

**THE AGRICULTURE (FERTILISERS AND FEED)
(AMENDMENT) BILL, 2010**

MEMORANDUM

The object of this Bill is to amend the Agriculture (Fertilisers and Feed) Act so as to—

- (a) repeal the provisions relating to the regulation of farm feed; and
- (b) provide for matters connected with, or incidental to, the foregoing.

A. J. SHONGA,
Attorney-General

N.A.B. 31, 2010
2nd July, 2010

A BILL

ENTITLED

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

ENACTED by the Parliament of Zambia.

Enactment

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

Short title

Cap. 226

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

Amendment
of long title

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

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

Amendment
of section 2

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

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

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

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

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

Amendment
of section 19

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

N.A.B. 31, 2010

4 No. of 2010] *Agriculture (Fertiliser and Feed)*
(Amendment)

- Amendment of section 26 **5.** Section *twenty-six* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both. 5
- Amendment of section 27 **6.** Section *twenty-seven* of the principal Act is amended—
(a) by the deletion in the marginal note of the words “ or sterilising of bone, etc”;
(b) by the deletion of subsection (1) and the substitution 10 therefor of the following new subsection:
(1) A person who, by any process, in any plant not registered under this Act, purports to produce, manufacture, compound or process any farming requisite commits an offence and is liable, upon 15 conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both;
(c) in subsection (2), by the deletion after the word 20 “ requisite ” of the words “ or bone or other substance derived from animal carcass ”.
- Amendment of section 28 **7.** Section *twenty-eight* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is 25 liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.
- Amendment of section 29 **8.** Section *twenty-nine* of the principal Act is amended by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is 30 liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both”.
- Amendment of section 30 **9.** Section *thirty* of the principal Act is amended in subsection 35 (2) by the deletion of the words “ shall be guilty of an offence ” and the substitution therefor of the words “ commits an offence and is liable upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.” 40

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

