

THE DAIRY INDUSTRY DEVELOPMENT BILL, 2010

MEMORANDUM

The object of this Bill are—

- (a) regulate the dairy industry so as to develop an efficient and self sustaining dairy industry that will effectively contribute towards poverty alleviation, household food security and employment creation;
- (b) establish the Dairy Industry Development Board and provide for its functions and powers;
- (c) enhance milk production in order to fully utilise the capacity of processing facilities, so as to achieve growth in the processing of safe and wholesome high value milk products;
- (d) provide for the processing, manufacturing, marketing and distribution of milk;
- (e) ensure collaboration and participation of all stakeholders within the dairy industry and provide a wider service to farmers in the dairy industry;
- (f) promote self regulation of the dairy industry through the development and use of codes of practice;
- (g) repeal the Dairies and Dairy Produce Act, 1931; and
- (h) provide for matters connected with, or incidental to, the foregoing.

A. J. SHONGA JNR,
Solicitor-General

N.A.B 18 2010
17th February, 2010

THE DAIRY INDUSTRY DEVELOPMENT BILL, 2010

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FIRST SCHEDULE

A BILL

ENTITLED

An Act to regulate the dairy industry so as to develop an efficient and self sustaining dairy industry that will effectively contribute towards poverty alleviation, household food security and employment creation; establish the Dairy Industry Development Board and provide for its functions and powers; enhance milk production in order to fully utilise the capacity of processing facilities, so as to achieve growth in the processing of safe and wholesome high value milk products; provide for the processing, manufacturing, marketing and distribution of milk; ensure collaboration and participation of all stakeholders within the dairy industry and provide a wider service to farmers in the dairy industry; promote self regulation of the dairy industry through the development and use of codes of practice; repeal the Dairies and Dairy Produce Act, 1931; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

5 1. This Act may be cited as the Dairy Industry Development Act, 2010, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

2. This Act shall apply to milk and milk products.

Application

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

Interpretation

10 “animal health service provider” includes any person who is qualified to perform any operation and give or provide any treatment, test, advice, diagnosis or attendance to livestock;

“Board” means the Dairy Industry Development Board established under section *four*;

- “certificate” means a certificate issued under section *fifteen*;
- “dairy” means any premises, building or structure used for the production, processing or manufacture of milk or milk products, as the case may be, for sale; 5
- “dairy animal” means an animal which is kept for the purpose of milking;
- “dairy industry” means the entire milk and value chain in the dairy sector relating to the production, processing, manufacturing, transportation, marketing, and distribution of milk and milk products; 10
- “dairy sector” means a sub-sector of the agricultural sector dealing with the regulatory, executory and delivery aspects of the dairy industry; 15
- “distributor” means any person who carries on the business of distributing milk or milk products, but does not include a retailer or milk vendor;
- “Fund” means the Dairy Development Fund established under section *twenty three*; 20
- “milk” means a normal lacteal secretion obtained from the mammary gland of a dairy animal;
- “milk product” means any product prepared from milk by an approved process including heating, separation, fermentation, evaporation and drying and includes cultured soured milk, yoghurt, butter, ghee, cream, dairy ice cream and any other product manufactured wholly or mainly from milk; 25
- “milk shed area” means any part of Zambia which has a sizeable number of stakeholders whether at provincial, district or ward level; 30
- “milk vendor” means a person who carries on the business of selling milk or milk products by delivering the milk or products to the place of residence or business premises of the purchaser; 35
- “Minister” means the Minister responsible for livestock and fisheries development;
- “producer” means any person who keeps dairy animals or other milk animals for the production of milk and includes a manager; 40
- “processor” means any person who carries out the business of processing milk or manufacturing milk products;
- “producer processor” means a person who processes milk or manufactures milk products solely obtained from that person’s own farm; 45

- “pasteurised cream” includes any type of milk product,
prescribed as pasteurised cream;
- “pasteurised milk” includes any type of milk prescribed as
pasteurised milk;
- 5 “retailer” means any person who buys milk or milk products
from a distributor for resale to consumers, but does not
include a milk vendor;
- “registered person” means any person or a producer,
processor, producer processor marketing agent, importer,
10 exporter, dairy inputs supplier, retailer, milk vendor or
manufacturer, registered under section *fifteen*;
- “regulatory agency” means a public authority that is entrusted
with the power to issue and enforce the laws governing
the dairy industry or the retail, sale, processing, production,
15 manufacture or handling of goods and products for use by,
or consumption of, the public or the provision of services,
in particular any authority under the—
- (a) Local Government Act;
 - (b) Co operative Societies Act, 1998; Cap. 281
 - 20 (c) Control of Goods Act; Act No. 20 of
1998
 - (d) Factories Act; Cap. 421
 - (e) Food and Drugs Act; Cap. 441
 - (f) Food Reserve Act; Cap. 303
 - (g) Markets and Bus Stations Act, 2007;
 - 25 (h) Standards Act; Cap. 225
 - (i) Public Health Act;
 - (j) Pharmaceutical Act, 2004; Act No. 7
of 2007
 - (k) Stock Diseases Act; Cap. 416
 - (l) Trades Licensing Act; Cap. 295
 - 30 (m) Tsetse Control Act; Act No. 14
of 2004
 - (n) Veterinary Surgeons Act; Cap. 252
 - (o) Water Act; Cap. 393
 - (p) Environmental Protection and Pollution Control Act; Cap. 249
 - (q) Zambia Development Agency Act, 2006; Cap. 243
 - 35 (r) Agricultural Credits Act; Cap. 198
 - (s) Agricultural Lands Act; Cap. 204
 - (t) Companies Act; Act. No. 11
of 2006
 - (u) Societies Act; and Cap. 224
 - (v) Weights and Measures Act. Cap. 187
- “stakeholder” means any person, organisation, institution, Cap. 388
Cap. 199
Cap. 403

private or public, interested in, concerned with, or involved in, the dairy industry or development of the dairy industry in Zambia, whether directly or indirectly; and
 “Standards Bureau” means the Zambia Bureau of Standards established by the Standards Act. 5

PART II

THE DAIRY INDUSTRY DEVELOPMENT BOARD

Establishment of Board 4. (1) There is hereby established the Dairy Industry Development Board which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with power, subject to this Act, to do all things as a body corporate may, by law, do or perform. 10

(2) The Schedule applies to the Board.

Composition of Board 5. (1) The Board shall consist of the following part-time members who shall be appointed by the Minister: 15

(a) one person representing the Zambia National Farmers Union;

(b) a representative of an association representing veterinarians;

Cap. 119 (c) one person representing the Dairy Association of Zambia registered under the Societies Act; 20

(d) one person elected by the members of the milk collection centres registered under the Co-operative Societies Act, 1998, or Societies Act;

Act No. 20 of 1998 (e) one person representing the Standards Bureau; 25

Cap. 119 (f) one person representing the Ministry responsible for finance;

(g) one person representing the Ministry responsible for livestock development;

(h) one person representing the Ministry responsible for local government; and 30

(i) one person representing the Ministry responsible for health; and

(j) one person representing the Association of Financial Institutions. 35

(2) The members referred to in subsection (1) shall be nominated by their respective institutions and shall be appointed by the Minister.

(3) The members shall elect a Chairperson and Vice Chairperson from amongst their number, except that the members appointed under paragraphs (e), (f), (g), (h), (i) and (j) shall not be elected as Chairperson.

- 5 **6. The functions of the Board are to—** Functions of
Board
- (a) promote the development of the dairy industry and advise the Minister on policies and strategies for the promotion and development of the dairy industry;
 - (b) regulate the dairy industry in accordance with this Act;
 - 10 (c) carry out or cause to be carried out market research relating to the dairy industry;
 - (d) cause to be conducted research in dairy farming and investigate problems affecting the industry;
 - 15 (e) develop and monitor strategies and plans designed to achieve and maintain self sufficiency and efficiency in milk production, processing, manufacturing and marketing in Zambia;
 - (f) promote the establishment of milk processing plants to receive, process and retail milk in an orderly manner that assures milk quality and safety;
 - 20 (g) support the development of informal milk markets, especially in remote rural areas where milk collection centers are non existent, ensuring that milk comes from tuberculosis brucellosis free herds and the milk has been hygienically produced and handled;
 - 25 (h) ensure the availability of appropriate technology for the dairy industry;
 - (i) create and promote a competitive environment conducive to fair play among the stakeholders in the industry;
 - 30 (j) collect, analyse and disseminate data and information relating to the dairy sector;
 - (k) establish and maintain an up to date data bank on the dairy sector using information from within and outside Zambia;
 - 35 (l) promote and facilitate the formation of cooperative societies and other associations of stakeholders and monitor their activities;
 - (m) promote and co ordinate the development of small, medium and large scale dairy farmers and processors;
 - 40 (n) render advice and technical assistance to milk collection centers under small holder dairy farmers;
 - (o) encourage and promote the consumption of milk and milk products within Zambia;

- (p) promote the training and improvement of skills in technological advancement in the dairy sector through training programmes, visits, study tours and agricultural shows and ensure that such technologies address the sensitivities of gender; 5
- (q) monitor trends for local dairy production, dairy export and import requirements;
- (r) monitor the implementation of agreements governing the sale of, or infrastructure development for, dairy factories and farms and submit a report to the Minister; 10
- (s) advise the Government on national strategic reserves for the dairy sector;
- (t) ensure that women, youth and other vulnerable groups are beneficiaries of any development programme under the dairy sector and ensure equity to resources; 15
- (u) liaise with all regulatory agencies;
- (v) organise dairy shows and the participation of stakeholders in such shows within and outside Zambia;
- (w) promote advocacy of the dairy industry; and 20
- (x) do all acts and things as are necessary incidental or conducive to the better carrying out of its functions under this Act.
7. The Board shall promote the availability of high quality livestock feeds and fodder in order to ensure sustained increase of milk yields and long term viability of the dairy industry by 25
- (a) providing clear guidelines on the supply of standardised quality feeds, in liaison with the appropriate regulatory agency;
- (b) promoting the even distribution of feed millers in milk shed areas; 30
- (c) encouraging private sector participation and competition in the feed industry;
- (d) promoting the production of seed for crops including drought tolerant crops, pasture seed as well as legume seed and other fodder crops so as to enhance the availability of feed at the farm level for the improvement of animal productivity; 35
- (e) encouraging the development of appropriate technological know how in forage management and storage; 40
- (f) encouraging dairy cooperative societies and farmer groups to install dehullers so as to obtain bran, and hammer mills in order to obtain by products from suitable crops;

(g) providing adequate services such as extension, research and market information; and

(h) supporting and strengthening individual dairy farmers to grow permanent and seasonal fodder crops.

5 **8.** The Board shall upgrade the production of milk from dairy animals by the use of high milk breeding value proven semen through natural service or the use of artificial insemination by

Animal
breeding
services

(a) harmonising and strengthening breed improvement services;

10 (b) supporting any institution dealing in artificial insemination services, pregnancy diagnosis and fertility testing in bulls;

(c) encouraging private participation in the provision of artificial insemination services;

15 (d) encouraging the sharing of costs between the private sector and the Government to give impetus to private veterinarians and inseminators to provide the service;

(e) ensuring that any institution dealing in artificial insemination services takes stock and approves the breeds used in accordance with the national dairy policy or as may be determined by the Board;

20 (f) render advice to dairy breeders associations for increased milk production;

(g) regulating the importation and use of exotic breeds in the country to ensure that only the desirable dairy genotypes are available to dairy farmers;

25 (h) supporting the establishment of any breeding society that shall establish a strong base for dairy genetic improvement and the carrying out of all official ancestry registrations and upgrading schemes of dairy animals; and

30 (i) encouraging the conservation of best sires by individual farmers and the use of these sires in any upgrading programme.

35 **9.** The Board shall ensure the availability of efficient and reliable animal health and clinical services as a vital input in dairy development.

Animal
health and
clinical
services

10. The Board may, in carrying out its functions under this Act

Powers of
Board

(a) investigate the cost of production, processing, distributing and transporting any milk or dairy product;

40 (b) investigate a price, price spread, trade practice, method of financing, management practice, grading policy or any policy or other matter relating to the marketing, production or processing of milk or milk products;

- (c) conduct a milk utilisation audit;
- (d) designate milk products for the purpose of this Act;
- (e) designate animals as dairy animals for the purpose of this Act;
- (f) investigate, arbitrate, adjudicate upon or otherwise settle any dispute arising under this Act; 5
- (g) formulate implementation plans, showing monthly and yearly activities to be undertaken, to implement its strategies for the carrying out of its functions; and
- (h) do such other acts and make such orders, guidelines and directives as are necessary for the implementation of this Act. 10
- Delegation **11.** Subject to the other provisions of this Act, the Board may, by directions in writing, and subject to any terms and conditions as it considers necessary, delegate to the Registrar, any member of the Board, staff of the Board and any committee of the Board any of its functions under this Act. 15
- Registrar of Board **12.** (1) The Board shall appoint a Registrar, who shall be the chief executive officer of the Board and Secretary of the Board, on such terms and conditions as the Board may determine. 20
- (2) The Registrar shall be responsible, under the direction of the Board, for the
- (a) management and administration of the affairs of the Board;
- (b) implementation of the decisions of the Board; and
- (c) any other functions assigned to the Registrar by the Board or under this Act. 25
- (3) The Registrar shall attend meetings of the Board and may attend meetings of any committee of the Board, and may address such meetings, but shall have no vote.
- Staff of Board **13.** The Board may appoint, on such terms and conditions as it may determine, experts and such other staff as it considers necessary for the performance of its functions under this Act. 30

PART III

REGISTRATION PROVISIONS

- Application for Registration **14.** (1) Any person who deals with milk or milk products shall, within twelve months from the commencement of this Act, register with the Board under this Act, in the prescribed manner and form. 35
- (2) Any person shall, in accordance with the prescribed criteria, conditions and procedure, apply to be registered as a—
- (a) producer, processor or marketing agent; 40
- (b) producer processor;
- (c) milk or milk products importer or exporter;

- (d) dairy inputs supplier or importer;
- (e) milk vendor; or
- (f) retailer.

5 (3) The Minister may, by regulations and on the recommendation of the Board, prescribe the criteria, terms and conditions for registration under this Act, including-

- (a) the form of, and procedure for, making an application for registration;
- 10 (b) the information and documents to be submitted with an application for registration;
- (c) the fee payable on the issuing or renewal of a certificate of registration;
- (d) the procedures and conditions for the variation, suspension, revocation and renewal of any certificate of registration issued under this Part;
- 15 (e) the form and procedure to be used when making any objection under this Part;
- (f) any notices that are required to be issued under this Part;
- (g) the form and procedure for making any appeal under this Part; and
- 20 (h) such other matter as may be necessary to ensure an efficient and fair registration and certification system.

(4) Any person who contravenes this section or any regulations made under this section commits an offence and is liable, upon conviction, to the general penalty provided under section *thirty two*.

25 **15.** The Board shall register any applicant who meets the prescribed criteria and conditions for registration, within fourteen days of receiving the application for registration, and issue that applicant with a certificate of registration.

Issue of certificate of registration

30 **16.** (1) The Board may refuse to register any applicant under section *fifteen* if the applicant does not meet any prescribed criteria or condition, after notifying the applicant of its intended decision and giving the applicant seven days in which to make any objections, in writing, against such decision or to remedy any defect that necessitated that intended decision.

Refusal to register

35 (2) The Board shall take into account any objection or remedy made by an applicant under subsection (1) before making its final decision whether to register or to refuse to register the applicant.

Variation, suspension and revocation of registration	<p>17. (1) The Board may, if a registered person fails to comply with the terms and conditions of the registration, vary, suspend or revoke the registration of that person, after giving that person fourteen days notice to that effect and an opportunity to be heard, in accordance with regulations issued by the Minister under subsection (3) of section <i>fourteen</i>.</p> <p>(2) The variation, suspension or revocation of registration may be in addition to any other penalty to which the registered person may be liable under this Act.</p>	5
Validity of certificate of registration	<p>18. A certificate of registration, issued under this Act, shall be valid for two years and shall be renewable for a further period of two years on payment of a prescribed fee.</p>	10
Certificate of registration not transferable	<p>19. A certificate of registration issued under this Act shall not be transferable.</p>	
Replacement of lost or destroyed certificate of registration	<p>20. (1) Where a certificate of registration, issued under this Act, is lost or destroyed the holder of such a certificate may apply to the Board for a replacement and the Board shall, after being satisfied with proof of loss from the applicant and on payment of a prescribed fee, issue a copy of the certificate.</p> <p>(2) A certified copy of the certificate of registration shall be as effective as the original certificate.</p>	15
Appeals	<p>21. (1) Any person who is aggrieved with a decision of the Board may, within thirty days from the date of the decision, appeal to the Minister.</p> <p>(2) An appeal may be lodged to the Minister in respect of any decision of the Board to refuse to register or renew the registration of any person or against the variation, revocation or suspension of any registration under this Act.</p> <p>(3) The Minister may, for any good reason, extend the time for lodging of an appeal under subsection (1).</p> <p>(4) In determining an appeal under this section, the Minister may</p> <p>(a) dismiss the appeal;</p> <p>(b) require the Board to register, or renew the registration of, the applicant and issue the certificate of registration;</p> <p>(c) quash any variation, suspension or revocation of the registration or substitute any suspension for a revocation of the registration; or</p> <p>(d) order a person to make a fresh application for registration under this Act.</p>	20 25 30

(5) The Board shall give effect to any decision made by the Minister.

22. (1) The Registrar shall

Register

- 5 (a) keep and maintain a register of all registered persons;
(b) maintain a data base on such information relating to the dairy industry as may be prescribed; and
(c) publish, periodically, in a daily newspaper of general circulation in Zambia, the register of registered persons kept under paragraph (a).

10 PART IV

THE DAIRY INDUSTRY DEVELOPMENT FUND

23. (1) There is hereby established the Dairy Industry Development Fund.

Establishment of Fund

(2) The Fund shall consist of —

- 15 (a) all moneys received by the Board for the development of the dairy industry;
(b) such sums of money as may be appropriated by Parliament for the purpose of developing the dairy industry as specified under this Act;
20 (c) all fees, levies and other charges payable under this Act or any law;
(d) such donations and grants as the Board may receive from stakeholders, foreign or local organisations or foreign governments;
25 (e) income derived from investments; and
(f) any other source of income approved by the Minister for purposes of the Fund.

24. The Board shall manage the Fund for the following purposes:

Purpose of Fund

- 30 (a) to support various dairy development activities including dairy training, dairy market research, upfront procurement for sale to the dairy farmers or dairy industry of containers, coolers, instant chillers, liquid nitrogen flasks and other dairy and hardware equipment;
35 (b) to support artificial insemination and artificial insemination services, the development and promotion of milk and milk products, consumption and export of milk and milk products; and
40 (c) to cover the cost of any other dairy development activities as may be required in the furtherance of the Board's functions and powers under this Act.

25. The Fund shall be managed by the Board in accordance with sound financial accounting procedures.

Management of Fund

Accounts and annual report	<p>26. (1) The Board shall prepare or cause to be prepared accounts and records of transactions relating to the Fund in every financial year of the Board, and shall ensure that all moneys received are properly accounted for, and all payments are properly authorised and correctly made and that adequate control is maintained over its property and the incurring liabilities. 5</p> <p>(2) The Registrar shall, within sixty days after the end of each financial year of the Board, submit to the Board an annual report, in respect of the Fund, for that year containing</p> <p style="padding-left: 2em;">(a) audited statement of accounts; 10</p> <p style="padding-left: 2em;">(b) general information relating to the development activities undertaken by the Board and the dairy industry during the preceding financial year; and</p> <p style="padding-left: 2em;">(c) other information as the Board may, prior to the completion of the annual report or any supplement to the report, request in writing. 15</p>
Auditing of Fund	<p>27. (1) The Fund shall be audited, within ninety days after the end of the Boards' financial year, by any qualified firm of auditors appointed by the Board and approved by the Auditor General. 20</p> <p>(2) A firm of auditors appointed under subsection (1), shall audit the Fund, within sixty days of the receipt of the accounts, and present the audited accounts and its opinion to the Board.</p> <p>(3) The Board may order any other audit in addition to the audit specified under subsection (1).</p> <p>(4) As soon as the Fund has been audited, and in any case not later than ninety days after the close of the financial year of the Board, the Board shall submit the audited statements of accounts, together with the Board's annual report prepared under Part II of the Second Schedule, to the Minister. 25 30</p> <p>(5) The Board may, with the approval of the Minister, invest any moneys not required for immediate use.</p>

PART V

GENERAL PROVISIONS 35

Obstruction of member or staff of Board	<p>28. Any person who, directly or indirectly, impedes or obstructs any staff or member of the Board in the performance of their duties, under this Act, commits an offence and is liable, upon conviction, to the general penalty provided for under section <i>thirty two</i>. 40</p>
Inspections	<p>29. (1) The Board may appoint, on such terms and conditions as it may determine, inspectors as it considers necessary for the performance of its functions under this Act.</p>

(2) A member may resign upon giving one month's notice, in writing, to the organisation which nominated the member and to the Minister.

5 (3) On the expiration of the period for which a member is appointed, the member shall continue to hold office until a successor has been appointed but in no case shall the further period exceed four months.

10 3. Whenever the office of a member becomes vacant before the expiry of the term of office, the Minister may appoint in accordance with section *seven*, another member in place of the member who vacates office but such member shall hold office only for the unexpired part of the term.

Filling of
casual
vacancy

15 4. (1) The Board may, for the purposes of performing its functions, establish such committees as it considers necessary and delegate to any of those committees any of its functions.

Committees
of Board

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

20 (3) A person serving as a member of a committee shall hold office for such period as the Board may determine.

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

25 5. (1) Subject to this Act, the Board may regulate its own procedure.

Proceedings
of Board

(2) The Board shall meet for the transaction of business at least once in every three months at such places and times as the Chairperson may determine.

30 (3) The Chairperson may, upon giving notice of not less than fourteen days, call a meeting of the Board and shall call a special meeting to be held within fourteen days of receipt of a written request to the Chairperson by at least five members of the Board.

(4) If the urgency of any particular matter does not permit the giving of such notice as is required under subparagraph (3), a special meeting may be called by the Chairperson, upon giving a shorter
35 notice.

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

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

(a) the Chairperson; or

(b) in the absence of the Chairperson, the Vice Chairperson, and in the absence of the Chairperson and the Vice Chairperson, such member as the members present may elect for the purpose of that meeting.

(7) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote. 5

(8) The Board may invite any person, any research institution or business dealing with milk or milk products, whose presence is in its opinion desirable, to attend and to participate in the deliberations of the meeting of the Board but such person and representative shall have no vote. 10

(9) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings. 15

Allowances
for members

6. The members of the Board or any committee shall be paid such allowances as the Board may, with the approval of the Minister, determine. 20

Disclosure of
interest

7. (1) If a member or any person is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration and in which matter the member or that person or the member's or that person's spouse is directly or indirectly interested, in a private capacity, the member or person shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter. 25 30

(2) A declaration of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) Any person who contravenes subparagraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding three months, or to both. 35

Prohibition
of disclosure
of
information
to
unauthorised
persons

8. (1) A person shall not, without the consent in writing given by, or on behalf of, the Board, publish or disclose to any person otherwise than in the course of duties, the contents of any document, communication or information which relates to, and which has come to that person's knowledge in the course of that person's duties under this Act. 40

(2) Any person who contravenes sub paragraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

5 **9.** In the exercise of any power or function under this Act, anything done or omitted to be done by the Board, any member or person acting on the direction of the Board shall not subject the Board, member or any other person referred to in this section, in that person's personal capacity, to any action, suit, claim or demand, 10 whatsoever, if it was done or omitted to be done in good faith for purposes of executing this Act. Immunity of Board and member

PART II
FINANCIAL PROVISIONS

15 **10.** (1) The funds of the Board shall consist of such moneys as may (a) be appropriated to the Board by Parliament for the purposes of the Board; (b) be paid to the Board by way of consultancy fees, grants or donations; and 20 (c) otherwise vest in or accrue to the Board. (2) The Board may (a) accept moneys by way of grants or donations from any source in Zambia and subject to the approval of the Minister, from any source outside Zambia; 25 (b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and (c) in accordance with the regulations made under this Act, charge fees for services provided by the Board. 30 (3) There shall be paid from the funds of the Board (a) the salaries, allowances, loans, gratuities and pensions of staff of the Board and other payments for the recruitment and retention of staff; (b) such reasonable travelling and subsistence allowances 35 for members of the Board and members of any committee of the Board when engaged on the business of the Board and at such rates as the Board may, with the approval of the Minister, determine; and (c) any other expenses incurred by the Board in the 40 performance of its functions. (5) The Board may, after the approval of the Minister, invest in such manner as it thinks fit such of its funds as it does not immediately require for the discharge of its functions. Funds of Board

Financial year	11. The financial year of the Board shall be the period of twelve months ending on 31st December in each year.	
Accounts	12. (1) The Board shall cause to be kept proper books of account and other records relating to its accounts.	5
	(2) The accounts of the Board shall be audited annually by independent auditors appointed by the Board with the approval of the Auditor General.	
	(3) The auditor's fees and expenses for preparing audited accounts for the Board shall be paid by the Board.	10
Annual report	13. (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Board shall submit to the Minister a report concerning its activities during the financial year and that of the Fund.	
	(2) The report of the Board referred to in subparagraph (1), shall include information on the financial affairs of the Board and there shall be appended to the report	15
	(a) an audited balance sheet of the Board and the Fund;	
	(b) an audited statement of income and expenditure of the Board and the Fund; and	20
	(c) such other information as 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 sub paragraph (1), lay the report before the National Assembly.	30

**THE DAIRY PRODUCE MARKETING AND LEVY (REPEAL)
BILL, 2010**

MEMORANDUM

The objects of this Bill is to repeal the Dairy Produce Marketing and Levy Act.

A. J. SHONGA JNR,
Solicitor-General

N.A.B. 20, 2010
17th February, 2010

A BILL

ENTITLED

An Act to repeal the Dairy Produce Marketing and Levy Act.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Dairy Produce Marketing and Levy (Repeal) Act, 2010.

Short title

2. The Dairy Produce Marketing and Levy Act, 1962, is hereby
5 repealed.

Repeal of
Cap. 234