



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON AGRICULTURE, LANDS AND NATURAL RESOURCES

ON THE

THE PLANT HEALTH BILL, N.A.B NO. 20 OF 2024

FOR THE

FOURTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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FOREWORD

Honourable Madam Speaker, the Committee on Agriculture, Lands and Natural Resources has the honour to present its Report on the Plant Health Bill, N.A.B No. 20 of 2024. The functions of the Committee are set out under Standing Orders 206(a) and 207 of the National Assembly of Zambia Standing Orders, 2024. Specifically, Standing Order 207(j) provides that a portfolio Committee shall study and review Bills referred to it by the House.

In order to acquaint itself with the ramifications of the Bill, the Committee held fourteen meetings and sought both written and oral submissions from stakeholders. The stakeholders who appeared before the Committee, are listed at Appendix II of the Report. The Report is organised in three parts. Part I provides a background and summary of the provisions of the Bill, Part II presents the summary of submissions from stakeholders, while Part III constitutes the Committee's observations and recommendations.

The Committee is grateful to the stakeholders who tendered both written and oral submissions. The Committee further wishes to thank you, Madam Speaker, for affording it the opportunity to scrutinise the Plant Health Bill, N.A.B No. 20 of 2024. The Committee's appreciation is further extended to the Office of the Clerk of the National Assembly for the support and guidance rendered throughout its deliberations.



Mr Kasauta S Michelo, MP
CHAIRPERSON

November, 2024
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr Kasauta S Michelo, MP (Chairperson); Ms Maureen Mabonga, MP (Vice Chairperson); Mr Tyson Simuzingili, MP; Mr Michael J Z Katambo, MP; Mr Lusale J Simbao, MP; Mr Yotam Mtayachalo, MP; Mr Andrew Tayengwa, MP; Mr Peter Phiri, MP; Mr Mweemba Malambo, MP; and Mr Ackleo I A Banda, MP.

PART I

2.0 BACKGROUND

It had been observed that the regulatory framework aimed at protecting cultivated and wild plants was inadequate in responding to issues relating to plant health in the country. As a result, the Plant Health Bill, N.A.B No. 20 of 2024, was presented to the National Assembly for enactment into law. It was envisaged that once the Bill was enacted, it would strengthen and promote the effective regulation of plant health, and address the evolving challenges on contemporary agriculture trade facilitation and phytosanitary matters.

3.0 OBJECTS OF THE BILL

The objects of the Bill were to:

- (a) protect plant resources;
- (b) provide the functions of the Plant Quarantine and Phytosanitary Service Department; provide for the registration of pest controllers and plant related structures;
- (c) regulate imports and exports to prevent the introduction or spread of a pest;
- (d) give effect to the International Plant Protection Convention established in 1952;
- (e) repeal the Plant Pests and Diseases Act, 1958; and
- (f) provide for matters connected with, or incidental to, the foregoing.

4.0 SALIENT PROVISIONS OF THE BILL

The summarised provisions of the Bill were as set out below.

Part One

Clauses 1 to 2 – Preliminary Provisions

This Part provided for preliminary provisions being the short title, commencement and interpretation of key words and phrases used in the Bill in order to make the law easier to be understood by the citizens and those tasked to implement the law.

Part Two

Clauses 3 to 5 – The Plant Quarantine and Phytosanitary Service Department

This Part provided for the responsibility and functions of the Plant Quarantine and Phytosanitary Service Department in the ministry responsible for agriculture in clause 3. The Part also mandated the Civil Service Commission to appoint a Director, inspectors and other staff.

The Part further empowered the Director to delegate, in writing, any of the Director's functions under the Act to an inspector or other staff that the Director considered necessary. It further empowered the Director to delegate in writing, any or all of the powers and duties of an inspector to a customs officer or other authorised person in any area of the Republic.

Part Three

Clauses 6 and 7 – Registration of Pest Controllers

These clauses prohibited employing or engaging a person as a pest controller unless that person was registered under the proposed law. The Part also provided for the sanctioning of a person who failed to comply with this provision. It further provided for application for registration as pest controller.

Part Four

Clauses 8 to 11 – Registration of Plant Related Structures

This Part prohibited operating plant related structure without registration and provided for application for the registration of plant related structure. The Part also provided for the requirements for registered laboratory to ensure that it was equipped to carry out phytosanitary analysis and diagnostic tests; and inspection of plant related structure to ensure compliance with the conditions of the certificate of registration and the provisions of the Bill.

Part Five

Clauses 12 to 20 – Importation of a Plant, Plant Product and Article

This Part provided for, among other things, the prohibition of importation of plant, plant product or article without plant import permit and phytosanitary certificate. It also provided for the application for plant import permit and empowered the Director to suspend or revoke a plant import permit. The Part further placed an obligation on owner, master, passenger, captain or agent of conveyance to provide documents and other relevant information required by an inspector on arrival at airport or port of entry. Furthermore, the Part provided for the duty of customs officer or other relevant officer. The Part also permitted the importation of plant product for scientific or research purposes; and provided for seizure, detention and destruction of infested imported consignment; prohibition, restriction and regulation of import of plant, plant product or article; and costs for treatment, removal and destruction of plant, plant product or article imported in contravention of the law.

Part Six

Clauses 21 to 24 – Exportation of Plant, Plant Product and Article

The Part prohibited the export of plant, plant product or article without a phytosanitary certificate and required a person intending to export to apply for a phytosanitary certificate. It also empowered the Director to suspend or revoke a phytosanitary certificate under certain circumstances including failure to comply with any phytosanitary measure and obtaining the phytosanitary certificate

fraudulently. Additionally, the Part provided for pre-clearance of plant, plant product or article to be exported.

Part Seven

Clauses 25 to 37 – Containment and Eradication of Pests

This Part provided for, among other things, notification of presence of pest by owner or occupier of premises or local authority; declaration of quarantine land, premises or area; designation of plant quarantine station; declaration of infested land, premises or area; and duty of owner to eradicate pest.

The Part also provided for the destruction of plant from infested or quarantine land, premises or area. Furthermore, the Part provided for the lifting of declaration of quarantine. In addition, it provided for the prevention of introduction of invasive alien species; and empowered the Minister on the recommendation of the Director to declare a phytosanitary emergency by statutory instrument.

Part Eight

Clauses 38 to 48 – Inspectorate

The Part provided for, among other things, inspectors and their powers; the inspection of plant, plant product or article that was imported or in-transit; and detention, seizure or destruction of imported plant, plant product or article unlawfully imported.

The Part also provided for detention of conveyance; seizure of plant, plant product or article; disposal of seized plant, plant product or article; and disposal of abandoned plant, plant product or article. The Part further made willful obstruction of an inspector, and knowingly and negligently giving false information an offence under this proposed law; and empowered a law enforcement officer to arrest without warrant under certain circumstances.

Part Nine

Clauses 49 to 63 – General Provisions

This Part contained general provisions relating to, among others, the suspension or cancellation of certificate of registration under certain circumstances; re-registration; transfer of certificate of registration; cessation of business; change in details; duplicate certificate of registration, plant import permit or phytosanitary certificate; compliance order; detention order; and cost order. Other provisions included the prohibition of publication or disclosure of information to unauthorised persons; immunity of the Director, an inspector or other staff of the Department, for an act done or omitted to be done in good faith in the exercise or performance of a power, function or duty conferred under the proposed law. The Part further provided for the appeals procedure for decisions made under the Act; general offences; and regulations.

PART II

5.0 CONCERNS RAISED BY STAKEHOLDERS

Stakeholders who appeared before the Committee were in support of the Bill. However, in doing so, they raised the concerns outlined below.

(i) Part Three– Registration of Pest Controllers

Stakeholders observed that Clauses 6 and 7 provided for prohibition of employment or engagement of a person as a pest controller without registration. Stakeholders were of the view that this had the potential to affect small-scale farmers who would face challenges due to compliance costs, particularly costs related to pest control, quarantine measures, and registration fees for plant related structures.

(ii) Part Four– Registration of Plant Related Structures

Stakeholders welcomed the prohibition of operating plant related structures without registration as provided for in Clause 8. However, they were concerned that there was inadequate information relating to phytosanitary among members of the public.

(iii) Part Six– Exportation of Plants, Plant Product and Article

Stakeholders welcomed the proposal in Clause 24 for pre-clearance inspection prior to export of a plant or plant product or upon request from the importing country, which would ensure safety of the imported plant, plant product or articles in Zambia. However, they were concerned that application for permits, inspections, export and import processes had not been integrated into a one-single-window under the Coordinated Border Management System. Stakeholders were of the view that if imports and export requirements relating to plant, plant products were automated and integrated into a one-single-window, they would enhance the monitoring processes.

(iv) Part Seven – Containment and Eradication of Pests

Stakeholders observed that Clause 35 provided for prevention or introduction of invasive alien species in the country. However, they were concerned that the provision was limited in terms of controlling invasive alien species such as *lantana camara*, which were already in the country.

(v) Part Nine– General Provisions

While acknowledging that penalties were intended to deter non-compliance, stakeholders were concerned that such penalties as provided for in Clause 61(2), if applied, would disproportionately affect small-scale businesses and individuals who lacked resources and knowledge about the regulations. They were of the view that a more graded penalty structure that would allow for warnings, less fines for first time offenders and minor infractions should be included in the law.

5.5 SUBMISSION BY THE PERMANENT SECRETARY – MINISTRY OF AGRICULTURE

The Committee also interacted with the Permanent Secretary who submitted that the Plant Health Bill, N.A.B. No 20 20f 2024, had several positive implications, which, if enacted, would be of great benefit to Zambia. Among other benefits, the Bill would:

- (i) address the limitations of the *Plant Pests and Diseases Act, Chapter 233, of the Laws of Zambia* that hindered the implementation of an efficient plant health system in the country;
- (ii) create an effective legal framework, which would facilitate a fair and safe competitive international trade and protect Zambia’s plant genetic resources;
- (iii) strengthen the plant health and phytosanitary system and align it with international best practices and standards. It would also enhance diagnostics and registration of pest controllers and plant health laboratories;
- (iv) ensure enhanced facilitation of safe local and international agricultural trade of plant, plant-based products and other regulated articles through the issuance of phytosanitary documents. The law would also enhance compliance with the phytosanitary requirements of Zambia’s trading partners;
- (v) ensure efficient phytosanitary certification system that would provide for the exportation and importation of plants and plant products;
- (vi) enhance pest risk analysis and scan in order to manage the threat of invasive species cost-effectively and facilitate safe and fair trade under the World Trade Organisation rules;
- (vii) legally empower an inspectorate that would contribute to the enhancement of an efficient plant health delivery system in the country; and
- (viii) improve and provide for the establishment of an efficient national plant protection organisation, whose operations and structures would be streamlined to effectively deliver on its mandate of preventing the introduction and spread of plant pests into the country.

6.0 COMMITTEE’S OBSERVATIONS AND RECOMMENDATIONS

The Committee makes the observations and recommendations set out below.

(i) **Part Three – Containment and Eradication of Pests**

The Committee observes that although Clause 35 provides for prevention of invasive alien species, the provision is limited in terms of controlling invasive alien species such as *lantana camara*, which are already in the country.

The Committee, therefore, recommends that the Bill should include a provision that addresses the threat of invasive alien species of flowers which are already in the country. Further, the law should list prohibited invasive alien species in homes and public places; and empower inspectors, and law enforcement offices to remove and destroy invasive alien species on private or public land premises or protected areas.

(ii) Part Three – Registration of Pest Controllers

The Committee observes that Clauses 6 and 7 prohibit employment or engagement of a pest controller without registration. It is the view of the Committee that the registration and other related processes required in the phytosanitary business, as contained in this Part have the potential to affect small-scale farmers who will be unable to meet the compliance costs, and other costs related to pest control, and registration fees for plant related structures.

The Committee, therefore, urges the Government to consider including provisions in the law, which will favour small scale farmers by way of introducing a graduated compliance mechanism, specifically for small-scale businesses. Additionally, there should be incentives in form of reduced fees for small businesses.

(iii) Part Four – Registration of Plant Related Structures

The Committee observes, with great concern, the lack of knowledge and information about phytosanitary related services and registration for plant related structures and processes. It is the view of the Committee that the lack of information may disadvantage users such as transporters, customs officers, farmers, extension officers, inspectors and many other interested groups.

The Committee, therefore, strongly recommends that the Government should conduct robust sensitisation and implement awareness programmes especially among users such as transporters, customs officers, farmers, extension officers and inspectors. The Committee further recommends that the Government should develop a Phytosanitary Information Management System that will serve as a repository for pest information, which will benefit a range of users. It will also enhance effective and swift movement of such goods at the borders.

(iv) Part Six – Exportation of Plants, Plant Product and Article: Need for Automation of the Processes

The Committee observes that Part Six prohibits the exportation of a product, plant products or article without a phytosanitary certificate and also prescribes penalties for contravening this provision. The Committee is, however, of the view that these processes cannot be done manually or on a separate platform by one institution.

In this regard, the Committee recommends that all the processes from the application for permits, inspections, export and import of a plant, plant products or articles should be automated and integrated in a single window under the Coordinated Border Management System.

(v) Part Nine – General Offences

The Committee observes that the penalties outlined in the Bill under Clause 61 are too stringent with heavy fines and prison terms. While the Committee supports the need for penalties in order to deter non-compliance, stringent measures may disproportionately affect small-scale businesses and individuals who lack the necessary resources and knowledge about the introduced regulations.

In this regard, the Committee recommends that the Government should put in place a more graduated penalty structure, which will provide for small businesses in terms of warnings, less fines for first time offenders and minor infractions.

7.0 CONCLUSION

The Committee is in support of the Plant Health Bill, N.A.B No. 20 of 2024, as it seeks to strengthen and promote the effective regulation of plant health, and address the evolving challenges on contemporary agriculture trade facilitation and phytosanitary matters.

The Committee is confident that as the Bill is enacted into law, its observations and recommendations will be taken into consideration.



Mr Kasauta S Michelo, MP
CHAIRPERSON

November, 2024
LUSAKA

APPENDIX I - List of National Assembly Officials

Mr Stephen Chiwota, Director – Financial Committees
Mrs Angela Banda, Deputy Director – Financial Committees
Ms Chitalu Mulenga, Senior Committee Clerk (FC2)
Mr Evans Chilongu, Committee Clerk
Ms Eneless Njobvu, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II - List of Witnesses

Ministry of Justice
Ministry of Agriculture
Ministry of Water Development and Sanitation
Ministry Technology and Science
Ministry of Lands and Natural Resources
Ministry of Green Economy and Environment
Ministry of Finance and National Planning
Ministry of Tourism
Ministry of Local Government and Rural Development
Ministry of Transport and Logistics
Civil Service Commission
Zambia Revenue Authority
Zambia Compulsory Standards Agency
Caritas Zambia
Bicarbon Partners Zambia
Oxfam Zambia
Civil Society for Poverty Reduction
Zambia Environmental Management Agency
Zambia Institute for Policy Analysis and Research
Zambia Climate Change Network
Policy Monitoring and Research Centre