

THE COTTON BILL, 2025

MEMORANDUM

The objects of this Bill are to—

- (a) continue the existence of the Cotton Board of Zambia and re-define its functions;
- (b) re-constitute the Board of the Cotton Board of Zambia and provide for its functions;
- (c) provide for the stages of grading and classification of seed cotton;
- (d) establish a Price Consultative Forum;
- (e) provide for the establishment of seed production zones;
- (f) repeal and replace the Cotton Act, 2005; and
- (g) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

THE COTTON BILL, 2025

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A BILL

ENTITLED

An Act to continue the existence of the Cotton Board of Zambia and re-define its functions; re-constitute the Board of the Cotton Board of Zambia and provide for its functions; provide for the stages of grading and classification of seed cotton; establish a Price Consultative Forum; provide for the establishment of seed production zones; repeal and replace the Cotton Act, 2005; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Cotton Act, 2025, and shall
5 come into operation on the date that the Minister may appoint by
statutory instrument.

Short title
and
commencement

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

Interpretation

“*ad hoc* Appeals Committee” means the *ad hoc* Appeals
Committee constituted under section 44;

Act No. 13 of 2012	“associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012;	
	“Board” means the Board of the Cotton Board of Zambia constituted under section 5;	
	“certificate of registration” means a certificate of registration issued under section 11;	5
	“Chairperson” means a person appointed as Chairperson of the Board under section 5;	
Cap. 1	“citizen” has the meaning assigned to the word in the Constitution;	10
	“Cotton Board of Zambia” means the Cotton Board of Zambia continued in existence under section 3;	
	“cotton” means the plant grown for seed cotton;	
Cap. 185	“Cotton Development Trust” means the Cotton Development Trust established under a trust deed registered with the Registrar of Lands and Deeds under the Lands and Deeds Registry Act for the purpose of promoting cotton research and developing varieties of cotton;	15
	“cotton market” means a place where the buying and selling of seed cotton occurs;	20
	“cotton sector” means the producers and ginners of seed cotton, but does not include weavers or spinners of cotton or producers of textile products;	
	“cotton seed” means the propagative part of cotton grown principally for seed cotton;	25
	“distinguishing mark” means a sign, inscription, letter or number which distinguishes seed cotton ginned or produced by a ginner or producer from seed cotton ginned or produced by another ginner or producer;	
	“distinguishing mark certificate” means a distinguishing mark certificate issued under section 14;	30
Cap. 1	“emoluments” has the meaning assigned to the word in the Constitution;	
Cap. 1	“Emoluments Commission” means the Emoluments Commission established by the Constitution;	35

“Director-General” means a person appointed as Director-General under section 7;

5 “extension services” means a training in the production of cotton provided to a person by the Cotton Development Trust;

“Fund” means the Cotton Development Trust Fund continued in existence under section 24;

10 “gin” means the process of separating lint from seed cotton and “ginning” and “ginned “ shall be construed accordingly;

“ginner” means a person who is registered to gin seed cotton under section 11;

“indicative price” means the minimum price of cotton determined by the Cotton Board of Zambia;

15 “inspector” means a person appointed as an inspector under section 28;

“law enforcement officer” means—

(a) a police officer;

(b) officer of the Zambia Revenue Authority;

20 (c) an immigration officer;

(d) officer of the Defence Force;

(e) an officer of the Drug Enforcement Commission;

(f) an officer of the Anti-Corruption Commission; or

25 (g) any other person that the Minister may, by statutory instrument appoint;

“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;

Act No. 6 of
2019

“levy” means a charge on lint and seed cotton determined by the Cotton Board of Zambia;

30 “licence” means a licence issued under section 20;

“lint” means the fibre component of seed cotton that is processed;

	“packaging” means the prescribed manner in which lint and seed cotton is packed, labelled and sealed;	
	“pre-finance” means a loan advance provided to a producer in the form of a farming input and	
	“pre-financed” and “pre-financing” shall be construed according;	5
	“Price Consultative Forum” means the Price Consultative Forum constituted under section 8;	
	“producer” means a person, organisation or company engaged in growing, promoting and marketing of cotton seed and is registered under section 11;	10
	“register” means a register kept and maintained under section 42;	
Act No. 3 of 2012	“relative” has the meaning assigned to the word in the Anti Corruption Act, 2012;	15
Act No. 21 of 2005	“repealed Act” means the Cotton Act, 2005;	
	“Secretary” means the Secretary appointed under section 7;	
Cap. 236	“Seed Control and Certification Institute” means the Seed Control and Certification Institute established under the Plant Variety and Seeds Act;	20
	“seed cotton” means cotton that is not ginned;	
	“seed production zone” means an area designated by the Cotton Board of Zambia, in consultation with the Seed Control and Certification Institute, for the purpose of cotton seed multiplication;	25
	“Vice Chairperson” means a person appointed as Vice Chairperson of the Board under section 5;	
	“Zambia Agriculture Research Institute” means the Department in the ministry responsible for agriculture mandated to conduct agricultural research;	30
Act No. 12 of 2011	“Zambia Environmental Management Agency” means the Zambia Environmental Management Agency established under the Environmental Management Act, 2011; and	
Act No. 8 of 2024	“Zambia Qualifications Authority” means the Zambia Qualifications Authority continued under the Zambia Qualifications Authority Act, 2024.	35

PART II

COTTON BOARD OF ZAMBIA

3. (1) The Cotton Board of Zambia established under the repealed Act is continued as if established under this Act as a body
 5 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 all acts and things that a body corporate may, by law, do or perform.
- (2) The First Schedule applies to the Cotton Board of Zambia.
- 10 4. The functions of the Cotton Board of Zambia are to—
- (a) regulate and monitor the production, ginning, and marketing of seed cotton;
- (b) regulate and monitor the importation and exportation of lint;
- 15 (c) set the standards relating to the quality of cotton in the field, seed cotton, cotton seed and lint;
- (d) promote the production of good quality cotton;
- (e) set the standard input package of cotton seed, pesticide and fertilizer per hectare of the cotton crop;
- 20 (f) determine the seed cotton levy;
- (g) determine and review indicative prices of seed cotton;
- (h) determine and declare when, and where, a cotton market shall occur;
- (i) facilitate and support research and development of the
 25 cotton industry;
- (j) maintain a record of the pre-financing provided to cotton farmers;
- (k) implement Government's policies relating to the cotton sector; and
- 30 (l) advise the Government on measures that are necessary for the protection, control, promotion and development of the cotton sector.

Continuation of Cotton Board of Zambia

Functions of Cotton Board of Zambia

Constitution
of Board

5. (1) There is constituted the Board of the Cotton Board of Zambia which consists of the following part time members appointed by the Minister—

(a) a person with knowledge and experience in matters relating to cotton, as the Chairperson. 5

(b) a representative of the ministry responsible for agriculture;

(c) a representative of the Attorney-General;

(d) two representatives of the most representative association responsible for cotton farmers;

(e) two representatives of the most representative association responsible for cotton ginners; 10

(f) a representative of Cotton Development Trust; and

(g) a representative of Seed Control and Certification Institute.

(2) The ministries, institutions and organisations referred to in subsection (1) shall nominate their representatives for appointment by the Minister. 15

(3) The members of the Board shall elect the Vice-Chairperson from among themselves.

(4) A person shall not be nominated or appointed as a member of the Board if that person is— 20

(a) an undischarged bankrupt;

(b) convicted of an offence involving fraud or dishonesty under any written law;

(c) convicted of an offence under this Act or any written law and sentenced to imprisonment for a term exceeding six months without an option of a fine; or 25

(d) legally disqualified.

(5) The First Schedule applies to the Board.

Functions
of Board

6. (1) Subject to the other provisions of this Act, the Board shall provide strategic policy direction to the Cotton Board of Zambia. 30

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

-
- (a) approve the policies, programmes and strategies of the Cotton Board of Zambia;
- (b) approve the annual budget estimates and financial statements of the Cotton Board of Zambia;
- 5 (c) approve the annual work plan, action plans and activity reports of the Cotton Board of Zambia;
- (d) monitor and evaluate the performance of the Cotton Board of Zambia against budgets and plans; and
- (e) promote the effective corporate governance of the Cotton Board of Zambia.
- 10

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

(4) A delegation made under subsection (3) shall not prevent
15 the Board from performing the functions so delegated.

(5) The Minister may give to the Board general or specific directions relating to the performance of the Board's functions and the Board shall give effect to those directions to the extent that those directions are not inconsistent with the Act or any other
20 written law.

7. (1) The Board shall appoint a Director-General who shall be—

- (a) the chief executive officer of the Cotton Board of Zambia; and
- 25 (b) responsible for the day-to-day administration of Cotton Board of Zambia under the direction of the Board;

(2) The Director-General shall be an *ex-officio* member of the Board.

(3) The Board shall appoint a Secretary and other staff of the
30 Cotton Board of Zambia that the Board considers necessary for the performance of the functions of the Cotton Board of Zambia.

(4) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments and terms and conditions of services of the Director-General, Secretary and
35 other staff of the Cotton Board of Zambia.

Director-General,
Secretary
and other
staff

PART III

PRICE CONSULTATIVE FORUM

Price
Consultative
Forum

8. (1) There is constituted the Price Consultative Forum which consists of the following part time members appointed by the Minister: 5

(a) a representative of the ministry responsible for commerce, trade and industry, as the chairperson;

(b) a representative of the ministry responsible for agriculture;

(c) a representative of the Cotton Board of Zambia;

(d) a representative of the most representative association responsible for cotton farmers; 10

(e) a representative of the Cotton Development Trust; and

(f) a representative of the most representative association responsible for cotton ginners one of whom shall be a— 15

(i) citizen; and

(ii) non-citizen.

(2) The ministries, institutions and organisations referred to in subsection(1) shall nominate their representatives for appointment by the Minister. 20

(3) The members of the Price Consultative Forum shall elect the vice chairperson of the Price Consultative Forum from the members referred to under subsection(1)(d)(e) or (f).

(4) A person shall not be nominated or appointed as a member of the Price Consultative Forum if that person is— 25

(a) an undischarged bankrupt;

(b) convicted of an offence involving fraud or dishonesty under any written law;

(c) convicted of an offence under this Act or any written law and sentenced to imprisonment for a term exceeding six months without an option of a fine; or 30

(d) legally disqualified.

(5) The Cotton Board of Zambia shall provide secretarial services to the Price Consultative Forum.

(6) First Schedule applies to the Price Consultative Forum. 35

9. The functions of the Price Consultative Forum are to—
- (a) review and compare the different prices of seed cotton in the region for purposes of establishing the indicative prices of cotton to be charged in the Republic;
- 5 (b) recommend the minimum indicative prices of cotton to the Board; and
- (c) review and compare cotton pricing models submitted by stakeholders for purposes of establishing standard prices that can be offered by ginners to producers.

Functions of Price Consultative Forum

10 PART IV

REGISTRATION OF PRODUCERS AND GINNERS

10. (1) A person shall not produce, buy, sell, store, gin, import or export seed cotton, for commercial purposes, without a certificate of registration issued under this Act.
- 15 (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years or, to both.
11. (1) A person who intends to produce, buy, sell, store, gin, import or export seed cotton, for commercial purposes, shall apply to the Cotton Board of Zambia for registration in the prescribed manner and form on payment of a prescribed fee.
- 20 (2) The Cotton Board of Zambia shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.
- 25 (3) The Cotton Board of Zambia shall, where an applicant satisfies the prescribed requirements, issue the applicant with a certificate of registration in a prescribed form.
- (4) The Cotton Board of Zambia shall, where the Cotton Board of Zambia rejects an application under subsection (2), inform the applicant in writing, stating the reasons for the rejection.
- 30 (5) A certificate of registration shall remain the property of the Cotton Board of Zambia and shall have unlimited period of validity, unless suspended or cancelled under this Act.

Prohibition of producing, buying, selling, storing or ginning seed cotton without certificate

Application for registration to produce, buy, sell, store or gin cotton

Suspension
or
cancellation
of certificate
of
registration

12. (1) Subject to the other provisions of this Act, the Cotton Board of Zambia may suspend or cancel a certificate of registration if the holder of the certificate of registration—

- (a) contravenes a provision of this Act;
- (b) buys seed cotton that was pre-financed without the prior written consent of the person who pre financed the seed cotton; 5
- (c) distributes seed cotton which is not certified in accordance with the Plant Variety and Seeds Act;
- (d) fails to comply with any term or condition of the certificate of registration; 10
- (e) obtained the certificate of registration through fraud, misrepresentation or concealment of a material fact; or
- (f) is convicted of an offence under this Act and sentenced to imprisonment for a term exceeding six months without the option of a fine. 15

(2) The Cotton Board of Zambia shall, before suspending or cancelling a certificate of registration in accordance with subsection (1), notify the holder of the certificate of registration of the Cotton Board of Zambia's intention to suspend or cancel the certificate of registration and shall— 20

- (a) give reasons for the intended suspension or cancellation; and
- (b) require the holder of the certificate of registration to show cause, within a period of not more than thirty days, why the certificate of registration should not be suspended or cancelled. 25

(3) The Cotton Board of Zambia shall not suspend or cancel a certificate of registration under this section if the holder takes remedial measures to the satisfaction of the Cotton Board of Zambia within the period specified under subsection (2)(b). 30

(4) The Cotton Board of Zambia shall suspend or cancel a certificate of registration if the holder, after being notified under subsection (2), fails to show cause or does not take remedial measures to the satisfaction of the Cotton Board of Zambia within the period specified in that subsection. 35

(5) A holder of a certificate of registration that is cancelled shall, within thirty days of being notified of the cancellation, surrender the certificate of registration to the Cotton Board of Zambia.

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

(7) A person whose certificate of registration is cancelled under this section may, within thirty days from the date of cancellation of the certificate of registration apply for re registration
10 in the prescribed manner and form and on payment the prescribed fee, where that person takes remedial measures to the satisfaction of the Cotton Board of Zambia.

PART V

DISTINGUISHING MARKS

15 **13.** (1) A ginner or producer of seed cotton registered under section 11 shall not gin or produce seed cotton without a distinguishing mark certificate issued under this Act.

Prohibition of ginning or producing seed cotton without distinguishing mark certificate

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

14. (1) A ginner or producer of seed cotton shall, on receipt of a certificate of registration issued under section 11, submit a distinguishing mark to the Cotton Board of Zambia for approval.

Registration of distinguishing mark

25 (2) The Cotton Board of Zambia shall, within thirty days of receipt of the distinguishing mark referred to under subsection (1), approve or reject the distinguishing mark.

(3) The Cotton Board of Zambia shall approve and register the distinguishing mark referred to under section (1) and issue the
30 ginner or producer of seed cotton with a distinguishing mark certificate in a prescribed form if the ginner or producer of seed cotton satisfies the prescribed requirements.

(4) The Cotton Board of Zambia shall, where the Cotton Board of Zambia rejects the distinguishing mark under subsection (2),
35 inform the ginner or producer of seed cotton, in writing, stating the reasons for the rejection.

(5) The Cotton Board of Zambia may, where the Cotton Board of Zambia rejects the distinguishing mark under subsection (2), require the ginner or producer of seed cotton to submit an alternative distinguishing mark.

Suspension
or
cancellation
of
distinguishing
mark
certificate

15. (1) Subject to the other provisions of this Act, the Cotton Board of Zambia may suspend or cancel a distinguishing mark certificate if the holder of the certificate— 5

(a) contravenes a provision of this Act;

(b) fails to comply with a term or condition of the distinguishing mark certificate; 10

(c) obtained the distinguishing mark certificate through fraud, misrepresentation or concealment of a material fact; or

(d) 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. 15

(2) The Cotton Board of Zambia shall, before suspending or cancelling a distinguishing mark certificate in accordance with subsection (1), notify the holder of the distinguishing mark certificate of the Cotton Board of Zambia's intention to suspend or cancel the certificate and shall— 20

(a) give reasons for the intended suspension or cancellation; and

(b) require the holder of the distinguishing mark certificate to show cause, within a period of not more than thirty days, why the certificate should not be suspended or cancelled. 25

(3) The Cotton Board of Zambia shall not suspend or cancel a distinguishing mark certificate under this section if the holder takes remedial measures to the satisfaction of the Cotton Board of Zambia within the period specified under subsection (2)(b). 30

(4) The Cotton Board of Zambia shall suspend or cancel a distinguishing mark certificate if the holder, having been notified in accordance with subsection (2), fails to show cause or does not take remedial measures to the satisfaction of the Cotton Board of Zambia within the period specified under subsection 2(b). 35

(5) A holder of a distinguishing mark certificate that is cancelled shall, within thirty days of being notified of the cancellation, surrender the distinguishing mark certificate to the Cotton Board of Zambia.

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

(7) A holder of a distinguishing mark certificate that is cancelled may, within thirty days from the date of the cancellation of the distinguishing mark certificate, apply for the re-registration
10 of the distinguishing mark certificate in the prescribed manner and form and on payment of the prescribed fee, if that person takes remedial measures to the satisfaction of the Cotton Board of Zambia.

16. (1) A ginner or producer of seed cotton shall not —

15 (a) use the distinguishing mark of another ginner or producer of seed cotton;

(b) impersonate another ginner or producer of seed cotton.

Marking of bag or receptacle with distinguishing mark

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

(3) A package containing seed cotton shall be marked, sealed and labelled in a prescribed manner.

17. The Cotton Board of Zambia shall publish the details of
25 registered distinguishing marks in the *Gazette* and a newspaper of daily circulation in the Republic.

Publication of registered distinguishing marks

PART VI

LICENSING OF PRODUCERS AND GINNERS

18. (1) This Part applies to persons who are registered under
30 Part IV of this Act.

Application and types of licences

(2) For the purposes of this Act, the Cotton Board of Zambia shall issue the following licences:

(a) a cotton ginner's licence; and

(b) a cotton producer's licence.

Prohibition of buying, selling, importing or exporting cotton without licence	<p>19. (1) Subject to section 11, a person shall not produce, buy, sell, store, gin, import or export seed cotton, for commercial purposes, without a licence issued under this Act.</p> <p>(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years or, to both. 5</p>
Application for licence to buy, sell, import or export cotton	<p>20. (1) A person registered under this Act who intends to produce, buy, sell, store, gin, import or export seed cotton, for commercial purposes shall apply to the Cotton Board of Zambia for a licence in the prescribed manner and form on payment of a prescribed fee. 10</p> <p>(2) The Cotton Board of Zambia shall, within thirty days of receipt of an application under subsection (1), approve or reject the application. 15</p> <p>(3) The Cotton Board of Zambia shall, where an applicant satisfies the prescribed requirements, issue the applicant with a licence in a prescribed form.</p> <p>(4) The Cotton Board of Zambia shall, where the Cotton Board of Zambia rejects an application under subsection (3), inform the applicant in writing, stating the reasons for the rejection. 20</p>
Validity of licence	<p>21. A licence issued under section 20 shall be valid for one year.</p>
Renewal of licence	<p>22. (1) A holder of a licence may, thirty days before the expiration of the licence, apply to the Cotton Board of Zambia for the renewal of the licence in the prescribed manner and form on payment of a prescribed fee. 25</p> <p>(2) The Cotton Board of Zambia shall, within thirty days of receipt of an application under subsection (1), approve or reject the application. 30</p> <p>(3) The Cotton Board of Zambia shall, where an applicant satisfies the prescribed requirements, issue the applicant with a renewed licence in a prescribed form.</p> <p>(4) The Cotton Board of Zambia shall, where the Cotton Board of Zambia rejects an application under subsection (2), inform the applicant, in writing, stating the reasons for the rejection. 35</p>

23. (1) Subject to the other provisions of this Act, the Cotton Board of Zambia may suspend or cancel a licence if the holder of the licence—
- Suspension
or
cancellation
of licence
- (a) contravenes a provision of this Act;
- 5 (b) fails to comply with any term or condition of the licence;
- (c) obtained the licence through fraud, misrepresentation or concealment of a material fact; or
- (d) is convicted of an offence under this Act and sentenced to imprisonment for a term exceeding six months without the option of a fine.
- 10 (2) The Cotton Board of Zambia shall, before suspending or cancelling a licence in accordance with subsection (1), notify the holder of the licence of the Cotton Board of Zambia's intention to suspend or cancel the licence and shall
- 15 (a) give reasons for the intended suspension or cancellation; and
- (b) require the holder of the licence to show cause, within a period of not more than thirty days, why the licence should not be suspended or cancelled.
- 20 (3) The Cotton Board of Zambia shall not suspend or cancel a licence under this section if the holder takes remedial measures to the satisfaction of the Cotton Board of Zambia within the period specified under subsection(2)(b).
- (4) The Cotton Board of Zambia shall suspend or cancel a licence if the holder, having been notified in accordance with subsection (2), fails to show cause or does not take remedial measures to the satisfaction of the Cotton Board of Zambia within the period specified under that subsection.
- 25 (5) A holder of a licence that is cancelled shall, within thirty days of being notified of the cancellation, surrender the licence to the Cotton Board of Zambia.
- 30 (6) A person who contravenes subsection (5) commits an offence.
- (7) A holder of a licence that is cancelled may, within thirty days from the date of the cancellation of the licence apply for re registration in the prescribed manner and form and on payment of the prescribed fee, if that person takes remedial measures to the satisfaction of the Cotton Board of Zambia.
- 35

26. (1) The Board shall cause to be kept proper books of accounts and other records relating to the accounts of the Fund. Accounts and audit

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

5 (3) The fees for the audit of the Fund shall be paid by the Cotton Board of Zambia.

27. (1) The Cotton Board of Zambia shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning the 10 activities of the Fund during the financial year. Annual report

(2) The report referred to under subsection (1), shall include information on the financial affairs relating to the Fund and there shall be appended to the report—

(a) an audited statement of financial position;

15 (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 20 referred to in subsection (2), lay the report before the National Assembly.

PART VIII

INSPECTORATE

28. (1) The Cotton Board of Zambia may appoint suitably 25 qualified persons as inspectors for the purposes of ensuring compliance with this Act. Inspectors

(2) The Cotton Board of Zambia shall issue an inspector with an identification card which shall be *prima facie* evidence of the inspector's appointment.

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

(a) be in possession of the identification card referred to in subsection (2); and

35 (b) show the identification card to any person who requests to see the identification card or is the subject of an inspection or investigation under this Act.

Powers of
Inspectors

29. (1) An inspector may, for the purpose of enforcing the provisions of this Act, at any reasonable time and without notice—

- (a) enter, inspect and search any land, building, premises or vehicle, where the inspector has reasonable grounds to believe that an offence has been committed or is likely to be committed; 5
- (b) search a person who the inspector has reasonable grounds to believe is carrying out an activity in contravention of this Act, except that a person shall only be searched by a person of the same sex; 10
- (c) examine any book, document, record or article found on any land, building, premises or vehicle that has a bearing on an inspection or investigation;
- (d) seize any book, document, record or article found on any land, building premises or vehicle which has been used or is being used for the commission of an offence under this Act; 15
- (e) take or cause to be taken a sample of any substance or article which an inspector has reasonable ground to suspect may be, or may contain or be contaminated with a substance that is a risk to the development of cotton; 20
- (f) take an extract from, or make a copy of any book, document or record that is found on any land, building, premises or vehicle that has a bearing on an inspection; and
- (g) require the production of a book, document, record or article found on any land, building, premises or vehicle from an owner or occupier of the land, building, premises or vehicle that has a bearing on an inspection. 25

(2) An owner or occupier of any land, building, premises or vehicle shall afford an inspector access to any information, record or document for the purpose of an inspection and produce to an inspector, any information, record or document that the inspector may require for the purposes of carrying out an inspection under this Act. 30

(3) An inspector may, in the performance of the functions of the inspector under this section, be accompanied and assisted by a law enforcement officer. 35

(4) An inspector who removes anything from any land, building, premises or vehicle inspected under this section shall—

(a) issue a receipt for anything removed to the owner, occupier or the person in control of the land, building, premises or vehicle; and

5 (b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed.

(5) An inspector shall enter a private dwelling house, land, building or premises occupied as a private dwelling with a warrant.

10 (6) 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.

(7) An inspector shall furnish the Director-General with a written report and any other information relating to an inspection.

15 **30.** (1) A person commits an offence if that person—

(a) willfully delays or obstructs an inspector in the performance of the inspector's functions under this Act;

20 (b) refuses to give an inspector reasonable assistance as the inspector may require for the purposes of performing the inspector's functions;

(c) impersonates an inspector or presents oneself to be an inspector; or

(d) knowingly or negligently gives an inspector false or misleading information orally, in writing or otherwise.

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

30 **31.** (1) A law enforcement officer may arrest a person, without a warrant, where the law enforcement officer has reasonable grounds to believe that the person—

(a) has committed an offence under this Act;

35 (b) is about to commit an offence under this Act and there is no other way to prevent the commission of the offence; or

(c) is willfully obstructing an inspector in the execution of the inspector's functions.

Obstruction
of
inspector

Arrest
without
warrant

(2) A law enforcement officer who makes an arrest under subsection (1) shall, without undue delay, have the person arrested brought before a court of competent jurisdiction.

Seizure of
property

32. A law enforcement officer may seize and detain property which the law enforcement officer has reason to believe was used to commit an offence under this Act until an order of the court is made regarding the disposal thereof. 5

Restoration
of
property

33. (1) A law enforcement officer shall, where a person from whom an article or other property has been seized under section is found not guilty or the proceedings against that person are withdrawn— 10

(a) without unnecessary delay, restore the article or property to that person; or

(b) where the law enforcement officer is satisfied that the person cannot be found or is unwilling to receive back the article or property, apply to the court for an order of forfeiture of the article or property in accordance with the Forfeiture of Proceeds of Crime Act, 2010. 15

Act No.19 of
2010

(2) A court shall make an order of forfeiture under subsection (1) if— 20

(a) the law enforcement officer has given notice, by publication in the *Gazette* and in a daily newspaper of general circulation in the Republic, to the effect that the article or property which has been seized under this Act shall vest in the State if it is not claimed within three months from the date of publication of the notice; and 25

(b) three months after the giving of the notice under paragraph (a), the article or property remains unclaimed.

(3) Where a claim is made, in writing, by any person that is lawfully entitled to the article or property seized under this Act that the article or property is not liable to forfeiture under this Act, the law enforcement officer may order the release of the article or property to the claimant if satisfied that there is no dispute concerning the ownership of the article or property and that it is not liable to forfeiture. 30 35

(4) A law enforcement officer shall refer a claim to a court where a claim of ownership is made in relation to the article or property seized under this Act and the law enforcement officer finds that— 40

- (a) there is a dispute regarding the ownership of the article or property;
- (b) there is insufficient evidence to determine the ownership of the article or property; or
- 5 (c) a law enforcement officer is unable to ascertain whether the article or property is liable to forfeiture or not.

PART IX

GENERAL PROVISIONS

- 10 **34.** A holder of a certificate of registration, distinguishing mark certificate or licence shall notify the Cotton Board of Zambia of any change in the particulars relating to the certificate of registration, distinguishing mark certificate or licence within seven days of the change. Change in details
- 15 **35.** (1) A person whose certificate of registration, distinguishing mark certificate or licence is destroyed, defaced or lost may apply to the Cotton Board of Zambia for a duplicate certificate of registration, distinguishing mark certificate or licence in the prescribed manner and form on payment of the prescribed fee. Duplicate certificate of registration, distinguishing mark certificate and licence
- 20 (2) The Cotton Board of Zambia shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.
- (3) The Cotton Board of Zambia may, on receipt of an application under subsection (1), issue to the applicant a duplicate
25 certificate of registration, distinguishing mark certificate or licence.
- (4) The Cotton Board of Zambia shall, where the Cotton Board of Zambia rejects an application under subsection (1), inform the applicant, in writing, stating the reasons for the rejection.
- 30 **36.** (1) A certificate of registration, distinguishing mark certificate or licence issued under this Act shall not be transferred to a third party. Prohibition of transfer of certificate of registration, distinguishing mark certificate or licence
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to fine not exceeding five hundred thousand penalty units or to imprisonment for a term not
35 exceeding five years or, to both.
- 37.** (1) A ginner who purchases seed cotton shall grade and classify seed cotton at the following stages: Stages of grading and classification of seed cotton

	(a) point of purchase;	
	(b) ginnery; or	
	(c) post-processing.	
	(2) The grading and classification of seed cotton shall be as prescribed.	5
	(3) The Cotton Board of Zambia, where a ginner or producer submits proof of registration under subsection	
	(2), assign a ginner or producer a cotton seed production zone.	
Establishment of cotton seed production zone	38. (1) The Cotton Board of Zambia shall, in consultation with the Seed Control and Certification Institute, designate a cotton seed production zone as prescribed.	10
	(2) The Cotton Board may, on request by a producer, allocate a cotton seed production zone to that producer.	
Pesticide testing	39. A person who intends to introduce a pesticide in the process of seed cotton production shall—	15
Act No. 12 of 2011	(a) apply for the registration of the pesticide in accordance with the Environmental Management Act, 2011; and	
	(b) ensure that the pesticide is tested at an institution that the Minister, may by statutory instrument, designate.	
Distribution of pesticide, seed and fertilizer	40. (1) A person shall not, for the purposes of growing cotton, distribute to a farmer—	20
	(a) cotton seed without approval from the Seed Control and Certification Institute;	
	(b) fertiliser that does not meet the standards set by the Zambia Agriculture Research Institute; or	25
Act No. 12 of 2011	(c) a pesticide, without a certificate of registration of that pesticide issued in accordance with the Environmental Management Act, 2011.	
	(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.	30
Extension service	41. (1) A person shall not provide extension services in the cotton sector unless that person has undergone training in seed cotton production conducted by the Cotton Development Trust.	35

(2) Subsection (1) shall not apply where an extension service is provided by the Cotton Development Trust.

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

42. (1) The Cotton Board of Zambia shall keep and maintain a register of—

- (a) certificates of registration issued under this Act;
- 10 (b) registered distinguishing marks;
- (c) licences issued under this Act; and
- (d) any other information that the Board may determine.

(2) The register referred to under subsection (1) shall contain the following information:

- 15 (a) in the case of a certificate of registration—
 - (i) the name of a registered person under section 11;
 - (ii) the type of cotton trade;
 - (iii) cotton farmers pre-financing information; and
 - (iv) the amount of cotton purchases from each cotton farmer;
- 20 (b) in the case of a licence—
 - (i) all purchases, sales or movement of cotton;
 - (ii) the quantity of cotton processed; and
 - (iii) the name and address of the owner, vendor or purchaser of cotton;
- 25 (c) in the case of a distinguishing mark certificate—
 - (i) the name and address of a holder of a distinguishing mark certificate;
 - (ii) packaging of seed cotton by a holder of a distinguishing mark certificate; and
 - 30 (iii) holders of a distinguishing mark certificate.
- (d) any other information that the Board may determine.

(3) The register referred to under subsection (1), shall be kept by the Secretary at the offices of the Cotton Board of Zambia and shall be open for inspection to members of the public during normal office hours on payment of a prescribed fee.

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

Publication
of copies of
register

43. (1) The Director-General shall, on the direction of the Board, cause copies of a register, and any alterations of, or additions to, the register to be printed and published in the *Gazette* and a daily newspaper of general circulation in the Republic.

(2) Subject to this Act, a copy of the last printed and published register is *prima facie* evidence in legal proceedings of what is contained in that register and the absence of any name from that copy shall be *prima facie* evidence that the person is not registered.

Ad hoc
Appeals
Committee

44. (1) There is constituted an *ad hoc* Appeals Committee which shall consist of three members appointed by the Board.

(2) The functions of an *ad hoc* Appeals Committee are to—

(a) hear appeals made to the *ad hoc* Appeals Committee under section 45(1); and

(b) perform other functions that are assigned to the *ad hoc* Appeals Committee under this Act or any other written law.

Appeal

45. (1) A person who is aggrieved with a decision of the Cotton Board of Zambia may, within fourteen days of the receipt of the decision, appeal to an *ad hoc* Appeals Committee.

(2) A person who is aggrieved with the decision of the *ad hoc* Appeals Committee may, within thirty days of the decision, appeal to the High Court.

General
penalty

46. A person who commits an offence under this Act, for which a penalty is not provided 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.

Administrative
penalty

47. (1) The Cotton Board of Zambia 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 Cotton Board of Zambia within the period specified by the Cotton Board of Zambia.

(4) If a person on whom an administrative penalty is imposed in accordance with this section fails to pay the administrative penalty within the time specified under subsection (3), the Cotton Board of Zambia may, 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 Cotton Board of Zambia.

48. 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, shareholder or partner is liable, on conviction, to the penalty specified for the offence under this Act.

Offence by principal officers of body corporate or unincorporate body

49. Where a judgement or court order is obtained against the Cotton Board of Zambia, execution, attachments or process of any nature shall not be issued against the Cotton Board of Zambia or against the property of the Cotton Board of Zambia, but the Cotton Board of Zambia shall cause to be paid out of the funds of the Cotton Board of Zambia an amount that may, by judgement or court order, be awarded against the Cotton Board of Zambia to the person entitled to the amount.

Immunity from execution of judgement against assets of Cotton Board of Zambia

50. (1) The Cotton Board of Zambia may, in the exercise of the functions of the Cotton Board of Zambia under this Act, issue guidelines that are necessary for the better carrying out of the provisions of this Act.

Guidelines

(2) The Cotton Board of Zambia shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic or in the *Gazette* and any other electronic means that the Cotton Board of Zambia may determine.

(3) The guidelines issued by the Cotton Board of Zambia shall take effect on the date of publication and shall bind all persons on matters relating to this Act.

51. (1) The Minister may, on the recommendation of the Cotton Board of Zambia, by statutory instrument, make Regulations for the better carrying out of the provisions of this Act.

Regulations

- (2) Despite subsection (1), regulations made under subsection (1) may make provision for—
- (a) the manner and forms of making applications under this Act and the fees payable;
 - (b) terms and conditions of a certificate and licence issued under this Act; 5
 - (c) the condition in which premises specified in a certificate of registration or licence shall be kept;
 - (d) the manner in which cotton shall be stored;
 - (e) returns which shall be kept under this Act; 10
 - (f) the manner in which a levy imposed under this Act shall be collected;
 - (g) the forms to be used and the procedures to be followed on any appeal under this Act;
 - (h) time to uproot and burn ratoon cotton plant without sprout growing; 15
 - (i) persons who shall maintain, test cotton seed or monitor the quality of cotton seed production;
 - (j) cotton seed imports and exports;
 - (k) the manner of labelling, marking or sealing of a package of seed cotton or lint; and 20
 - (l) designation of a cotton seed production zone.

Repeal of Act No. 21 of 2005, and savings and transitional provisions

52. (1) The Cotton Act, 2005 is repealed.

(2) Despite subsection (1), the provisions of the Second Schedule apply in respect of the matters specified in the Second Schedule. 25

FIRST SCHEDULE
Sections 3(2), 5(5), and 8 (6)

PART I

ADMINISTRATION OF THE COTTON BOARD OF ZAMBIA AND PRICE
CONSULTATIVE FORUM

5

1. (1) The seal of the Cotton Board of Zambia shall be a device that may be determined by the Board and shall be kept by the Director-General.

Seal of
Cotton
Board of
Zambia

10 (2) The affixing of the seal shall be authenticated by the Chairperson or the Vice Chairperson and the Director-General or any other person authorised in that behalf by a resolution of the Board.

15 (3) A contract or instrument which, if entered into or executed by a person not being a body corporate, is not required to be under seal, may be entered into or executed without seal on behalf of the Cotton Board of Zambia by the Director-General or any other person authorised in that behalf by a resolution of the Board.

20 (4) A document purporting to be a document under the seal of the Cotton Board of Zambia or issued on behalf of the Cotton Board of Zambia shall be received in evidence and shall be considered to be so executed or issued, without further proof, unless the contrary is proved.

25 **2.** (1) A member of the Board shall, subject to other provisions of this Act, hold office for a term of three years from the date of appointment and may be re appointed for a further and final term of three years.

Tenure of
office and
vacancy

30 (2) A member of the Price Consultative Forum shall, subject to other provisions of this Act, hold office for a term of five years from the date of appointment and shall not be re-appointed for a further term.

35 (3) A member of the Board and Price Consultative Forum shall, on the expiration of the term for which the 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.

(4) The office of a member of the Board or Price Consultative Forum becomes vacant if the member—

- (a) dies;
- (b) is adjudged bankrupt under any written law;
- (c) is absent, without reasonable excuse, from three consecutive meetings of the Board or Price Consultative Forum of which the member has had notice, without the prior approval of the Board or Price Consultative Forum;
- (d) resigns, by giving one month's notice in writing, to the Minister;
- (e) is legally disqualified from performing the functions of a member of the Board or Price Consultative Forum;
- (f) ceases to be an employee or a member of the ministry, institution or organisation that nominated the member of the Board or Price Consultative Forum; and
- (g) 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.

(5) The Minister shall, where the office of a member of the Board or Price Consultative Forum becomes vacant before the expiry of the term of office, appoint another member of the Board or Price Consultative Forum in place of that member, but that member shall hold office as a member of the Board or Price Consultative Forum only for the unexpired part of the term of the Board or Price Consultative Forum.

Proceedings
of Board and
Price
Consultative
Forum

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

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

(3) The Price Consultative Forum shall meet for the transaction of business at least once every six months at a place and time that the Price Consultative Forum may determine.

(4) The Chairperson of the Board or chairperson of the Price Consultative Forum shall, on giving notice of not less than fourteen days, call for a meeting of the Board or Price Consultative Forum, or where one third or more of the members of the Board or members of the Price Consultative Forum 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.

(5) Five members shall form a quorum at a meeting of the Board or Price Consultative Forum.

(6) There shall preside at any meeting of the Board—

(a) the Chairperson;

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

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

(7) There shall preside at any meeting of the Price Consultative Forum

(a) the chairperson of the Price Consultative Forum;

15 (b) in the absence of the chairperson of the Price Consultative Forum, the vice-chairperson of the Price Consultative Forum; or

20 (c) in the absence of the chairperson of the Price Consultative Forum and the vice-chairperson of the Price Consultative Forum, a member of the Price Consultative Forum as the members of the Price Consultative Forum present may elect for the purpose of that meeting.

(8) A decision of the Board or Price Consultative Forum on any question shall be by a majority of the members of the Board or members of the Price Consultative Forum present and voting
25 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 the deliberative vote.

(9) A member may, where the member is for any reason unable to attend a meeting of the Board or a meeting of the Price
30 Consultative Forum, nominate another person, in writing, from the same ministry, institution or organisation to attend a meeting of the Board or a meeting of the Price Consultative Forum in that member's stead and that person shall be deemed to be a member for the purpose of that meeting.

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

(11) The Board or Price Consultative Forum shall cause minutes to be kept of the proceedings of every meeting of the Board or Price Consultative Forum and any committee of the Board.

Allowances **4.** (1) A member of the Board, a member of a committee of the Board or a member of *ad hoc* Appeals Committee shall be paid 5 allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.

(2) A member of the Price Consultative Forum shall not be paid an allowance.

Disclosure of interest **5.** (1) A person who is present at a meeting of the Board, a 10 committee of the Board, the Price Consultative Forum or *ad hoc* Appeals Committee 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 15 of the meeting, declare that interest and shall not, unless the Board, the committee, the Price Consultative Forum or the *ad hoc* Appeals Committee 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 20 be recorded in the minutes of the meeting at which is made.

Immunity of members **6.** An action or other proceedings shall not lie or be instituted against a member of the Board, a committee of the Board, a member of a Price Consultative Forum, a member of an *ad hoc* Appeals Committee or a member of staff of the Cotton Board of Zambia 25 for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers, functions or duties conferred under this Act.

Committees of Board **7.** (1) The Board may, for the purpose of performing its functions under this Act, constitute a committee and delegate any 30 of its functions to the committee as the Board considers necessary.

(2) The Board may appoint as members of a committee persons who are or are not members, 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 period 35 that the Board may determine.

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

8. (1) A person shall not, without the consent, in writing, given by, or on behalf of, the Cotton Board of Zambia, the Price Consultative Forum or the *ad hoc* Appeals Committee, publish or disclose to an unauthorised person, other than in the course of 5 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.

Prohibition of publication or disclosure of information to unauthorised person

(2) A person who contravenes subparagraph (1) commits an offence and is liable, on conviction, to a fine not exceeding two 10 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 15 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.

PART II

20 FINANCIAL PROVISIONS

9. (1) The funds of the Cotton Board of Zambia consist of monies that may—

Funds of Cotton Board of Zambia

(a) be appropriated to the Cotton Board of Zambia by Parliament;

25 (b) subject to the Public Finance Management Act, 2018, be received by way of grants or donations from any source within the Republic and subject to the approval of the Minister, from any source outside the Republic;

Act No. 1 of 2018

30 (c) be paid to the Cotton Board of Zambia by way of charges or fees; and

(d) vest in or accrue to the Cotton Board of Zambia.

(2) There shall be paid from the funds of the Cotton Board of Zambia—

- (a) the salaries, allowances and loans of members of staff of the Cotton Board of Zambia;
- (b) reasonable travelling, transport and subsistence allowances for members of the Board or members of any committee of the Board when engaged in the business of Cotton Board of Zambia, at rates that the Emoluments Commission may, on the recommendation of the Minister, determine; and
- (c) any other expenses incurred by the Cotton Board of Zambia in the performance of the Cotton Board of Zambia's functions.

(3) Subject to the Public Finance Management Act, 2018, the Cotton Board of Zambia may invest, in a manner that the Board considers appropriate, funds of the Cotton Board of Zambia that it does not immediately require for the performance of the Cotton Board of Zambia's functions.

Financial
year

10. The financial year of the Cotton Board of Zambia shall be a period of twelve months ending on 31st December in each year.

Accounts
and
audit

11. (1) The Board shall cause to be kept proper books of accounts and other records relating to the accounts of the Cotton Board of Zambia.

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

(3) The Auditor's fees shall be paid by the Cotton Board of Zambia.

Annual
report

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

(2) The report referred to in subparagraph (1) shall include information on the financial affairs of the Cotton Board of Zambia 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) any 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.

SECOND SCHEDULE

(Section 52)

1. In this Schedule “former Board” means the Cotton Board of Zambia established under the repealed Act. Interpretation
- 5 2. A person who immediately before the commencement of this Act held office as a member of the former Board shall continue to hold office as a member for a period of three months after which the Minister shall appoint the members of the Board in accordance with this Act. Member
- 10 3. (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an officer or employee of the former Board, shall continue to be an officer or employee of the Cotton Board of Zambia, as if appointed or employed under this Act. Staff of Board
- 15 (2) The service of the persons referred to, in subparagraph (1) shall be treated as continuous service.
- (3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the former Board before this Act comes into force.
- 20 4. (1) A certificate of registration, licence or distinguishing mark certificate issued under the repealed Act, shall continue to be valid until expiry, revocation or surrender, as if the certificate of registration, licence or distinguishing mark certificate was issued in accordance with this Act. Registration under repealed Act
- 25 (2) An application for a certificate of registration, licence or distinguishing mark certificate pending under the repealed Act, shall be issued in accordance with this Act.
- 30 5. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Cotton Board of Zambia by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before that date were the assets, rights, liabilities and obligations of the former Board. Transfer of assets and liabilities
- 35 (2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the former Board was a party immediately before the commencement of this Act whether or not of a nature that rights, liabilities and obligations could be assigned, shall unless its subject matter or terms make it impossible that it should have effect as
- 40 modified, as provided under this paragraph, have effect as if—

- (a) the Cotton Board of Zambia had been party to it;
- (b) for reference to the former Board there was substituted with respect to anything falling to be done on or after the commencement of this Act, a reference to the Cotton Board of Zambia; or 5
- (c) for any reference to any officer of the former Board, not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to that officer of the Cotton Board of Zambia, that it shall 10 designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the former Board are deemed to be transferred to the Cotton Board of Zambia in respect of which transfer a written law provided for registration, the Cotton Board of Zambia shall 15 make an application, in writing, to the appropriate registration authority for registration of the transfer.

(4) The registration authority, referred to in subparagraph (3), shall make entries in the appropriate register as shall give effect to the transfer and where applicable certificate of title in respect of 20 the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

Legal
proceedings

6. (1) Any legal proceedings or application of the former Board 25 pending immediately before the commencement of this Act by or against the former Board may be continued by or against the Cotton Board of Zambia.

(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, 30 held, enjoyed, incurred or suffered by the former Board, may be instituted by or against the Cotton Board of Zambia.