

THE WILD MUSHROOM CONTROL ORDER, 1973

(AGRICULTURE: KING'S ORDER-IN-COUNCIL 31/1973)

Date of commencement: 24th August, 1973.

Date of Assent: 16th August, 1937.

A King's Order-in-Council to provide for the prohibition of the sale, export and picking of wild mushrooms without a licence.

Short title.

1. This King's Order-in-Council may be cited as the Wild Mushroom Control Order, 1973.

Interpretation.

2. Unless the context otherwise requires —

"dealer" means any person dealing in goods of any kind whatsoever by sale direct to the members of the public, whether in retail or wholesale quantities;

"licence" means a licence issued under section 4;

"Minister" means the Minister for Agriculture;

"wild mushrooms" means non-poisonous edible fungi commonly known as mushrooms.

Control of wild mushroom industry.

3. (1) No person other than the holder of a licence issued under this Order shall —

(a) sell wild mushrooms to any dealer;

(b) collect, gather, pick, pack or can wild mushrooms, save for his personal consumption or that of his family, from or in any forest or other area of land;

(c) export wild mushrooms.

(2) The Minister may by regulation prohibit or control the importation of wild mushrooms.

(3) Any person contravening this section shall be guilty of an offence and liable on conviction to a fine of R100 for each day that such contravention continues.

(4) In any criminal proceedings for a contravention of this section, the onus shall rest on the accused to establish that the mushrooms, the subject of the charge, were not collected, gathered or picked in any forest or other area of land in Swaziland.

Wild mushroom licence.

4. (1) The Minister may on written application issue a licence including an exclusive licence to any person, permitting such person to do any or all of the matters referred to in section 3(1).

(2) A licence issued by the Minister shall be subject to such terms and conditions as the Minister may determine, and without derogating from the generality of the foregoing may stipulate —

(i) the fee, if any, to be paid by the holder of such licence;

(ii) the period of such licence;

(iii) that the holder of the licence shall engage the full time services of, or be, a qualified toxicologist, with scientific knowledge of wild mushrooms, approved of by the Minister to be responsible for the protection of the public against the use and sale of any species of fungi as mushrooms, which are poisonous or potentially dangerous or harmful;

(iv) that any licence may be revoked by him in the event of the breach of any of the terms and conditions thereof.

(3) Any conditions imposed by the Minister in terms of this section shall be endorsed on the licence, but failure to endorse any condition on the licence shall not relieve the holder thereof from the obligation to observe such condition if he has been informed thereof by or on behalf of the Minister in writing.

(4) Any person holding a licence who breaches any of the conditions of such licence shall be guilty of an offence and liable on conviction to a fine of R300 or six months imprisonment, or both.

(5) No licence issued under this Order shall be capable of being ceded, assigned, let or otherwise disposed of without the written consent of the Minister.

Regulations.

5. The Minister may make any regulations in addition to these mentioned in any other section of this Order (including the right to exempt in writing any person from the provisions of section 3), to implement the objects of this Order and may prescribe such forms as may be necessary and determine the procedure to be adopted in the making of any in terms of section 4(1).