
THE AGRICULTURAL MARKETING ACT, 2026

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SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 8 of 2026

Date of Assent: 31st March, 2026

An Act to establish the *Zambian Agricultural Marketing Council* and define its functions, regulate and support agricultural markets, promote an efficient, private sector-driven agricultural marketing system, establish the *Agricultural Marketing Observatory Unit* to manage data and information on agricultural products and markets, facilitate access to agricultural markets, promote the competitiveness of agricultural products and services in domestic, regional and international markets, establish a framework for intervention measures relating to an agricultural product, and provide for matters connected with, or incidental to, the foregoing.

[8th April, 2026

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the *Agricultural Marketing Act, 2026*, and shall come into operation on the date that the Minister may, by statutory instrument, appoint.

Short title
and
commen-
cement

2. In this Act, unless the context otherwise requires—

Interpretation

“agricultural marketing” means the process of moving farm produced goods to a consumer and includes production, storage, processing, transportation and distribution;

	“agricultural product” means an input for horticulture, aquaculture, apiculture or a livestock activity or a product derived from farming, which is raw, processed or semi-processed;
Cap. 91	“associate” has the meaning assigned to the word in the Anti-Corruption Act;
	“Board” means the Board of the Council constituted under section 5;
	“certificate” means a certificate of registration issued under section 12;
Act No. 7 of 2026	“certified warehouse” has the meaning assigned to the words in the Agricultural Credits and Warehouse Receipts Act, 2026;
	“Chairperson” means the person elected as Chairperson of the Board under section 5;
Cap. 1	“citizen” has the meaning assigned to the word in the Constitution;
	“class of agricultural product” means a type or variety of agricultural product determined by the size, mass, measure, number, colour, appearance, purity, composition or any other characteristic;
Cap. 417	“consumer” has the meaning assigned to the word in the Competition and Consumer Protection Act;
	“Council” means the Zambia Agricultural Marketing Council established under section 3;
	“dealing in agricultural product” means to engage in a commercial or economic activity of an agricultural product from the point of production to the point of consumption, import or export;
	“declared agricultural product” means an agricultural product which has been declared under section 21;
	“designated institution” means an institution designated by the Minister under section 22, for the purposes of monitoring the implementation of an intervention measure prescribed under this Act;
Cap. 1	“Emoluments Commission” means the Emoluments Commission established under the Constitution;
	“Executive Director” means a person appointed as Executive Director of the Council under section 7;

- “Food Reserve Agency” means the Food Reserve Agency continued under the Food Reserve Act, 2026; Act No. 6 of 2026
- “food security” has the meaning assigned to the words in the Food Reserve Act, 2026; Act No. 6 of 2026
- “intervention measure” means a measure that applies to an agricultural product or class of agricultural product declared under section 21;
- “legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act; Cap. 305
- “market player” means a person or entity dealing in an agricultural product or any other participant in the marketing value chain, as may be prescribed in consultation with the ministries responsible for trade and fisheries and livestock;
- “marketing infrastructure” includes wholesale and retail markets, agri business centres, agricultural products storage facilities and road networks necessary for cost effective marketing of an agricultural product;
- “marketing system” means the interplay between the functions, institutions, persons engaged in agricultural marketing, market players, processes and marketing infrastructure and services for the movement of an agricultural product from production or the point of import and export to the final consumer and includes aggregation, storage, grading, transportation, processing, packaging, distribution, sale or exchange of the agricultural products, in physical or digital markets;
- “marketing value chain” means the different stages of agricultural marketing of an agricultural product, from the producer to the consumer, in its original or processed form, and includes horizontal and vertical arrangements between different market players;
- “National Strategic Food Reserve” has the meaning assigned to the words in the Food Reserve Act, 2026 Act No. 6 of 2026
- “processor” means a person who processes or manufactures an agricultural product;
- “regulatory agency” has the meaning assigned to the words in the Food Reserve Act, 2026; Act No. 6 of 2026

Cap. 91	“relative” has the meaning assigned to the word in the Anti-Corruption Act; “sectoral activities” means agricultural value chain related activities; “stock levels” means the quantity of a declared agricultural product or class of agricultural product available in the Republic; “traceability” means identification of the origin, movement, processing and distribution path of a declared agricultural product or class of declared agricultural products through the stages of the marketing value chain; “Unit” means the Agricultural Marketing Observatory Unit established under section 8; “Vice-Chairperson” means the person appointed as Vice-Chairperson of the Board under section 5; and “Warehouse Licensing Authority” means the Warehouse Licensing Authority continued under the Agricultural Credits and Warehouse Receipts, Act, 2026.
Act No. 7 of 2026	

PART II

THE ZAMBIA AGRICULTURAL MARKETING COUNCIL

Zambia Agricultural Marketing Council	3. (1) There is established the Zambia Agricultural Marketing Council which is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with power subject to the provisions of this Act, to do acts and things that a body corporate may, by law, do or perform. (2) The Schedule applies to the Council.
Functions of Council	4. (1) Subject to the other provisions of this Act and any other relevant written law, the functions of the Council are to— (a) regulate persons engaged in agricultural marketing and market players; (b) promote and facilitate an efficient, competitive private-sector driven marketing system; (c) promote the development of marketing infrastructure; (d) determine the size of the National Strategic Food Reserve specified under the Food Reserve Act, 2026; (e) monitor stock levels for agricultural products;
Act No. 6 of 2026	

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- (f) collaborate with the ministry responsible for trade and other regulatory agencies to develop programmes and plans on agricultural products and agricultural marketing;
 - (g) conduct research on agricultural marketing;
 - (h) collect, analyse, and disseminate, data and information relating to agricultural products, agricultural marketing, certified warehousing and other relevant sectoral activities to the public and market players;
 - (i) promote the growth of agriculture in the private sector;
 - (j) make recommendations to the Minister on the intervention measures on a declared agricultural product or class of agricultural product;
 - (k) in collaboration with the ministry responsible for trade—
 - (i) promote a well-functioning agricultural market in order to reduce price volatility of agricultural products; and
 - (ii) develop and implement agricultural market linkages;
 - (l) promote agribusiness trade market access;
 - (m) promote innovation and utilisation of modern marketing technology in the marketing value chain;
 - (n) oversee the development and implementation of a coordinated marketing system;
 - (o) facilitate capacity building for registered persons engaged in agricultural marketing and market players;
 - (p) facilitate consultation with the regulatory agencies, designated institutions and market players; and
 - (q) advise the Minister and the minister responsible for trade on matters relating to the development of agricultural marketing infrastructure and agricultural marketing.
- (2) The Council shall, in determining the size of the National Strategic Food Reserve in accordance with subsection (1)(d), take into account the following:
- (a) lean period;
 - (b) human consumption;
 - (c) industrial requirements;

- (d) livestock requirements;
- (e) mobilisation of resources;
- (f) importation period;
- (g) climate change; or
- (h) any other factors that the Council may determine.

(3) The Council shall, with the approval of the Minister, publish the size of the National Strategic Food Reserve in the *Gazette* or a daily newspaper of general circulation in the Republic and any other electronic media that the Council may determine, within seven days after a crop forecasting.

(4) The Council may, in the performance of the Council's functions under this Act, require a designated institution, a registered person engaged in agricultural marketing and a registered market player to furnish the Council with information that is necessary for the performance of the Council's functions under this Act.

(5) The Schedule applies to the Council.

Constitution
of Board

5. (1) There is constituted the Board of the Council which consist of the following part-time members appointed by the Minister:

- (a) a representative each from the ministries responsible for—
 - (i) agriculture;
 - (ii) finance; and
 - (iii) trade and industry;
- (b) a representative of the Attorney-General;
- (c) a representative of the most representative association of—
 - (i) commercial farmers;
 - (ii) small-scale farmers; and
 - (iii) processors;
- (d) a representative of an association representing the grain traders; and
- (e) one person from the private sector with knowledge and experience relevant to this Act.

(2) The members referred to under subsection (1)(a), (b),(c) and (d) shall be nominated by their respective ministries, institutions or organisations for appointment by the Minister.

(3) The members shall elect a Chairperson and Vice-Chairperson from amongst the members referred to in subsection (1) (c), (d) and (e).

(4) A person shall not be nominated or appointed as a member of the Board if that person—

- (a) is not a citizen;
- (b) is an undischarged bankrupt;
- (c) has been convicted of an offence involving fraud or dishonesty under this Act;
- (d) has been convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without an option of a fine;
- (e) is legally disqualified from performing the functions of a member; or
- (f) is a member of the Board of the Food Reserve Agency or the Board of the Warehouse Licensing Authority.

6. (1) Subject to the other provisions of this Act, the Board shall perform the functions of the Council and provide strategic policy direction to the Council.

Functions of
Board

(2) Despite the generality of subsection (1), the functions of the Board are to—

- (a) formulate the policies, programmes and strategies of the Council;
- (b) approve the annual budget estimates and financial statements of the Council;
- (c) approve the annual workplan, action plans and activity reports of the Council;
- (d) monitor and evaluate the performance of the Council against budgets and plans; and
- (e) promote the effective corporate governance of the Council.

(3) The Minister may give the Board general or specific directions relating to the performance of its functions and the Board shall give effect to those directions to the extent that the directions are not inconsistent with this Act.

(4) The Minister may enter into specific performance contracts with the Board for a specific period which shall be consistent with the provisions of this Act.

(5) The Board may, by direction in writing and on conditions that the Board considers necessary, delegate to the Executive Director any of the Board's functions under this Act.

(6) A delegation made under subsection (5) shall not prevent the Board from performing the function so delegated.

Executive
Director,
Secretary
and other
staff of
Council

7. (1) The Board shall appoint an Executive Director who shall be—

(a) the chief executive officer of the Council; and

(b) responsible for the day to day administration of the Council under the direction of the Board.

(2) The Board shall appoint a Secretary who shall perform the Board secretarial duties of the Board and other functions that the Board may determine, under the direction of the Board and the Executive Director.

(3) The Board shall appoint other staff of the Council that the Board considers necessary for the performance of the Council's functions.

(4) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Executive Director, Secretary and other staff of the Council.

(5) The Board shall determine the conditions of service, other than emoluments of the Executive Director, Secretary and other staff of the Council.

PART III

AGRICULTURAL MARKET OBSERVATORY UNIT

Agricultural
Market
Observatory
Unit

8. (1) There is established in the Council the Agricultural Marketing Observatory Unit which shall be responsible for collecting, storing, analysing and disseminating data and information on sectorial activities, production, pricing and consumption of, and trade in, agricultural products and other relevant market indicators on the domestic, regional and international market.

(2) The Unit shall, for the purposes of subsection (1), collaborate with relevant regulatory agencies, research institutions and the private sector.

(3) The Unit shall provide accessible, timely and up to date data and information referred to under subsection (1) to the Ministries responsible for agriculture, trade, fisheries and livestock and market players.

9. (1) The Council shall develop and implement systems for the management and publication of data and information collected, stored, analysed and disseminated under section 8.

Information management and dissemination systems

(2) The Council may, for purposes of subsection (1), by notice, request a regulatory agency, designated institution, market player or any other person, at intervals that the Council may determine, to submit to the Unit a report on agricultural products and sectoral activities.

PART IV

REGISTRATION OF PERSONS ENGAGED IN AGRICULTURAL MARKETING AND MARKET PLAYERS

10. This Part shall not apply to a person engaged in agricultural marketing or a market player that the Minister may, in consultation with the minister responsible for trade, by statutory instrument, exempt.

Non-application of Part

11. (1) A person shall not engage in agricultural marketing or act as a market player unless that person is registered in accordance with this Act.

Prohibition of engaging in agricultural marketing or acting as market player without registration

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

12. (1) A person who intends to engage in agricultural marketing or act as a market player shall apply to the Council for registration in a prescribed manner and form on payment of a prescribed fee.

Registration of persons engaged in agricultural marketing and market players

(2) The Council shall, within fourteen days of receipt of an application under subsection (1), grant or reject the application.

(3) The Council shall, where the Council rejects an application under subsection (2), inform the applicant, in a prescribed form, stating the reasons for the rejection.

(4) The Council shall, where an applicant meets the prescribed requirements, issue the applicant with a certificate of registration in a prescribed form.

13. The Council may request an applicant to submit additional information relating to an application made under section 12.

Request for additional information

14. (1) A certificate issued under this Act shall be valid for a period of three years.

Validity of certificate

(2) Despite subsection (1), a certificate shall be subject to the payment of an annual marketing levy as may be prescribed.

15. A holder of a certificate issued under this Part may, three months before the expiry of the certificate apply for renewal of the certificate, in a prescribed manner and for on payment of a prescribed fee.

(2) The Council shall, within thirty days of receipt of an application under subsection (1), grant or reject the application.

(3) The Council shall, where the Council rejects an application referred to under subsection (1), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Council shall, where the applicant satisfies the prescribed requirements, issue the applicant with a renewed certificate in a prescribed form.

(5) A certificate that is not renewed is void.

Change in
details

16. A registered person engaged in agricultural marketing or a registered market player under this Act shall notify the Council of any change in the particulars relating to the registration, within seven days of the change.

Display of
certificate

17. A holder of a certificate shall display the certificate in a conspicuous place at the place of business.

Transfer of
certificate

18. (1) A holder of a certificate shall not transfer a certificate to a third party without the prior approval of the Council.

(2) A holder of a certificate who intends to transfer a certificate shall apply to the Council for approval to transfer the certificate in a prescribed manner and form on payment of a prescribed fee.

Suspension
or
cancellation
of certificate

19. (1) The Council may suspend or cancel a certificate if the holder—

- (a) contravenes a provision of this Act;
- (b) obtained the certificate through fraud, misrepresentation or concealment of a material fact;
- (c) has failed to comply with a term and condition of a certificate; or
- (d) is convicted of an offence under this Act or any other written law.

(2) The Council shall, before cancelling a certificate in accordance with subsection (1), notify the holder of the certificate, in a prescribed form, of the Council's intention to cancel the certificate and shall—

- (a) give reasons for the intended cancellation; and

(b) require the holder of the certificate to show cause, within a period of not more than seventy two hours, why the certificate should not be cancelled.

(3) The Council shall not cancel a certificate under this section if the holder shows cause to the satisfaction of the Council within the period referred to in subsection (2)(b) why the certificate should not be cancelled.

(4) The Council shall in a prescribed form cancel the certificate if the holder, having been notified in accordance with subsection (2), does not show cause within the period referred to in subsection (2)(b) to the satisfaction of the Council why the certificate should not be cancelled.

(5) A holder of a certificate that is cancelled shall, within seventy two hours of being notified of the cancellation, surrender the certificate to the Council.

(6) A person who contravenes subsection (5) commits an offence.

20. A registered person engaged in agricultural marketing and a registered market player shall—

- (a) submit annual returns to the Council as may be prescribed;
- (b) provide the Council with such information as the Council may require; and
- (c) comply with the code of conduct developed by the Council.

Obligations
of registered
persons
engaged in
agricultural
marketing
and
registered
market
players

PART V

INTERVENTION MEASURES

21. (1) The Minister may, on the recommendation of the Council, by notice in the *Gazette*, declare an agricultural product or class of agricultural products to which a prescribed statutory intervention measure shall apply.

Declaration
of
agricultural
product or
class of
agricultural
product

(2) A declaration, made under subsection (1), shall—

(a) specify the—

- (i) effective date of the declaration;
- (ii) agricultural product or class of agricultural product;
- (iii) intervention measures that applies to the declared agricultural product or class of agricultural product; and

(iv) conditions for review or revocation of the declaration; and

(b) be based on market data and the input of registered persons engaged in agricultural marketing and registered market players.

Intervention
measures

22. (1) Subject to section 23, the Minister may, on the recommendation of the Council, prescribe an intervention measure relating to an agricultural product or class of agricultural products.

(2) The Council shall, in making the recommendation under subsection (1), ensure that the intervention measure is—

- (a) necessary and consistent with national economic and agricultural policy objectives;
- (b) competitive and does not restrict market entry;
- (c) inclusive of small-scale farmers, women and the youth;
- (d) evidence based, cost effective and transparently implemented and enforced; and
- (e) consistent with other written laws and the Republic's international obligations.

(3) A recommendation made under subsection (1) shall be accompanied by a report on the rationale for the intervention measure which shall include—

- (a) an analysis of the costs and benefits of the intervention; and
- (b) a monitoring and review plan.

(4) An intervention measure prescribed under subsection (1) shall directly or significantly advance one or more of the following objectives:

- (a) promote equitable participation of small scale farmers, women and youth in agricultural markets;
- (b) safeguard fair competition in agricultural markets;
- (c) facilitate key market linkages in the marketing system so as to exploit economies of scale;
- (d) inform decisions on export and import policy for agricultural products;
- (e) facilitate the development of competitive and efficient marketing infrastructure and communication systems;

- (f) promote sustainable climate-resilient practices;
 - (g) enhance the provision of information and data on prices, buyers and suppliers of agricultural products;
 - (h) positively impact supply and demand of agricultural products;
 - (i) facilitate communication between suppliers, buyers and service providers; and
 - (j) align marketing measures with international trade and food security frameworks.
- (5) A statutory intervention measure shall state—
- (a) the period for which the statutory intervention measure will remain in force;
 - (b) an agricultural product or class of agricultural products declared under section 21 to which the statutory intervention measure applies;
 - (c) the purpose for the statutory intervention measure; and
 - (d) any other details that the Minister may determine.
- (6) The Minister shall, within fourteen days of receipt of a recommendation under subsection (1)—
- (a) accept the recommendation;
 - (b) refer it back to the Council for further investigation or analysis; or
 - (c) reject the recommendation, stating the reasons for the rejection.
- (7) The Minister may, by statutory instrument, designate one or more institutions to monitor the implementation of a statutory intervention measure prescribed under this section.
- (8) The designated institution referred to under subsection (7) shall submit a monitoring report to the Minister, containing information, and at intervals, that the Council may determine.

23. (1) The Council shall, for purposes of section 22, conduct consultations with registered persons engaged in agricultural marketing and registered market players.

Consultations

(2) The Council shall, for purposes of subsection (1), publish in the newspaper of general circulation in the Republic or the *Gazette* and on the website of the Ministries responsible for agriculture and trade, a draft of the statutory intervention measure and its rationale, for public comment, at least seven days before the commencement of the consultations.

(3) The Council shall establish mechanisms for feedback from registered persons engaged in agricultural marketing and registered market players.

Import and
export
regulations
Cap. 421

24. (1) Subject to the Control of Goods Act, the Minister shall, on the recommendation of the Council and in consultation with the Minister responsible for trade, by statutory instrument, issue import and export regulations, on a declared agricultural product or declared class of agricultural products—

- (a) to address or mitigate a food safety risk or threat to public health;
- (b) to comply with binding international trade obligations or sanctions;
- (c) under a state of emergency, when declared in accordance with the Constitution, the Water Resources Management Act or the Disaster Management Act; or
- (d) to ensure national food security, during periods of compelling evidence of shortages of an agricultural product or class of agricultural product.

Cap. 1
Cap. 132
Cap. 198

(2) The Regulations issued in accordance with subsection (1) shall—

- (a) specify the duration and conditions for review of the Regulations;
- (b) state reasons and criteria used to justify the regulations; and
- (c) be published in a newspaper general circulation in the Republic.

(3) The import or export Regulations issued in accordance with this section, shall be proportionate, non discriminatory and not constitute a disguised restriction on domestic or international trade.

PART VI

INSPECTORATE

Inspectors

25. (1) The Council shall appoint suitably qualified persons as inspectors to ensure compliance with this Act.

(2) The Council shall provide an inspector with an identification card which shall be *prima facie* evidence of the inspector's appointment as inspector.

(3) An inspector shall, in performing a function under this Act—

- (a) be in possession of the identification card referred to in subsection (2); and
- (b) show the identification card to a person who requests to see the identification card or is the subject of an investigation under this Act.

26. (1) An inspector may, for the purpose of enforcing the provisions of this Act, at any reasonable time, without prior notice, and on the authority of a warrant, enter any premises that the inspector has reasonable grounds to believe is used for the commission of an offence or contrary to the provisions of this Act, and—

Powers of
inspectors

- (a) search the premises;
- (b) search any person on the premises if the inspector has reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an inspection or investigation, except that a person shall only be searched by a person of the same sex;
- (c) take extracts from, or make copies of, any book, document or record that is on the premises and that has a bearing on an inspection or investigation;
- (d) demand the production of, and inspect, relevant certificates; and
- (e) make inquiries necessary to ascertain whether the provisions of this Act or any other written law on which an inspection or investigation is based, have been complied with.

(2) A court may issue a warrant on application by an inspector if it appears from written information given by that inspector, on oath or affirmation, that there are reasonable grounds to believe that this Act has been or is likely to be contravened.

(3) An inspector who removes anything from any premises shall—

- (a) issue a receipt for anything removed to the owner or the person in control of the premises; and
- (b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed.

- (4) A person commits an offence if that person—
- (a) delays or obstructs an inspector in the performance of the inspector's functions under this Act;
 - (b) refuses to give an inspector reasonable assistance as the inspector may require for the purpose of performing the inspector's functions;
 - (c) impersonates an inspector or presents oneself to be an inspector; or
 - (d) wilfully gives an inspector false or misleading information in answer to an inquiry made by the inspector.

(5) A person convicted of an offence under subsection (4) is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(6) An inspector shall furnish the Council with a written report and any other information relating to an inspection.

PART VII

GENERAL PROVISIONS

Traceability
and digital
systems

27. The Council shall require a registered person engaged in agricultural marketing and a registered market player under this Act to maintain traceability systems for all declared products in accordance with the prescribed minimum traceability standards.

Research and
development

28. The Council may, in collaboration with other regulatory agencies and designated institutions, undertake research and development relating to—

- (a) modern information technology and communication systems for purposes of improving, strengthening and facilitating agricultural marketing; and
- (b) marketing infrastructure.

Register

- 29.** (1) The Council shall keep and maintain a register of—
- (a) registered persons engaged in agricultural marketing and registered market players;
 - (b) certificates issued, suspended or cancelled;
 - (c) agricultural products or class of agricultural products declared under section 21;
 - (d) statutory intervention measures applying to declared agricultural products or class of declared agricultural products;

(e) designated institutions; and

(f) any other information that the Council may determine.

(2) The register shall be kept in the custody of the Executive Director and shall be open for inspection by members of the public during normal office hours, on payment of a prescribed fee.

(3) The Executive Director may, on an application by any person, issue to the person a certified extract from the register, on payment of a prescribed fee.

(4) A document purporting to be an extract of an entry in the register and certified under the hand of the Director shall be received in evidence, as to the matters stated in the extract, in any legal proceedings.

(5) Subject to this Act, a copy of the last printed register shall be *prima facie* evidence in legal proceedings of what is contained in that Register.

30. (1) A person aggrieved with a decision of the Council may appeal to the Minister within thirty days of receipt of the decision. Appeals

(2) A person aggrieved with a decision of the Minister may appeal to the High Court.

31. (1) A person commits an offence if the person—

General
offences

(a) contravenes any provision of this Act;

(b) refuses or fails, without reasonable excuse, to furnish information or a document required under this Act;

(c) knowingly furnishes false or misleading information to the Council, the Unit or an employee of the Council;

(d) obstructs an employee of the Council in the performance of the functions under this Act; or

(e) fails to comply with a lawful order, regulation notice or request made under this Act.

32. A person who contravenes a provision of this Act for which a specific penalty is not provided, is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both. General penalty

33. Where an offence under this Act is committed by a body corporate or an unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner of the body corporate or an unincorporate body, that director, manager, Offence by body corporate or unincorporate body

shareholder or partner commits the same offence as the body corporate or unincorporate body and is liable, on conviction, to the penalty specified for that offence under this Act.

Administrative
penalty

34. (1) The Council may impose an administrative penalty on a person for a failure to comply with a provision of this Act which is not an offence.

(2) An administrative penalty shall not exceed the amount prescribed by the Minister by statutory instrument for each day during which the failure continues.

(3) An administrative penalty shall be paid to the Council within the period prescribed by the Minister.

(4) The Council may, where a person fails to pay an administrative penalty within the stipulated period under subsection (3), by way of civil action in a competent court, recover the amount of the administrative penalty from that person as an amount due and owing to the council.

Immunity

35. An action or other proceeding shall not lie or be instituted against a member of the Board, a member of a committee of the Board and a member of staff of the Council for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of a power or function conferred under this Act.

Guidelines

36. (1) The Council may, in the exercise of the Council's functions under this Act, issue guidelines as are necessary for the better carrying out of the provisions of this Act.

(2) The Council shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic and in the *Gazette*, and the guidelines shall take effect on the date of publication.

(3) The guidelines issued by the Council under this Act shall bind the persons regulated under this Act.

Regulations

37. (1) The Minister may, on the recommendation of the Council, make Regulations for the better carrying out of the provisions of this Act.

(2) Despite subsection (1), the Regulations made under that subsection may provide for—

(a) the procedure and manner of applications and the fees payable under this Act;

(b) form of registers;

- (c) criteria for exemption from registration under this Act;
- (d) classification of persons engaged in agricultural marketing or market players to be registered under this Act;
- (e) manner and form of reports;
- (f) procedures for appeals;
- (g) the manner and form of records required to be submitted under this Act;
- (h) requirements for traceability systems for a declared agricultural product or class of agricultural product;
- (i) operation of market information systems; and
- (j) marketing system requirements.

SCHEDULE
(Section 3(2) and 4(5))

PART I

ADMINISTRATION OF COUNCIL

Seal of
Council

1. (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Council.

(3) A document purporting to be a document executed under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Tenure of
office and
vacancy

2. (1) A member of the Board shall, subject to other provisions of this Act, hold office for a term of three years and may be re appointed for a further and final term of three years.

(2) A member of the Council may, on the expiration of a term for which a member is appointed, continue to hold office until another member is appointed but in no case shall an extension of the period exceed three months.

(3) The office of a member of the Board becomes vacant if the member

- (a) dies;
- (b) is adjudged bankrupt under any written law;
- (c) resigns by giving one month's notice, in writing, to the Minister;
- (d) is legally disqualified from performing the functions of a member of the Board;
- (e) is absent, without reasonable excuse, from three consecutive meetings of the Board of which the member has had notice without the prior approval of the Board; or
- (f) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(4) The Minister shall, where the office of a member of the Board becomes vacant before the expiry of the term of office, appoint another member to replace the member who vacates office but that person shall only hold office for the unexpired term of that office.

3. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

Proceedings
of Board

(2) The Board shall meet for the transaction of business at least once in every three months at a place and time that the Chairperson may determine.

(3) The Chairperson may, on giving notice of not less than fourteen days, call for a meeting of the Board, or where one third or more of the Board members so request, in writing, except that if the urgency of a particular matter does not permit the giving of a notice, a special meeting may be called on giving a shorter notice.

(4) Five members of the Board shall form a quorum at a meeting of the Board.

(5) There shall preside at a meeting of the Board—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice Chairperson;
or

(c) in the absence of both the Chairperson and Vice Chairperson, a member of the Board as the members of the Board present may elect for the purpose of that meeting.

(7) A decision of the Board on any question shall be by a majority of the members of the Board present and voting at the meeting, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

(8) The Board may invite a person whose presence is in the Board's opinion desirable to attend and participate in the deliberations of the meeting but that person shall have no vote.

(9) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and of any committee of the Board.

4. (1) The Board may, for the purpose of performing its functions under this Act, constitute a committee and delegate any of the Board's functions to the committee that it considers necessary.

Committees
of Board

(2) The Board may appoint as members of a committee persons who are or are not members of the Board, except that at least one member of the Board shall be a member of a committee.

(3) A member of a committee shall hold office for a term that the Board may determine.

(4) Subject to any specific or general direction of the Board, a committee may regulate its own procedure.

Disclosure
of interest

5. (1) A person who is present at a meeting of the Board or a committee of the Board at which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, shall, as soon as is practicable after the commencement of the meeting, declare that interest and shall not, unless the Board or the committee of the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

Prohibition
of
publication
or disclosure
of
information
to
unauthorised
persons

6. (1) A person shall not, without the consent in writing, given by or on behalf of the Council, Board or committee of the Board, publish or disclose to a person, other than in the course of duties of that person, the contents of a document, communication or information which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act.

(2) A person who contravenes subparagraph (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) A person who, having information which to that person's knowledge has been published or disclosed in contravention of subparagraph (1), unlawfully publishes or communicates the information to another person, commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Allowances

7. There shall be paid to a member Board or a member of a committee of the Board such allowances as the Emoluments Commission may determine, on the recommendation of the Minister.

PART II

FINANCIAL PROVISIONS

- 8.** (1) The funds of the Council consist of monies that may— Funds of Council
- (a) be appropriated by Parliament;
 - (b) be paid to the Council by way of fees, grants or donations; or
 - (c) vest in, or accrue to, the Council.
- (2) The Council may—
- (a) subject to the approval of the Minister, accept monies by way of grants or donations from any source in the Republic and outside the Republic; or
 - (b) in accordance with regulations made under this Act, charge and collect fees for services provided by the Council.
- (3) The Council may raise loans in accordance with the Public Debt Management Act, 2022. Act No. 15 of 2022
- (4) There shall be paid from the funds of the Council—
- (a) the salaries, allowances, loans, gratuities and pension of the staff of the Council and other payments for the recruitment and retention of staff;
 - (b) reasonable traveling and other allowances for members of the Board or members of committee of the Board when engaged in the business of the Council at rates that the Emoluments Commission may, on the recommendation of the Minister, determine; and
 - (c) any other expenses incurred by the Council in the performance of the Council's functions.
- (5) Subject to the Public Finance Management Act, the Board may, with the approval of the Minister, invest in a manner that the Board considers necessary any of the Council's funds that the Council does not immediately require for the performance of the Council's functions. Cap. 347
- 9.** The financial year of the Council shall be a period of twelve months ending on 31st December in each year. Financial year
- 10.** (1) The Board shall cause to be kept proper books of accounts and other records relating to the Council's accounts. Accounts and Audits

(2) The accounts of the Council shall be audited annually by the Auditor General or an auditor appointed by the Auditor-General.

(3) The fees for the Auditor General or an auditor appointed by the Auditor General shall be paid by the Council.

Annual
Report

11. (1) The Board shall, as soon as practicable, but not later than ninety days after the end of a financial year, submit to the Minister a report concerning the functions and activities of the Council during the financial year.

(2) The report referred to in subparagraph (1) shall include information on the financial affairs of the Council and there shall be appended to the report—

- (a) an audited statement of financial position;
- (b) an audited statement of comprehensive income and expenditure; and
- (c) other information that the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.
