



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON AGRICULTURE, LANDS AND NATURAL RESOURCES**

**ON THE**

**ANIMAL IDENTIFICATION AND TRACEABILITY BILL, N.A.B. NO. 2 OF 2024**

**FOR THE**

**THIRD 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 consideration of the Animal Identification and Traceability Bill, N.A.B. No. 2 of 2024, for the Third Session of the Thirteenth National Assembly. The Committee is mandated to consider any Bills that may be referred to it by the House, as per Standing Order 198(j) of the National Assembly of Zambia Standing Orders, 2021.

In order to acquaint itself with the ramifications of the Bill, the Committee sought both written and oral submissions from different stakeholders, the list of which is at Appendix II. The Report highlights a summary of submissions from stakeholders and the observations and recommendations made by the Committee.

Madam Speaker, the Committee is grateful to the stakeholders who tendered both written and oral submissions. The Committee also wishes to thank you, for affording it the opportunity to scrutinise the Animal Identification and Traceability Bill, N.A.B. No. 2 of 2024. Further, appreciation is extended to the Clerk of the National Assembly for the support and guidance rendered throughout the Committee's deliberations.



Mr Kasauta S Michelo, MP  
**CHAIRPERSON**

March, 2024  
**LUSAKA**

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## **1.0 COMPOSITION OF THE COMMITTEE**

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

## **2.0 BACKGROUND**

*The Animal Identification Act, No. 28 of 2010*, was not comprehensive in providing for animal identification and traceability. It had therefore, become necessary to repeal and replace the Act so as to establish a comprehensive animal identification and traceability system for animals, animal products and animal by-products. The Animal Identification and Traceability Bill, 2024 was presented to Parliament for enactment into a law that would provide for a comprehensive animal identification and traceability system.

## **3.0 OBJECTS OF THE BILL**

The objects of the Bill were to:

- (a) establish the Animal Identification and Traceability Unit and provide for its functions;
- (b) provide for an Animal Identification and Traceability System;
- (c) provide for notification of premises;
- (d) provide for registration of animal identification marks and agents;
- (e) provide for the traceability of animals, animal products and animal by-products;
- (f) repeal and replace the Animal Identification Act, 2010; and
- (g) provide for matters connected with, or incidental to the foregoing.

## **4.0 SALIENT PROVISIONS OF THE BILL**

The provisions of the Animal Identification and Traceability Bill, N.A. B. No. 2 of 2024, were as set out hereunder.

### **PART I**

#### **Clauses 1 to 3 – Preliminary Provisions**

Part I of the Bill, provided for the citation of the Act once enacted, commencement and its interpretation.

### **PART II**

#### **Clauses 4 to 9 – The Animal Identification and Traceability Unit**

Part II of the Bill provided for the establishment of the Animal Identification and Traceability Unit. Clause 5 in particular provided for the functions of the Unit, which among others included to design, develop and manage an animal identification and traceability system for the Republic. It further provided for the appointment of a traceability officer and other staff as well as the powers of the office. Clause 9 of this Part provided for immunity to the officers of the Unit and

law enforcement officers against actions for acts done in good faith and without negligence in the execution of duties and exercise of powers under the Act.

### **PART III**

#### **Clauses 10 to 18 – Animal Identification and Traceability System**

This Part provided for the components of the animal identification and traceability system, prohibition of dealing in unidentified animal, animal product or animal by product. It further provided for the compulsory animal, animal product and animal by-product identification, the specifications for animal identification marks and devices for marking animals and the internal traceability system for the purpose of tracing animal, animal products and animal by-products. Other provisions included transfer of an animal identifying device, surrender of used animal identifying device, traceability of imported, exported or in transit animal, animal product or animal by-product by the *Animal Health Act, No. 27 of 2010* and the disease control zonal marks.

The Part also provided for the prohibition of dealing in unidentified animals, animal product or animal by-product. For example, Clause 11 prohibited a person from, among others, selling, moving, or presenting for slaughter or for any other purpose, an animal that was not identified in accordance with the Act, processing an animal, animal product or animal by-product that was not identified in accordance with this Act, or exhibiting, storing, distributing, importing or exporting, or marketing an animal, animal product or animal by-products that was not identified in accordance with this Act. The clause further imposed a penalty on a person who failed to comply with the foregoing.

### **PART IV**

#### **Clauses 19 to 29 – Registration of Animal Identification Marks and Notification of Premises**

Part IV provided for the prohibition of operation on unnotified premises and keeping, etc, of unidentified animals and the notification of premises. It also provided for the application for registration of animal identification marks, application for special animal identification mark, duration and renewal of animal identification mark certificates. Other provision in Part IV was Clause 25 that prohibited the transfer of an animal identification mark certificate to another person without the prior approval of the traceability officer. Additionally, the Clause required a holder of an animal identification mark certificate who intended to transfer the certificate to another person to apply to the traceability officer as prescribed. Clause 27 provided for a holder of an animal identification mark certificate who decided to discontinue the business or activity to which the certificate related, to notify the traceability officer, in writing, and to agree with the traceability officer on the terms of the surrender of the certificate. Further, the Clause required the traceability officer to cancel a certificate surrendered.

### **PART V**

#### **Clauses 30 to 39 – Animal Identification and Traceability Agents**

This Part provided for the prohibition of acting as an agent without registration and conditions when an agent may act on behalf of an applicant. It also provided for the process of application for registration as an agent, eligibility, duration and renewal of agent certificate, prohibition of transfer of agent certificate as well as change in the details. Further, the Bill in Clause 38

required a holder of an agent certificate who decided to discontinue the business or activity to which the agent certificate related, to notify the traceability officer, in writing, and to agree with the traceability officer on the terms of the surrender of an agent certificate. In addition, the Clause empowered the traceability officer to cancel an agent certificate that was surrendered.

## **PART VI**

### **Clauses 40 to 43 – Review and Appeals**

Part VI provided for the reviews and appeals, for instance, Clause 40 permitted that a person dissatisfied with the decision of a traceability officer to apply to the Director for review of the decision within thirty days of the decision. Part VI further provided for the appointment and convening of a tribunal, its powers and decisions.

## **PART VII**

### **Clauses 44 to 53 – General Provisions**

Part VII of the Bill provided for the record of animals, animal products and animal by-products, maintaining of registers by the traceability officer as well as publication of copies of the registers. Further, Clause 47 of Part VII provided for the provision of information as evidence when need arose, these were to include records, certificates or computer printouts purporting to have been issued by the traceability officer relating to registration, or transfer or suspension or revocation of the registration of an animal identification mark, premises or an agent under the Act, or the ownership of an animal identification mark, or any other particulars contained in the animal, animal product, animal by-product or identification and traceability information. Other provisions in Part VII included general offenses, general penalty, the power of court to order cancellation of certificate, guidelines, regulations and the repeal of the *Animal Identification Act, No. 28 of 2010* as well as savings and transitional provisions.

## **5.0. SUBMISSIONS AND CONCERNS OF STAKEHOLDERS**

### **5.1. Clause 2: Definition Clause**

Stakeholders submitted that there was need to define a number of words starting with; “**animal identifier**” which should mean, an animal identifier registered under the Act for the purpose of identifying and tracing animals, animal products and animal by-products. They stated that this interpretation would replace animal identification marks. They stated that an Identifier can include microchips, boluses, ear tags, brand marks, other marks, or any device.

They further stated that there was also need to interpret “**animal identification system**” which would mean inclusion and linking components under the act used for the purpose of animal identification and traceability in Zambia.

They submitted that law enforcement officer in the Bill should include Veterinary Officer in the employment of the Civil Service of Zambia.

It was their submission that “**Traceability Officer**” must be changed to “**Identification and Traceability Officer**”.

With regard to Clause 4(3), which provided for decentralisation, stakeholders submitted that successful implementation in a decentralised system required collaboration among government agencies, private stakeholders, and farmers. They stated that farmers were very important stakeholders who unfortunately were almost always unrecognised.

They submitted that to ensure effectiveness in the implementation, internal monitoring, and evaluation, reporting mechanisms may need to be enhanced.

## **5.2. Clauses 4 to 9: Animal Identification and Traceability Unity**

Stakeholders submitted that this function was enormous and required a dedicated staff to be specifically assigned to carry out activities. They stated that this was the case in other jurisdictions such as Botswana, Namibia and the United Kingdom which had enhanced animal identification and traceability units.

Stakeholders submitted that the Traceability Unit should be established in the ministry responsible for **Livestock and Fisheries** as fisheries was missing in clause 4 of the bill.

Stakeholders submitted that Clause 5 (a) should include the words; establish, design, develop, manage, and enforce and that Clause 5 (b) should read “to regulate and register animals including epidemiological units or groups.

They submitted that Clause 6, which provided for the position of Traceability Officer, made the officer to be under the supervision of the Director of the Department responsible for Veterinary Services in a ministry in charge of livestock.

Stakeholders submitted further that the proposed position was too junior for the magnitude of the responsibilities vested in the Traceability Officer. It was their submission that his/her decision making power and quick response to issues would be affected negatively. They bemoaned that, placing this position under other officers would make it susceptible to abuse and ineffectiveness. They suggested that, if possible, this office should have been made an agency like Road Transport and Safety Agency or at least elevate it to the level of a deputy director.

## **5.3. Section 10: Components of animal identification and traceability system**

Stakeholders submitted that Clause 10 provided for the components of animal identification and traceability system. They submitted that this described the components of the system: registration of animal identification marks; maintenance of premises records; issuance of animal identification marks and traceability of animals; and other mechanisms that facilitate animal identification and traceability. They submitted that, to have this clause all encompassing, it should be changed to read, registration of animal identifiers.

Some stakeholders submitted that the farmers had recommended that the Law should provide for national consultations before the designated officer issues a gazette notice on matters incidental to the provisions of the Law. They further submitted that undertaking national consultation naturally promoted voluntary compliance as opposed to the current provisions.

Stakeholders further submitted that clause 13 provided specifications for animal identification marks and devices for marking animals. They submitted that this was progressive as it made

provisions for the designing of different marks for different species of animals i.e. the features, characters to be used etc.

#### **5.4. Clause 20: Notification of Premises**

Stakeholders submitted that as opposed to registering premises, this provision is for ensuring that physical addresses for premises dealing in animal, animal product or animal by products are captured without necessarily going through some rigorous registration processes. They submitted that on the strength of the above provision, physical addresses were key in traceability and animal identification.

They submitted further that the Bill had not covered registration of animal owners. It was their considered view that registration of animal owners enhanced the effectiveness of the proposed traceability system.

**5.5. Clause 22(1):** Stakeholders submitted that the clause aforementioned provided for animal identification mark, they submitted that the same must be changed to animal identifier. They further submitted that Clause 23 that provided for animal identification mark certificate should be replaced with animal identification certificate.

#### **5.6. Clauses 30 to 39: Animal Identification and Traceability Agents**

Stakeholders submitted that Clauses 30 to 39 provided for Agents to make animal identification and traceability services easy and accessible to all. They submitted that this was a common practice in developed jurisdictions and also would be very practical in Zambia.

They submitted that the provisions also catered for innovations in Traceability by providing for registration of agents who had their own systems that could be integrated into the national system when authorised.

They added that there was also an aspect of job creation for the innovative youths. However, other stakeholders submitted that the Bill had not prescribed the form and manner in which the application to become an agent was to be made and the fees involved, they submitted that for transparency and accountability, it was important to have this clearly defined within the provisions of the Law.

On the aspect of annual renewal of agent licenses, stakeholders submitted that this would be costly and an administrative burden. They submitted that, 24 months would be more conducive to both agents and for administrative purposes.

### **6.0. COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

The Committee notes that the majority of the stakeholders who appeared before it were in support of the Bill. The Committee also supports the Bill. However, in supporting the Bill, the Committee makes the observations and recommendations set out below.

- (i) The Committee notes the submissions of the stakeholders and agrees with those who submitted that the Office of the Traceability Officer has been ranked too low compared to the magnitude of functions placed under it. The Committee observes that, if the position



is not elevated to that of director, the decision making power and quick response issues will be affected negatively.

The Committee in this regard, recommends that the position of the Traceability Officer, be changed to traceability and identification officer and be elevated to that of Director.

- (ii) The Committee agrees with other stakeholders who submitted that placing the Traceability Unit under the Department of Veterinary Services reduces it to any other disease control arm/activity while in essence the Traceability Unit has a lot to do with cross cutting responsibilities. The Committee, therefore, recommends that to yield optimum results from the creation of this unit and to give it autonomy and independence, the unit must function as an agency or authority under the Ministry responsible for livestock.
- (iii) The Committee agrees with stakeholders who submitted that farmer involvement is important in yielding voluntary compliance. To this end, the Committee recommends that before implementing this law, there should be widespread sensitisation and training of small holder farmers on the importance of record keeping. The Committee further recommends that a two year grace period and a one year grace period be given to small scale farmers and commercial farmers, respectively, within which to demand for compliance.
- (iv) The Committee observes that clause 34 of the Bill has provided for one year period for an agent license to be valid. The Committee agrees with stakeholders who submitted that renewing agent licenses annually would be cumbersome to both the applicants as well as administration. In this regard, the Committee recommends that the period within which an agent license can be renewed be increased to 36 Months.
- (v) The Committee agrees with stakeholders who submitted that an identification mark issued under clause 23 must be for the lifespan of an animal. The Committee agrees with stakeholders that leaving the life of an identification mark to a prescribed period is illogical and unnecessary cost on farmers. To this end, the Committee recommends that once issued, an animal identification mark must be for the lifespan of that animal or unless transferred to another owner who then applies for change of mark.

## 7.0. CONCLUSION

The Committee wishes to express its gratitude to all stakeholders who appeared before it and rendered both oral and written submissions. The Committee also wishes to thank you, Madam Speaker, for your guidance throughout its deliberations. The Committee further appreciates the services rendered to it by the Office of the Clerk of the National Assembly.

We have the Honour to be, Madam, the Committee on Agriculture, Lands and Natural Resources mandated to consider the Animal Identification and Traceability Bill, N.A.B No. 2 of 2024.



Mr Kasauta S Michelo, MP  
**CHAIRPERSON**

March, 2024  
**LUSAKA**

## **APPENDIX I – LIST OF NATIONAL ASSEMBLY OFFICIALS**

Mr Stephen Chiwota, Director (Financial Committees)  
Mrs Angela M Banda, Deputy Director (Financial Committees)  
Ms Chitalu R Mulenga, Senior Committee Clerk (Financial Committees 2)  
Ms Rachel Mumba, Committee Clerk  
Mr Sanford Mwiinde, Committee Clerk  
Ms Ruth T Mwila, Administrative Assistant II  
Mr Daniel Lupiya, Committee Assistant  
Mr Muyembi Kantumoya, Parliamentary Messenger

## **APPENDIX II – LIST OF WITNESSES**

Ministry of Justice  
Ministry of Livestock and Fisheries  
Ministry of Finance and National Planning  
Ministry of Commerce, Trade and Industry  
Ministry of Agriculture  
The Zambia National Farmers Union  
Natural Resources Development College  
Livestock Development Centre  
Zambia Law Development Commission  
Indaba Agricultural Policy Research Institute  
Pelum Association  
The University of Zambia  
Livestock Services and Cooperative Society  
Zambeef Products PLC  
The Veterinary Council of Zambia  
Central Veterinary Research Institute