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CHAPTER 251

PIG INDUSTRY

An Act to provide for the imposition and collection of levies on pigs produced in Zambia; for the development of the pig industry and for matters incidental thereto.

[1st February, 1960]

28 of 1959
 15 of 1960
 Act
 9 of 1964
 13 of 1994
 Government
 Notices
 89 of 1964
 497 of 1964
 Statutory
 Instrument
 176 of 1965

PART I

PRELIMINARY

1. This Act may be cited as the Pig Industry Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"bacon" means any part of the carcass of a pig, excluding the feet and the offal and all parts of the head except the chaps, which has been salted or smoked or salted and smoked or picked and smoked;

"bacon factory" means premises where pig carcasses are dressed and cured for the making of bacon or ham for sale or for export from Zambia;

"dealer" includes-

(a) an auctioneer, broker, purchaser, seller or exporter of pigs or pig carcasses and a person engaged in the pig industry as defined in paragraph (b) of the definition of pig industry or in any other trade or industry in which pig carcasses are utilised or treated; and

(b) a market master and a local authority;

and cognate expressions shall be construed by reference, amongst other things, to transactions or operations such as are carried on by persons referred to in paragraph (a) of this definition;

"Government grader" means a Government grader appointed in terms of subsection (1) of section *eighteen* and includes a person exercising or performing any of the powers or duties of a Government grader conferred or imposed upon him in terms of subsection (2) of that section;

"ham" has the meaning assigned to bacon;

"inspector" means an inspector appointed in terms of subsection (1) of section *eighteen* and includes a person exercising or performing any of the powers or duties of an inspector conferred or imposed upon him in terms of subsection (2) of that section;

"the levy" means the levy prescribed in terms of section *four*;

"licence" means a licence issued in terms of section *fifteen*;

"pig carcass" means the carcass or any part of the carcass of a pig;

"pig industry" includes anything and everything connected with-

(a) the production, handling, treatment, processing and preparation for market or for export from Zambia of pigs and pig carcasses; and

(b) the dressing and curing of pig carcasses for the making of bacon or ham;

"Pig Levy Account" means the Pig Levy Account established in terms of section *six*;

"pig products" means pork, bacon, ham and other products for human consumption which are derived from pig carcasses;

"producer" means a person who, by himself or by means of his agents or servants, produces pigs in Zambia and "produced" shall be construed accordingly;

"regulation" includes an order or notice;

"sell" includes to exchange or dispose of for valuable consideration and cognate expressions shall be construed accordingly.

(As amended by No. 15 of 1960, G.N. No. 89 of 1964 and S.I. No. 176 of 1965)

PART II

IMPOSITION AND COLLECTION OF LEVY ON PIGS

3. The provisions of this Part shall not apply in relation to pigs which are- Application of Part II

(a) *obsolete*;

(b) produced by a producer and consumed by him, members of his household or his servants.

(As amended by No. 15 of 1960 and G.N. No. 89 of 1964)

4. (1) Subject to the provisions of this Act, there shall be a levy at such rate as the Minister may prescribe on all pigs produced and slaughtered in Zambia. Imposition of levy on pigs

(2) The Minister shall prescribe the persons who shall be responsible for the payment of the levy and the persons who shall be responsible for the collection and remittal of the levy and the manner in and the times at which the levy shall be paid, collected and remitted.

(3) The levy shall be remitted to the Permanent Secretary.

(4) In prescribing the matters which by this section are required or are permitted to be prescribed, the Minister may-

(a) make different provision in respect of different classes of pigs; and

(b) make no provision in respect of particular classes of pigs; and

(c) *obsolete*;

(d) provide that the levy may be collected or remitted by different methods or at different times; and

(e) provide for exemptions from the levy.

(5) In classifying pigs for the purposes of paragraphs (a) and (b) of subsection (4), the Minister may have regard, amongst other things, to the purposes for which or the manner or the places or areas in which pigs are produced, slaughtered, consumed or dealt in.

(6) The levy shall not exceed-

(a) one-quarter of one ngwee per pound dead weight; or

(b) fifty ngwee in respect of any one pig.

(As amended by No. 15 of 1960 and G.N. No. 89 of 1964)

5. The Minister may at any time, by statutory order-

(a) withdraw the levy; or

Withdrawal or
suspension of the
levy

(b) suspend the collection of the levy;
in whole or in part.

6. On the 1st February, 1964, there shall be established in respect of the levy a special account to be known as the Pig Levy Account into which shall be paid the proceeds of the levy.

Establishment of
Pig Levy Account

(G.N. No. 89 of 1964 as amended by S.I. No. 176 of 1965)

7. The Minister shall from time to time dispose of the amount standing to the credit of the Pig Levy Account in such manner as is in his opinion calculated to promote the development of the pig industry.

Disposal of the
levy

(Act No. 9 of 1964)

8. (1) On the conviction of a person for an offence of failing or refusing to pay or to collect, or to remit to the Permanent Secretary, the levy in terms of this Act, the court convicting the accused may, on the application of the prosecutor and, in addition to any penalty which it may inflict, give summary judgement against the accused in favour of the Minister for the amount of the levy to which the offence relates.

Summary
judgment for the
levy in criminal
proceedings

(2) A judgment given by a court in terms of subsection (1) shall have the same force and effect and may be executed in the same manner as if the judgment had been given in a civil action instituted in the court.

(As amended by No. 15 of 1960 and G.N. No. 89 of 1964)

9. The Minister may, by civil action in a competent court, recover the amount of the levy which is due in terms of this Act from a person required in terms of this Act to pay the levy or to collect and remit the levy to the Permanent Secretary.

Recovery of the
levy

(As amended by No. 15 of 1960 and G.N. No. 89 of 1964)

10. The costs payable by the Minister in an action referred to in section *nine* shall be paid from the funds in the Pig Levy Account.

Legal costs of
Minister

PART III

DEVELOPMENT OF THE PIG INDUSTRY IN ZAMBIA

11. The carcasses of all pigs slaughtered in Zambia for-

- (a) export or sale as carcasses; or
- (b) making into bacon, ham or other products for human consumption;

shall be graded immediately after slaughter in accordance with the provisions of this Act.

(As amended by No. 15 of 1960 and G.N. No. 89 of 1964)

Certain pig carcasses to be graded throughout Zambia

12. The Minister may, by statutory notice, define areas in Zambia within which the carcasses of all pigs slaughtered for sale or export in any form whatsoever shall be graded immediately after slaughter in accordance with the provisions of this Act.

(As amended by No. 15 of 1960, Act No. 9 of 1964, G.N. No. 89 of 1964 and S.I. No. 176 of 1965)

Minister may define areas in Zambia within which all carcasses to be graded

13. A Government grader shall-

- (a) examine the quality of each pig carcass liable to be graded in accordance with the provisions of this Act; and
- (b) grade the pig carcass and mark the grade on the carcass in the prescribed manner.

Duties of Government graders

14. (1) No person shall use premises as a bacon factory-

(a) unless he holds a licence to use those premises as a bacon factory issued by the Minister; and

(b) otherwise than in accordance with the conditions, if any, contained in the licence.

Bacon factories to be licensed

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and all pig carcasses found on the premises shall be forfeited.

15. (1) An application for a licence referred to in subsection (1) of section *fourteen* shall be made to the Permanent Secretary in the form and in the manner prescribed.

Application for and
issue of licences

(2) The Minister shall issue a licence-

(a) if the premises in respect of which the application for the licence is made conform with the specifications and standards prescribed by regulations providing for the matters referred to in paragraph (m) of subsection (2) of section *nineteen*; and

(b) if, after taking into account the number of licences issued and the annual pig production in Zambia, the Minister is of the opinion that the issue of the licence will not adversely affect the development of the pig industry.

(3) A licence shall, subject to the provisions of section *sixteen*, cease to be of force on the 31st December in the year in which it is issued.

(4) A person using premises as a bacon factory immediately before the 1st February, 1960, shall for the purposes of paragraph (a) of subsection (1) of section *fourteen* be deemed to be the holder of a licence issued on that date.

(As amended by Act No. 9 of 1964, G.N. No. 89 of 1964 and S.I. No. 176 of 1965)

16. (1) Subject to the provisions of subsection (3), the Minister shall, on the application of the holder of a licence, extend the licence from year to year to the 31st December.

Extension of
licences

(2) An application for the extension of a licence shall be made to the Permanent Secretary in the form and in the manner prescribed.

(3) The Minister shall not, unless he is of the opinion that there are special circumstances justifying the extension of the licence, extend a licence if the premises in respect of which the licence was issued-

(a) no longer conform with the specifications and standards

prescribed by regulations providing for the matters referred to in paragraph (m) of subsection (2) of section *nineteen*; or

(b) have not been used by the holder of the licence for dressing and curing pig carcasses for the making of bacon or ham during the period of six months ending on the date application for the extension of the licence is made.

(4) If the holder of a licence applies for an extension of the licence before the 31st December in any year, the licence shall be treated as being of force until the holder is notified in writing by the Permanent Secretary that the Minister has refused the application or has extended the licence.

(As amended by G.N. No. 89 of 1964)

17. In issuing or extending a licence the Minister may impose such conditions, including a condition requiring the holder of the licence to dress and cure annually a maximum or a minimum number or not more than a maximum or less than a minimum number of pig carcasses for the making of bacon or ham, as in his opinion are necessary to assist the development of the pig industry in Zambia.

Conditions of licences

(As amended by No. 15 of 1960 and G.N. No. 89 of 1964)

PART IV

GENERAL PROVISIONS

18. (1) Subject to the provisions of any written law governing the public service, the Minister may, for the purposes of this Act, appoint persons as Government graders or inspectors or as Government graders and inspectors.

Appointment of Government graders and inspectors

(2) With the consent of the President, the Minister may confer all or any of the powers and impose all or any of the duties of a Government grader or an inspector under this Act upon any person or class of persons in the public service or in the Zambia Police Force.

(As amended by No. 15 of 1960 and G.N. No. 89 of 1964)

19. (1) The Minister may by regulation prescribe all matters which by this Act are required or are permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act. Regulations

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may in the exercise of the power conferred upon him by that subsection provide for-

(a) the registration of producers, dealers and persons who slaughter pigs and the information to be supplied in connection with applications for registration; and

(b) the keeping of books, registers and accounts, the furnishing of returns and the supply of information relating to the production and slaughter of and dealings in pigs, pig carcasses and pig products; and

(c) the inspection by inspectors of-

(i) pigs, pig carcasses and pig products wherever they may be; and

(ii) books, registers and accounts referred to in paragraph (b); and

(iii) piggeries, bacon factories, land and other premises where pigs, pig carcasses and pig products are produced, handled, treated, processed, prepared, dressed, cured, dealt in or stored; and

(d) the seizure by an inspector of books, documents, pigs, pig carcasses or pig products which, in the opinion of the inspector, may afford evidence of a contravention of the provisions of this Act, and the doing of such other things as may appear to the inspector necessary for ascertaining whether compliance has been made with the provisions of this Act; and

(e) the production to inspectors of licences and of books, registers and accounts, pigs, pig carcasses, and pig products referred to in paragraph (c); and

(f) the manner in which the levy shall be assessed and paid and the collection of and the remittal to the Permanent Secretary of the levy, including the collection and the remittal to the Permanent Secretary of the levy by dealers and persons who slaughter pigs; and

- (g) the grading and marking of pig carcasses and the names and designations of the various grades; and
- (h) the marks to be used by Government graders and the manner of grading and marking pig carcasses; and
- (i) the grading, marking, packing or invoicing of pig products and the manner in which pig products shall be wrapped or packed so as to indicate the grade of pig from which they are derived; and
- (j) the prohibition or regulation of the sale, distribution, consignment or delivery of pig carcasses and pig products which have not been graded, marked, packed, wrapped or invoiced in accordance with regulations; and
- (k) the form and manner in which applications for licences and extensions of licences are to be made and the information to be supplied in connection therewith; and
- (l) the form of licences and circumstances in which and the conditions subject to which licences shall be issued or extended; and
- (m) the construction, layout and equipment of bacon factories; and
- (n) the fixing of maximum, minimum or specified prices determined by reference to dead weight and grade or live weight and grade which shall be paid for pigs.

(3) The Minister may in the exercise of the power conferred upon him by subsection (1) make different provision with respect to different classes of pigs, pig carcasses and pig products and in respect of different producers, dealers who slaughter pigs or classes of producers, and dealers who slaughter pigs.

(As amended by No. 15 of 1960 and G.N. No. 89 of 1964)

20. A person who-

- (a) fails or refuses when required to do so in terms of this Act to register as a producer, dealer or person who slaughters pigs; or
- (b) fails or refuses to furnish a return, or to supply information in the manner and in the time prescribed, or furnishes a false or incomplete

Offences and penalties

return or supplies false or incomplete information; or

(c) obstructs a Government grader or inspector in the performance of his duties or the exercise of powers conferred by or under a provision of regulations or, on being directed to do so, does not produce to an inspector for inspection a licence or pigs, pig carcasses or pig products, and any books, registers or accounts relating thereto, which are in his possession or under his control; or

(d) marks on a pig carcass or pig product a mark identical with a Government grader's mark, or a mark so nearly resembling a Government grader's mark as to be likely to be mistaken for it, or forges a Government grader's mark on a pig carcass or pig product graded in terms of this Act; or

(e) contravenes or fails to comply with a provision of this Act or of regulations or with an order or direction made or given thereunder with which it is his duty to comply;

shall be guilty of an offence and liable-

(i) for a contravention of subsection (1) of section *fourteen* or of paragraph (d)-

A. on first conviction, to a fine not exceeding three thousand penalty units or, in default of payment, to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both; and

B. on the second or a subsequent conviction, to a fine not exceeding six thousand penalty units or, in default of payment, to imprisonment for a period not exceeding two years, or to such imprisonment without the option of a fine, or to both;

(ii) for an offence not referred to in sub-paragraph (i)-

A. on first conviction, to a fine not exceeding seven hundred and fifty penalty units or, in default of payment, to imprisonment for a period not exceeding one month, or to such imprisonment without the option of a fine, or to both; and

B. on the second or a subsequent conviction, to a fine not exceeding one thousand five hundred penalty units or, in default of payment, to imprisonment for a period not exceeding two months, or to such imprisonment without the option of a fine, or to both.

(As amended by No. 15 of 1960 and Act No. 13 of 1994)