

Chapter 18:22

AGRICULTURAL PRODUCTS MARKETING ACT

Acts 10/1997,22/2001.

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An Act to establish a fund for the development of the agricultural industry and to provide for the administration and disbursement of the moneys therein; to provide for the imposition and collection of levies on producers, buyers and processors of agricultural products; to provide for the fixing of standards of quality and other matters relating to agricultural products produced in Zimbabwe; to amend the Dairy Act [Chapter 18:08]; to repeal the Agricultural Marketing Authority Act [Chapter 18:04], the Cold Storage Commission Act [Chapter 18:06]; the Cotton Marketing and Control Act [Chapter 18:07]; and the Dairy Produce Marketing and Levy Act [Chapter 18:09]; and to provide for matters connected with or incidental to the foregoing.

[Date of commencement: 1 May 1999]

PART I

PRELIMINARY

1 Short title and date of commencement

- (1) This Act may be cited as the Agricultural Products Marketing Act [Chapter 18:22].
- (2) This Act shall come into operation on a date to be fixed by the President by notice in the Gazette.

2 Interpretation

In this Act—

“agricultural industry” means anything connected with the production, manufacture, preparation and marketing of agricultural products;

“agricultural product” means any animal, plant, product or thing whatsoever which is used or produced in the course of agriculture or derived from agriculture;

“agriculture”, without limiting the term, includes horticulture, viticulture, forestry and aquaculture and the use of land for any purpose of husbandry, including—

(a) the keeping or breeding of livestock, game, poultry, animals or bees;
and

(b) the grazing of livestock or game; and

(c) the growing of fruit, vegetables or the like;

“appointed member of the Board” means a member of the Board other than the Secretary;

“Board” means the Board of the Agricultural Industry Fund constituted in terms of section eight;

“buyer” means a person who, by himself or his agents, carries on the business of buying any agricultural product that is produced in Zimbabwe;

“Fund” means the Agricultural Industry Fund established by section three;

“inspector” means a person appointed as an inspector in terms of section twenty-seven;

“levy” means a levy imposed in terms of section twenty;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“processor” means a person who in Zimbabwe produces, manufactures or prepares for sale any product from an agricultural product of which he is not the producer;

“producer” means a person who, by himself or his agents, produces an agricultural product in Zimbabwe;

“Secretary” means the Secretary of the Ministry for which the Minister is responsible.

PART II

AGRICULTURAL INDUSTRY FUND

3 Establishment and object of Fund

(1) There is hereby established a fund, to be known as the Agricultural Industry Fund, which shall be vested in the Minister as trustee of the Fund.

(2) Subject to this Act, the object of the Fund shall be to provide moneys for—

(a) promoting the production and additionally, or alternatively, the marketing of agricultural products; and

(b) fostering or stimulating demand for any agricultural product; and

(c) research into the improvement, production, manufacture, processing, storing or marketing of any agricultural product; and

(d) the training of persons in any field related to the agricultural industry; and

(e) the provision of technical, consultancy and advisory services for persons engaged in the agricultural industry or any section of that industry; and

(f) any other purpose which, in the opinion of the Minister, is calculated to promote the agricultural industry or any section of that industry.

4 Composition of Fund

The Fund shall consist of—

(a) levies; and

(b) any moneys that may be payable to it from moneys appropriated for the purpose by Act of Parliament; and

(c) any moneys that it may obtain, with the approval of the Minister, by way of donations, loans or other financial assistance; and

(d) any other moneys that may accrue to it, whether in terms of this Act or otherwise.

5 Administration of Fund

(1) Notwithstanding the Audit and Exchequer Act [Chapter 22:03] but subject to this Act and to any instructions that the Minister may give him, the Secretary shall be vested with the administration of the Fund on behalf of the Minister and, for that purpose, may exercise any power conferred upon a trustee by the common law.

(2) With the approval of the Minister, the Secretary shall open one or more banking accounts into which all moneys received on behalf of the Fund shall be paid.

(3) The Secretary may make advances from the moneys in the Fund for any purpose specified in subsection (2) of section three:

Provided that the Secretary shall not do so except on the recommendation of the Board.

(4) With the approval of the Minister, the Secretary may assign members of the Public Service employed in his Ministry to perform duties connected with the administration of the Fund.

6 Financial year of the Fund

The financial year of the Fund shall be the period of twelve months ending on the 30th June each year or on such other date as may be fixed by the Minister.

7 Books of account and audit of Fund

(1) The Secretary shall ensure that proper accounts and other records relating thereto are kept in relation to all the transactions of the Fund.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General, who shall have all the powers conferred upon him by section 9 of the Audit and Exchequer Act [Chapter 22:03] as though the assets of the Fund were public moneys.

(3) The accounts of the Fund shall be open to inspection at all reasonable times by any producer, processor or buyer.

PART III

BOARD OF THE AGRICULTURAL INDUSTRY FUND

8 Constitution of Board

(1) There shall be a Board of the Agricultural Industry Fund consisting of—

- (a) the Secretary; and
- (b) not fewer than eight and not more than twelve members who shall be appointed by the Minister after consultation with the President and in accordance with any directions the President may give him.

(2) Of the members of the Board appointed in terms of paragraph (b) of subsection (1), one shall be a member of the Public Service employed in the Ministry for which the Minister is responsible.

(3) Members of the Board shall be appointed for their ability and experience in agriculture, business or administration or for their suitability otherwise for appointment as members.

(4) When appointing members to the Board, the Minister shall ensure that, so far as possible, all producers, processors and buyers who are liable to be levied under this Act are represented on the Board.

9 Functions of Board

Subject to this Act and any other enactment, the Board shall be responsible for—

- (a) imposing, levying and suspending levies in terms of this Act; and
- (b) reviewing levies imposed in terms of this Act; and
- (c) recommending to the Secretary the manner in which the moneys in the Fund are to be expended.

10 Disqualifications for appointment to Board

(1) The Minister shall not appoint a person as a member of the Board and no person shall be qualified to hold office as an appointed member of the Board if—

- (a) he is not a citizen of Zimbabwe or ordinarily resident in Zimbabwe; or
- (b) he has been adjudged or otherwise declared insolvent or bankrupt in terms of a law in force in any country, and has not been rehabilitated or discharged; or
- (c) he has made an assignment to or arrangement or composition with his creditors in terms of a law in force in any country, and the assignment, arrangement or composition has not been rescinded or set aside; or

(d) within the period of five years immediately preceding his proposed appointment, he has been sentenced—

- (i) in Zimbabwe, in respect of an offence; or
- (ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence;

to a term of imprisonment of not less than six months imposed without the option of a fine, whether or not any portion has been suspended, and has not received a free pardon.

(2) A person who is—

- (a) a member of Parliament; or
- (b) a member of four or more other statutory bodies;

shall not be appointed as a member of the Board, nor shall he be qualified to hold office as a member.

(3) For the purposes of paragraph (b) of subsection (2)—

(a) a person who is appointed to a council, board or other authority which is a statutory body or which is responsible for the administration of the affairs of a statutory body shall be regarded as a member of that statutory body;

(b) “statutory body” means—

- (i) any commission established by the Constitution; or
- (ii) any body corporate established directly by or under an Act for special purposes specified in that Act, the membership of which consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister or any other statutory body or by a Commission established by the Constitution.

11 Terms and conditions of office of members of Board

(1) An appointed member of the Board shall hold office for such period, not exceeding three years, as the Minister may fix at the time of his appointment.

(2) On the expiry of the period for which an appointed member of the Board has been appointed, he shall continue to hold office until he has been re-appointed or his successor has been appointed:

Provided that a member shall not continue to hold office in terms of this subsection for more than six months.

(3) A person who ceases to be a member of the Board shall be eligible for re-appointment.

(4) Members of the Board shall hold office on such conditions as the Minister may fix.

12 Vacation of office by appointed members of Board

(1) An appointed member of the Board shall vacate his office and his office shall become vacant—

(a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiry of such other period of notice as he and the Minister may agree; or

(b) on the date he begins to serve a sentence of imprisonment, whether or not any portion has been suspended, imposed without the option of a fine—

- (i) in Zimbabwe, in respect of an offence; or
- (ii) outside Zimbabwe, in respect of conduct which, if committed in Zimbabwe, would have constituted an offence;

or

(c) if he becomes disqualified in terms of paragraph (a), (b) or (c) of subsection (1) of section ten, or in terms of subsection (2) of that section, to hold office as a member; or

(d) if he is required in terms of subsection (2) or (3) to vacate his office as a member.

(2) The Minister may require an appointed member of the Board to vacate his office if the member—

(a) has been guilty of conduct which renders him unsuitable to continue to hold office as a member; or

(b) has failed to comply with any condition of his office fixed in terms of section eleven; or

(c) has ceased to possess any qualification by reason of which he was appointed; or

(d) is mentally or physically incapable of efficiently performing his duties as a member.

(3) The Minister, on the recommendation of the Board, may require an appointed member of the Board to vacate his office if the Minister is satisfied that the member has been absent without the consent of the chairman of the Board from three consecutive meetings of the Board, of which he has been given at least seven days' notice, and that there was no just cause for the member's absence.

13 Suspension of appointed members of Board

The Minister may suspend from office an appointed member of the Board against whom criminal proceedings are instituted for an offence involving dishonesty and, whilst that member is so suspended, he shall not carry out any duties or be entitled to any remuneration or allowances as a member.

14 Filling of vacancies on Board

On the death of, or the vacation of office by, an appointed member of the Board, the Minister shall appoint a person to fill the vacancy.

15 Chairman and vice-chairman of Board

(1) The Minister shall appoint one of the members of the Board to be chairman of the Board.

(2) Whenever the office of chairman of the Board falls vacant, the Minister shall, within three months, appoint a member of the Board to fill the vacancy.

(3) At its first meeting the Board shall elect from amongst its appointed members a vice-chairman, who shall hold office at the pleasure of the Board.

(4) Whenever the office of vice-chairman of the Board falls vacant, the Board shall as soon as possible elect one of its appointed members to fill the vacancy.

(5) The vice-chairman of the Board shall perform the functions of the chairman whenever the chairman is unable to do so.

16 Meetings and procedure of Board

(1) The Board shall hold its first meeting on such date and at such place as the Minister may fix and thereafter the Board shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and procedures as it thinks fit.

(2) The chairman of the Board may himself at any time and shall, at the request in writing of not fewer than two members, convene a special meeting of the Board, which meeting shall be convened for a date not sooner than seven days or later than thirty days after receipt of such request.

(3) Subject to subsection (4) the chairman of the Board or, in his absence the vice-chairman, shall preside at meetings of the Board.

(4) If the chairman and the vice-chairman are both absent from a meeting of the Board, the members present may elect one of their number to preside at that meeting as chairman.

(5) A majority of members shall form a quorum at any meeting of the Board.

(6) All acts, matters or things authorized or required to be done by the Board may be decided by a majority vote at a meeting of the Board at which a quorum is present.

(7) At all meetings of the Board each member present shall have one vote on each question before the Board:

Provided that—

(i) in the event of an equality of votes, the chairman or person presiding shall have a casting vote in addition to his deliberative vote;

(ii) no member shall take part in the consideration or discussion of, or vote on, any question before the Board which relates to his vacation of office as a member.

(8) Any proposal circulated among all members of the Board and agreed to by a majority of them shall be of the same effect as a resolution passed at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that any such proposal be placed before the Board, this subsection shall not apply to the proposal.

(9) With the approval of the Minister, the Board may co-opt any person to the Board, but a co-opted person shall have no vote in any decision by the Board.

(10) Except as otherwise provided in this Part, the procedure for the convening and conduct of meetings of the Board shall be as fixed from time to time by the Board.

17 Committees of Board

(1) For the better exercise of its functions, the Board, with the approval of the Minister, may establish one or more committees in which, with the consent of the Minister, it may vest such of its functions as it thinks fit:

Provided that the vesting of a function in a committee shall not prevent the Board from itself exercising that function, and the Board may amend or rescind any decision of the committee in the exercise of that function.

(2) On the establishment of a committee the Board may appoint to the committee persons who are not members of the Board.

(3) The chairman of the Board or of a committee may at any reasonable time and place convene a meeting of that committee.

(4) The procedure of each committee shall be as fixed from time to time by the Board.

(5) Subject to this section, subsections (4) to (8) of section sixteen shall apply, mutatis mutandis, to committees and members thereof as they apply to the Board and its members.

18 Minutes of proceedings of Board and committees

(1) The Board shall cause minutes of all proceedings of and decisions taken at any meeting of the Board or of a committee of the Board to be entered in books kept for the purpose.

(2) Any minutes referred to in subsection (1) which purport to be signed by the chairman of the meeting to which the minutes relate or by the chairman of the next following meeting of the Board or the committee concerned, as the case may be, shall be accepted for all purposes as prima facie proof of the proceedings of and decisions taken at that meeting.

19 Remuneration and allowances of members of Board and committees

Members of the Board and persons co-opted to the Board, and members of committees of the Board, shall be paid out of the Fund—

(a) such remuneration, if any, as the Minister, after consultation with the Minister responsible for finance, may fix for members of the Board, co-opted persons or members of committees, as the case may be, generally; and

- (b) such allowances, if any, as the Minister, after consultation with the Minister responsible for finance, may fix to meet any reasonable expenses incurred by the member or person in connection with the business of the Board or the committee, as the case may be.

PART IV

LEVIES

20 Imposition of levies

(1) Subject to this Part, the Board may, by statutory instrument, impose one or more levies on producers, processors and additionally, or alternatively, buyers of any agricultural product that is produced in Zimbabwe.

(2) Subject to this Part, in regard to a levy imposed in terms of subsection (1) the Board may, by statutory instrument, prescribe—

- (a) the persons who shall be responsible for the payment of the levy; and
- (b) the persons who shall be responsible for the collection and remittal of the levy; and
- (c) the manner and times at which the levy shall be paid, collected and remitted; and
- (d) the period for which the levy shall be imposed; and
- (e) the imposition of interest and additionally, or alternatively, a surcharge if the levy is not paid within the time prescribed; and
- (f) the registration of producers, processors and buyers for the purpose of the levy; and
- (g) the books and records to be kept and the returns and information to be furnished to the Board or any other person for the purpose of the levy.

(3) No levy shall be imposed on an agricultural product .that is produced, manufactured or prepared by a producer or processor and consumed by him or his employees or by members of his household.

(4) All levy payments shall be remitted to the Fund.

21 Withdrawal, suspension or increase of levies

Without derogation from section 21 of the Interpretation Act [Chapter 1:01], the Board may, by statutory instrument—

- (a) withdraw any levy; or
- (b) suspend any levy in whole or in part; or
- (c) increase the rate or incidence of any levy.

22 Consultation and approval required for imposition, withdrawal, suspension or increase of levies

(1) Before publishing a statutory instrument in terms of section twenty or twenty-one, the Board shall consult the producers, processors and buyers who will be affected by it.

(2) No statutory instrument shall be published in terms of section twenty or twenty-one without the approval of the Minister.

23 Failure to pay, collect or remit levies

(1) Any person who, without lawful excuse, fails or refuses to pay, collect or remit any levy or any interest or surcharge connected therewith shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[amended by Act 22/2001, with effect from the 10th September, 2002.]

(2) The court convicting a person of an offence in terms of subsection (1) may, on the application of the prosecutor and in addition to any penalty it may impose, give summary judgment against the convicted person in favour of the Minister, in his capacity as trustee of the Fund, for the amount of any levy, interest or surcharge which the person concerned has been convicted of failing or refusing to pay, collect or remit.

24 Recovery of unpaid levies

A levy and any interest or surcharge connected therewith shall be a debt due to the Fund, and any amount of levy or of such interest or surcharge that is not paid, collected or remitted may be recovered by the Minister, in his capacity as trustee of the Fund, by proceedings in a court of competent jurisdiction.

25 Minister's powers in respect of levies in case of emergency

(1) If the Minister considers it necessary to do so in order to deal with any emergency that has arisen in relation to the agricultural industry or any section of that industry, the Minister may by statutory instrument—

(a) impose a levy or increase the rate or incidence of a levy upon any producers, processors and additionally, or alternatively, buyers of any agricultural product that is produced in Zimbabwe; or

(b) suspend any levy in whole or in part or reduce its rate or incidence

(2) A statutory instrument made in terms of subsection (1) shall have effect for six months or for such shorter period as the Minister may fix in the instrument.

(3) Sections twenty, twenty-one, twenty-three and twenty-four shall apply, *mutatis mutandis*, in relation to any levy imposed or increased in terms of subsection (1).

PART V

GENERAL

26 Delegation of Secretary's functions

(1) With the approval of the Minister, the Secretary may delegate to any member of the Public Service employed in his Ministry all or any of the functions conferred or imposed upon him by or in terms of this Act, and may at any time amend or withdraw any such delegation.

(2) A delegation under subsection (1) may be absolute or subject to conditions, as the Secretary may determine.

(3) A delegation of any function under subsection (1) shall not preclude the Secretary from himself exercising that function.

27 Inspectors

(1) The Minister may appoint any member of the Public Service employed in his Ministry as an inspector for the purpose of this Act.

(2) The Minister shall cause every person appointed in terms of subsection (1) to be provided with a certificate stating that he is an inspector for the purposes of this Act.

28 Powers of entry and inspection

(1) Subject to this section, an inspector may at all reasonable times—

(a) enter and inspect the premises of any person who is liable to pay or remit any levy or to submit any return in terms of this Act, or who is believed on reasonable grounds to be so liable; and

(b) inspect and take samples of any agricultural product found in or on any premises referred to in paragraph (a); and

- (c) require any person upon premises referred to in paragraph (a)—
 - (i) to disclose all information at his disposal; and
 - (ii) to produce any book, statement or record or copy thereof or extract therefrom;

that may relate in any way to the levy or the return; and

- (d) make copies of or take extracts from any book, statement or record referred to in paragraph (c).

(2) The powers of entry and inspection conferred by this section shall not be exercised except with the consent of the owner or person in charge of the premises concerned, or where there are reasonable grounds for believing that it is necessary to exercise them—

- (a) in the interests of public health; or
- (b) for the prevention, investigation or detection of an offence under this Act or for the obtaining of evidence relating to such an offence; or
- (c) for the enforcement of any levy.

(3) An inspector shall produce the certificate issued to him in terms of subsection (2) of section twenty-seven if required to do so by any person affected by the exercise of the inspector's powers under this section.

(4) Any person who, without lawful excuse—

- (a) hinders or prevents an inspector from exercising any power under subsection (1); or

- (b) fails or refuses to produce any book, statement or record when required to do so by an inspector in terms of subsection (1); or

- (c) upon being required by an inspector to disclose any information in terms of subsection (1), fails or refuses to do so or provides information that is false or which he does not believe on reasonable grounds to be true;

shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[amended by Act 22/2001, with effect from the 10th September, 2002.]

29 Information to be kept confidential

(1) Every inspector and every person to whom a return is submitted in terms of this Act shall not disclose to any other person, except in the performance of his functions under this Act or when required to do so by any law, any information which he may have acquired in the course of his duties under this Act and which relates to the financial or business affairs of any person, undertaking or business.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[amended by Act 22/2001, with effect from the 10th September, 2002.]

30 Regulations

(1) Subject to subsection (4), the Minister may by regulation prescribe anything which by this Act is required or permitted to be prescribed or which, in his opinion, is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations made in terms of subsection (1) may provide for—

- (a) standards of quality, classification, grading and packaging of any agricultural product;

- (b) the prohibition of the production, sale, import or export of any agricultural product that does not comply with standards referred to in paragraph (a);

(c) the varieties or breed of any agricultural product that may be produced in Zimbabwe or any area of Zimbabwe and the destruction or disposal of any agricultural product produced in contravention of such regulations;

(d) without derogation from section twenty-eight, the inspection of any agricultural product and any land or premises where it is produced, packed, sold, imported or exported, for the purpose of ensuring that it complies with standards referred to in paragraph (a);

(e) the use of any mark or symbol to designate agricultural products that comply with standards referred to in paragraph (a) and, subject to any other law, the prohibition of the use of such a mark or symbol on or in connection with any other agricultural products;

(f) the assignment, to any person or authority specified or described in the regulations, of functions relating to—

(i) the fixing and enforcement of standards referred in paragraph (a) in relation to any particular agricultural product or class thereof;

(ii) the carrying out of inspections referred to in paragraph (b) for the purpose of ensuring that any particular agricultural product or class thereof complies with standards referred to in paragraph (a) and otherwise complies with the regulations;

(iii) the control and regulation of the use of any mark or symbol referred to in paragraph (d) in relation to any particular agricultural product or class thereof;

(g) the destruction, after such date in each year as may be specified in the regulations, of agricultural products that are plants;

(h) the registration of producers, processors and buyers;

(i) the books and records to be kept and the estimates, returns and information to be furnished by producers, processors and buyers to the Secretary or any other person;

(j) the powers of inspectors and persons authorized to carry out inspections referred to in subparagraph (ii) of paragraph (f).

(3) Regulations made in terms of subsection (1) may provide penalties for contraventions thereof:

Provided that no such penalty shall exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

[amended by Act 22/2001, with effect from the 10th September, 2002.]

(4) The Minister shall consult the Board before making regulations affecting any matter for which the Board is responsible in terms of section nine.

31 Amendment of Cap 18:08

The Dairy Act [Chapter 18:08] is amended—

(a) in section 2 by the repeal of the definitions of “area of a local authority” and “local authority” in subsection (1) and the substitution of—

““area of a local authority” means the area of the local authority concerned in terms of the Urban Councils Act [Chapter 29:15] or the Rural District Councils Act [Chapter 29:13], as the case may be;

“local authority” means—

(a) any municipal council or town council; or

(b) any local board or rural district council that is declared by the Minister, by notice in the Gazette, to be a local authority for the purposes of this Act;”;

(b) in section 31 by the deletion of “five hundred” and “one hundred” and the substitution of “five thousand” and “one thousand” respectively;

(c) by the repeal of section 35 and the substitution of—

“Powers of entry

35. (1) Any inspector or dairy officer may at all reasonable times—

- (a) enter and inspect any dairy premises or premises which are believed on reasonable grounds to be dairy premises; and
- (b) inspect and take samples of any dairy produce found in or on any premises referred to in paragraph (a); and
- (c) require any person upon premises referred to in paragraph (a)—
 - (i) to disclose all information at his disposal; and
 - (ii) to produce any book, statement or record or copy thereof or extract therefrom;

that may relate in any way to the production, storage, supply, sale or treatment of dairy produce; and

- (d) make copies of or take extracts from any book, statement or record referred to in paragraph (c).

(2) The powers of entry and inspection conferred by this section shall not be exercised except with the consent of the owner or person in charge of the premises concerned, or where there are reasonable grounds for believing that it is necessary to exercise them—

- (a) in the interests of public health; or
- (b) for the prevention, investigation or detection of an offence under this Act or for the obtaining of evidence relating to such an offence.

(3) An inspector or dairy officer shall produce evidence of his identity if requested to do so by any person affected by the exercise of his powers under this section.”;

- (d) in section 38 by the deletion from—
 - (i) subsection (1) of “five hundred” and “fifty” and the substitution of “five thousand” and “five hundred” respectively;
 - (ii) subsection (2) of “one hundred” and “ten” and the substitution of “one thousand” and “one hundred” respectively;
- (e) in section 39 by the deletion of “five hundred” and “fifty” and the substitution of “five thousand” and “five hundred” respectively;
- (f) in section 40 by the deletion of “five hundred” and the substitution of “five thousand”;
- (g) in section 41 by the deletion of “five hundred” and the substitution of “five thousand”;
- (h) in section 42 by the deletion of “five hundred” and the substitution of “five thousand”;
- (i) in the Schedule—
 - (i) in paragraph 15 by the insertion after “unwholesome”—
 - A. where it occurs for the first time, of “or of failing to comply with prescribed standards of cleanliness, composition, quality or wholesomeness”;
 - B. where it occurs for the second time, of “or to fail to comply with prescribed standards of cleanliness, composition, quality or wholesomeness”
 - (ii) in paragraph 23 by the insertion after “substance and the” of “destruction or other disposal or the”.

32 Repeal of certain Acts and savings

(1) Subject to subsection (2), the following Acts are repealed—

- (a) the Agricultural Marketing Authority Act [Chapter 18:04]; and
- (b) the Cold Storage Commission Act [Chapter 18:06]; and
- (c) the Cotton Marketing and Control Act [Chapter 18:07]; and
- (d) the Dairy Produce Marketing and Levy Act [Chapter 18:09].

(2) The statutory instruments specified in the Schedule, together with any amendments thereto, shall remain in force, mutatis mutandis, as if they had been made by the Board or the Minister under the appropriate provision of this Act and may be amended or repealed accordingly:

Provided that any reference to a board in those statutory instruments shall be construed as a reference to the Board.

33 Dissolution of Agricultural Marketing Authority and disposal of its assets and obligations

(1) In this section—

“Agricultural Marketing Authority” means the Authority established by section 4 of the Agricultural Marketing Authority Act [Chapter 18:04].

(2) Subject to subsection (3), any assets and obligations which, immediately before the date of commencement of this Act, vested in the Agricultural Marketing Authority shall pass by succession to the State.

(3) Any right or obligation of the Authority under any contract or arrangement for the payment of pensions, allowances or gratuities to or in respect of any former employee of the Authority shall vest in the State.

(4) Any transfer of assets or obligations from the Agricultural Marketing Authority to the State which was effected before the date of commencement of this Act shall be valid as if it had been effected by subsection (2).

34 Validation of certain contracts

(1) Any word or expression which is defined in—

(a) the Cold Storage Commission Act [Chapter 18:06], shall bear the same meaning where it is used in subsection (2) in relation to cattle or beef;

(b) the Cotton Marketing and Control Act [Chapter 18:07], shall bear the same meaning where it is used in subsection (2) in relation to cotton;

(c) the Dairy Produce Marketing and Levy Act [Chapter 18:09], shall bear the same meaning where it is used in subsection (2) in relation to dairy produce.

(2) Notwithstanding any other law, any contract or arrangement which was entered into on or after the 1st July, 1994, but before the date of commencement of this Act—

(a) for the sale, disposal or export of any beef or meat food derived from cattle carcasses; or

(b) for the possession, sale, exchange, loan or other disposal of a grazer as defined in section 36 of the Cold Storage Commission Act [Chapter 18:06]; or

(c) for the sale or disposal of seed cotton, lint or cotton seed; or

(d) for the sale or disposal of any dairy produce;

shall have effect as if the Cold Storage Commission Act [Chapter 18:06], the Cotton Marketing and Control Act [Chapter 18:07] or the Dairy Produce Marketing and Levy Act [Chapter 18:09], as the case may be, had been repealed by section thirty-two when the contract or arrangement was entered into.

SCHEDULE (Section 32)

STATUTORY INSTRUMENTS SAVED IN FORCE

Title R.G.N. or S.I. No.

1. Agricultural Marketing Authority (Deciduous Fruit) (Registration of Growers) Regulations, 1969
204 of 1969
2. Agricultural Marketing Authority (Potato Marketing) Regulations, 1968
833 of 1968
3. Agricultural Marketing Authority (Ware Potatoes (Registration of Producers) Regulations, 1969
298 of 1969
4. Cold Storage Commission (Livestock) (Carcass Classification and Grading) Regulations, 1995
80 of 1995
5. Cold Storage Commission (Prescribed Areas and Declaration of Livestock) Notice, 1976
720 of 1976
6. Cold Storage Commission (Registration of Abattoirs) Regulations, 1993
37 of 1993
7. Cotton Marketing and Control (Crop Estimates) Notice, 1969
89 of 1969
8. Cotton Marketing and Control (Registration) Notice, 1984 49
of 1984
9. Cotton Marketing and Control (Seed Cotton Varieties) Order, 1991
8 of 1991
10. Dairy Produce Marketing and Levy (General) Regulations, 1979
788 of 1979
11. Dairy Produce Marketing and Levy (Milk Levy) Regulations, 1979
789 of 1979
12. Dairy Produce Marketing and Levy (Processors' Levy) Regulations, 1993
318 of 1993