

GOVERNMENT OF ZAMBIA

ACT

No. 32 of 2010

Date of Assent: 14th August, 2010

An Act to amend the Agriculture (Fertilisers and Feed) Act

[16th August, 2010

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Agriculture (Fertilisers and Feed) (Amendment) Act, 2010, and shall be read as one with the Agriculture (Fertilisers and Feed) Act, in this Act referred to as the principal Act.

Short title

Cap. 226

2. The principal Act is amended by the deletion of the long title and the substitution therefor of the following:

Amendment
of long title

An Act to provide for the regulation and control of the manufacture, processing, importation and sale of agricultural fertilisers: to provide for minimum standards of effectiveness and purity of such fertilisers: and to provide for matters connected with, or incidental to, the foregoing.

3. Section *two* of the principal Act is amended—

Amendment
of section 2

(a) by the deletion of the definitions “ farm feed ” “ livestock ” and “ sterilising plant ”;

(b) by the deletion of the definition “ farming requisite ” and the substitution therefor of the following new definition;

“ farming requisite ” means any fertiliser, or any substance used in the manufacture of a fertiliser; and

(c) in the definition of “ plant ” by the deletion after the word “ fertiliser ” of the words “ or farm feed ”.

4. Section *nineteen* of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following new subsection:

Amendment
of section 19

(1) Subject to the standards and other requirements prescribed, the Minister may, for the purposes of this Act, approve any laboratory as an approved laboratory for the testing of fertilisers.

Amendment of section 26 5. Section *twenty-six* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Amendment of section 27 6. Section *twenty-seven* of the principal Act is amended—
 (a) by the deletion in the marginal note of the words “ or sterilising of bone, etc”;
 (b) by the deletion of subsection (1) and the substitution therefor of the following new subsection:
 (1) A person who, by any process, in any plant not registered under this Act, purports to produce, manufacture, compound or process any farming requisite commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both;
 (c) in subsection (2), by the deletion after the word “ requisite ” of the words “ or bone or other substance derived from animal carcass ”.

Amendment of section 28 7. Section *twenty-eight* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.”

Amendment of section 29 8. Section *twenty-nine* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.”

Amendment of section 30 9. Section *thirty* of the principal Act is amended in subsection (2) by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.”

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10. Section *thirty-one* of the principal Act is amended—
- (a) by the deletion in the marginal note of the words “ and farm feed ”;
- (b) by the deletion of subsection (2) and (3); and
- (c) by the deletion of subsection (4) and the substitution therefor of the following new subsection:
- (4) A statement by the seller as to the percentages of the chemical or other substances contained in any article sold for use as a fertiliser, in an invoice of such article, or in any document, circular or advertisement descriptive of such articles, shall have effect as a warranty by the seller.
11. The principal Act is amended by the repeal of sections *thirty-two, thirty-three, thirty-four, thirty-five, thirty-six and thirty-seven*.
12. Section *thirty-nine* of the principal Act is amended in subsection (1) by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both.”
13. The principal Act is amended by the repeal of section *forty*.
14. Section *forty-one* of the principal Act is amended in subsection (5) by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.”
15. Section *forty-three* of the principal Act is amended in subsection (1) by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both. ”
16. Section *forty-four* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both. ”
- Amendment of section 31
- Amendment of sections 32 to 37
- Amendment of section 39
- Amendment of section 40
- Amendment of section 41
- Amendment of section 43
- Amendment of section 44

Amendment
of section 45

17. Section *forty-five* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both. ”

Amendment
of section 46

18. Section *forty-six* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both. ”

Amendment
of section 48

19. Section *forty-eight* of the principal Act is amended by the deletion of section 48 and the substitution therefor of the following new section:

General
Penalty

48. (1) Any person who contravenes any provision of this Act, where no specific penalty has been provided, commits an offence and is liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) Where a person is convicted of an offence, under this Act, the court may order that any fertiliser or other substance in respect of which the offence has been committed be forfeited to the state.

(3) Notwithstanding subsection (1) and (2), in the case of a subsequent offence, the court may order, in addition to penalties provided for under those subsections the revocation of that person’s licence or the withdrawal of any other right held by the person under this section.

Amendment
of section 49

20. Section *forty-nine* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years or to both. ”

Amendment
of section 52

21. Section *fifty-two* of the principal Act is amended by—
(a) the deletion of paragraph (p); and
(b) the re-numbering of paragraph (q) as paragraph (p).