogany in colour, reasonable amount of gum and elasticity. Very slightly torn leaf. Injury and damage tolerance less than 20 percent. Length over 19 ins.

(5) Below standard quality leaf, medium to heavy bodied, fairly well fired, gummy with little oil, fairly elastic with some lamina variegations. Injury and damage tolerance below 30 percent. Length below 19 ins.

(6) Substandard quality leaf, thin, medium, heavy bodied leaf, tolerated in this grade. Poorly smoked with pronounced running green. Injury and damage tolerance not exceeding 40 percent. Leaf can be any length.

LG Standard quality leaf, medium to heavy bodied, well smoked,

gummy, oily, elastic with faint running green. Injury and damage tolerance 10 percent. Length 19 ins.

LSC Standard quality leaf, medium to heavy bodied. Under-fired leaf, reasonable amount of oil, gum and elasticity. Injury and damage tolerance 10 percent. Length over 19 ins.

SSC Standard quality leaf, medium to heavy bodied. Under-fired leaf, reasonable amount of oil, gum and elastic. Injury and damage tolerance 10 percent. Length below 19 ins.

SG Standard quality leaf, heavy bodied, well smoked, gummy, oily and elastic with faint running green.

NB— The following tobacco will be rejected—

- (a) tobacco mixed or nesting in a bundle;
- (b) tobacco hands not properly tied either too small or too large;
- (c) hot, funky or mouldy tobacco in a bale;
- (d) dead leaves or scrap tobacco under $\frac{1}{4}$ inch in size;
- (e) tobacco with excessive sand on leaves;
- (f) heavy crude green leaves;
- (g) any bundle less than 5 kgs.;
- (h) a moisture content greater than 18 percent or less than 14 percent.

Grade specifications.
Flue-cured specifications.

Top fine and high quality lemon to light orange.

TL12 Leaf of fine and high quality in lemon to light orange in colour. Mature leaf with spot, open grained, fairly soft to slightly rough, fairly oily, medium body.

Top good quality lemon to light orange.

TL3 Leaf and cutters of good quality in lemon colour. Immature leaf, oily and elastic, clear faced, no spot or injury, medium body. Slight blemish not exceeding 10 percent of the total leaf surface.

Clear faced fair quality lemon/orange.

TSK Leaf and tips of fair to low quality in lemon to light orange in colour. Heavy body, normal to narrow width, slightly sponged and scorched with some run back.

Top fine and high quality orange.

TO12 Leaf of fine and high quality in orange to dark orange in colour. Ripe leaf with spot, open grained, fairly soft to slightly rough, fairly oily, medium body.

Top good quality dark orange/mahogany.

TO3 Leaf of good quality in dark orange to mahogany colour. Superior degree of ripeness, spotty, open grain, fairly soft to slightly rough, fairly oily medium to heavy body, a material amount of injury associated with an advanced degree of maturity.

Top fair quality orange to dark orange.

TSOK Leaf and tips of fair quality in orange to dark orange colour. Heavy body, normal to narrow width, slightly sponged and scorched with some run back.

Top fair to low quality in dark orange to mahogany.

TN12 Leaf and tips to low quality in dark orange to mahogany in colour. Overripe or a fair amount of injury associated with an advanced degree of maturity.

Bottom grade quality lemon to light orange.

BL12 Lugs and cutters of fine quality in lemon to light orange in colour. Mature spotty, open grained, fairly oily to low oil, medium to thin bodied.

Bottom fair quality lemon to light orange.

BL3 Primings, lugs of fair quality in lemon to light orange in colour. Mature, slightly spotty, low in oil, thin body.

Bottom good quality orange.

BD Primings, lugs of fair quality in orange colour, ripe, spotty, low in oil, thin body.

GR Leaf tips, lugs and cutters, unripe, thin to heavy body, carrying a greenish tinge of pale greenish shade affecting 10 percent of the leaf surface. No fixed green.

Tolerance due to blemish, spotting and curing faults should not exceed 15 percent of the leaf.

D Tips and leaf off type for other grades, medium to heavy bodied close and tight leaf structure. Length not less than 9 ins. Leaf not fitting other grade descriptions excluding sucker leaf, mouldy or funky leaf and leaf showing damage due to storage pests.

N Primings, lugs and cutters off type for other bottom grades, perished leaf due to overripeness.

Injury tolerance is 45 percent of the total leaf surface.

No mouldy or funky leaf should be included.

NB— The following tobacco will be rejected—

- (a) tobacco mixed or nesting in a bundle;
- (b) tobacco hands not properly tied either too small or too large;
- (c) hot, funky or mouldy tobacco in a bale;
- (d) dead leaves or scrap tobacco under ¼ inch in size;
- (e) tobacco with excessive sand on leaves;
- (f) heavy crude green leaves;
- (g) a moisture content greater than 18 percent or less than 14 percent.

Fourth Schedule.

reg. 5(2).

Application for Registration Certificate for Marketing of Tobacco.

The Tobacco (Control and Marketing) Regulations.

1. Name of applicant _____
2. Address of applicant _____
3. Type of activity to be undertaken _____
4. Type of tobacco to be handled _____
5. L o c a t i o n

6. Period applied for: from _____ to _____

I certify that the above information is correct.

Applicant

Fifth Schedule.

reg. 6(4).

Tobacco Sponsor Registration Certificate.
The Tobacco (Control and Marketing) Regulations.

The Registration Certificate of Sponsorship is given to _____
_____ of P.O. Box No. _____ of
sponsorship agreement(s) _____
Location of sponsorship agreement(s) _____

Certificate valid for _____ season.

Commissioner for Marketing

Sixth Schedule.

reg. 6(4).

Tobacco Buyers Registration Certificate.
The Tobacco (Control and Marketing) Regulations.

Tobacco Buyers Registration Certificate is given to _____
_____ of P.O. Box No. _____ located
at _____ in _____ District.

This registration certificate is valid for _____ season.

Fee paid: shs. _____

Receipt No. _____

Date _____

Commissioner for Marketing

Seventh Schedule.

reg. 6(4).

Tobacco Processors Registration Certificate.
The Tobacco (Control and Marketing) Regulations.

Tobacco Processors Registration Certificate is given to _____
_____ of P.O. Box No. _____

The processing plant is located at _____

This registration certificate is valid for _____ season.

Date _____

Fee paid: shs. _____

Certificate No. _____

Commissioner for Marketing

Eighth Schedule.

reg. 6(4).

Tobacco Export Registration Certificate.
The Tobacco (Control and Marketing) Regulations.

Tobacco Export Registration Certificate is given to
_____ of P.O. Box No. _____.

This registration certificate is valid for _____ season.

Date _____

Fee paid: shs. _____

Receipt No. _____

Commissioner for Marketing

History: S.I. 29/1996.

Cross Reference

Cooperative Societies Act, Cap. 112.