

Zambia

Agriculture (Fertilisers and Feed) Act, 1966

Chapter 226

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1966/51/eng@1996-12-31

There may have been updates since this file was created.

PDF created on 21 February 2024 at 16:11.

Collection last checked for updates: 31 December 1996.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Agriculture (Fertilisers and Feed) Act, 1966

Contents

Part I – Preliminary	1
1. Short title	1
2. Interpretation	1
Part II – Registration, renewal and cancellation of registration	2
3. Appointment of Registering Officer	2
4. Register	2
5. Application for registration of plant and owner and registration thereof	2
6. Registration in cases of partnership or joint ownership of plant	3
7. Inspection on application for registration	3
8. Provisional registration of plant before inspection	3
9. Certificate of provisional registration of plant and owner	4
10. Certificate of registration of plant and owner	4
11. Renewal of registration	4
12. Devolution and transfer of registered plant	5
13. Cancellation of registration of plant, etc.	6
14. Reasons for refusal to register, etc.: when to be furnished	6
15. Appeal to Minister	6
16. Alteration of registration of plant	7
17. Registration fees	7
Part III – Analysts and laboratories	8
18. Analysts, approval of	8
19. Laboratories approval by Minister	8
20. Rolls of approved analysts and laboratories	8
21. Reports, certificates, etc., of approved laboratories	9
22. Prohibition against testing of farming requisites in non-approved laboratory	9
Part IV – Inspectors: Searches and seizures	9
23. Inspectors of farming requisites	9
24. Duly authorised officers	9
25. Powers of inspectors and duly authorised officers to search plant and seize machinery, farming requisites, books, etc.	9
26. Prohibition against obstruction etc., of inspectors and duly authorised officers	10
Part V – Manufacture, processing and sale of farming requisites	11
27. Prohibition against production of farming requisites or sterilising of bone, etc., in non-registered plant	11
28. Prohibition against sale of farming requisites not in bulk without prescribed statement	11

29. Prohibition against sale of farming requisites in bulk without prescribed statement of analysis of bulk material	11
30. Ingredients of farming requisites sold under trade name, etc., to be disclosed	11
31. Warranties as to fertilisers and farm feed	12
32. Conditions for the manufacture or sale of fertiliser or farm feed containing animal substance	12
33. Prohibition against offering or sale or advertising bone, etc., for farming requisites before sterilisation	12
34. Certificate of sterilisation, by whom issued	12
35. Statement required of intended purchaser of non-sterilised bone, etc.	13
36. Prohibition against sale of non-sterilised bone, etc.	13
37. Certificate of sterilisation of bone, etc., to be produced for inspection	13
Part VI – Importation of farming requisites	13
38. Power of Minister to prohibit importation of farming requisites	13
39. Prohibition against importation of farming requisites	13
40. Conditions for importation of fertilisers and farm feed containing animal substance bone, etc.	14
41. Seizure and disposal of unlawfully imported farming requisites	14
Part VII – Miscellaneous	16
42. Disposal of substandard farming requisites	16
43. Failure to comply with Act or regulations an offence	18
44. Prohibition against tampering with samples	18
45. Prohibition against altering, defacing or removing official records, etc.	18
46. Prohibition against altering, etc., documents and marks	19
Part VIII – Proceedings and penalty	19
47. Certificate or report prima facie evidence of facts certified	19
48. Penalty	19
49. Secrecy	19
50. Protection of secret processes, etc., against disclosure	19
51. Inspection of registers and rolls	20
Part IX – Regulations and rules	20
52. Regulations	20
53. Rules of court	21
First Schedule (Section 17)	21
Second Schedule (Section 17)	22

Zambia

Agriculture (Fertilisers and Feed) Act, 1966

Chapter 226

Commenced on 1 January 1970

[This is the version of this document as it was at 31 December 1996 to 15 August 2010.]

[Act No. 51 of 1966; 13 of 1994]

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

Part I – Preliminary

1. Short title

This Act may be cited as the Agriculture (Fertilisers and Feed) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"aggrieved party" means any person whose application for registration under this Act has been refused or made subject to any condition by the Registering Officer; or any person who had been registered as registered owner of a registered plant and whose registration as such registered owner or the registration of such registered plant has been cancelled by the Registering Officer;

"approved analyst" means a person who has been approved as an analyst under and for the purposes of this Act;

"approved laboratory" means any laboratory which has been approved as a laboratory under and for the purposes of this Act;

"brand" means the impression or representation of any letter, number, geometrical figure, mark, sign or symbol, and includes any combination of such impressions or representations;

"compost" means vegetable matter or mixed vegetable and animal matter so decomposed as to form an organic manure;

"court" means a subordinate court, save where otherwise appears;

"farm feed" means any vegetable, animal, chemical or mineral substance, whether in its natural state or which has been artificially prepared, which is alleged to possess nutritive properties and is intended, or offered for sale, or sold, for use in the feeding of livestock; but does not include straw, chaff, unground hay, silage, cereal in the grain, or any substance which falls within this definition but which has been crushed, gristed or ground for a farmer in accordance with his directions for his own use, unless by regulation such substance has been prescribed to be a farm feed for the purpose of this Act;

"farmer" means a person who is engaged in farming in Zambia, either exclusively or together with some profession, business or other occupation;

"farming requisite" means any fertiliser or farm feed, or any substance used in the manufacture of a fertiliser or farm feed;

"fertiliser" means any substance or compound of substances, which is intended or offered for sale, or sold, for use in the improvement or maintenance of the growth of plants or of the productivity of the soil; but

does not include farmyard or stable manure; kraal manure, compost, wood ash, town refuse or night soil, when sold in its original conditions and under its name;

"inspector" means a person appointed an inspector under this Act;

"laboratory" means any premises used for scientific work or research and suitably equipped for scientific analysis;

"livestock" means any horse, mare, gelding, ass, jennet, mule, bull, cow, ox, heifer, steer, calf, sheep, lamb, hog, pig, sow, goat, fowl, ostrich, dog, cat or any other domestic animal, fowl or bird;

"owner" includes any absolute owner, lessee, tenant or licensee of any premises used as a plant, and any agent resident in Zambia of any non-resident owner;

"plant" means any premises used for the purpose of manufacturing, compounding or producing any fertiliser or farm feed, and shall include any sterilising plant;

"registered owner" means the person registered in the register of plant as the owner of any plant registered under the provisions of this Act;

"registered plant" means any plant registered in the register of plant under the provisions of this Act;

"Registering Officer" means the person appointed as such in pursuance of the provisions of section three;

"sell" includes to exchange or to barter or to offer, keep, expose, transmit, convey, or deliver for sale, exchange or barter; and cognate words shall be construed accordingly;

"sterilising plant" means any premises used for the sterilising of bone or any other substance derived from animal carcass.

Part II – Registration, renewal and cancellation of registration

3. Appointment of Registering Officer

- (1) There shall be a Registering Officer for the purpose of this Act, who shall be a public officer, and who shall be responsible for the administration of this Act.
- (2) The Registering Officer may, subject to the general or special directions of the Minister, delegate any of his powers or functions under this Act to any officer of the public service.

4. Register

The Registering Officer shall cause to be kept a register of plant which shall contain—

- (a) particulars of the location of all plant registered under this Act;
- (b) particulars of the purposes for which such plant is approved and registered;
- (c) the names and addresses of the owners of such plant;
- (d) such other particulars as may be prescribed.

5. Application for registration of plant and owner and registration thereof

- (1) Application for the registration of plant shall be made to the Registering Officer in the prescribed form and shall be accompanied by the prescribed registration fee.
- (2) As soon as practicable after the receipt of such application the Registering Officer shall—
 - (a) if he is satisfied that the plant in question complies with the prescribed requirements, register such plant in the register of plant and shall enter therein the name and address of the owner thereof as registered owner;

- (b) if he is not satisfied that the said plant complies with the prescribed requirements, refuse to register such plant and owner.
- (3) Any registration under this section shall be valid until cancelled under the provisions of this Act, or until and including the 31st March following the date of such registration, whichever is the earlier.
- (4) The Registering Officer may impose such conditions with regard to any registration under this section as he may deem to be necessary in order to ensure that the plant or the owner thereof, or both such plant and owner, comply with the provisions of this Act or with the prescribed requirements.
- (5) The refusal of an application under this section for the registration of plant shall not prevent the making, under this section, of a fresh application for the registration of the same plant at any subsequent time.
- (6) Any person who, having obtained registration of such plant, or of the owner thereof, or of both such plant and owner, subject to any condition imposed under subsection (4) or as amended by the Minister under section fifteen, fails to comply with such condition, shall be guilty of an offence.

6. Registration in cases of partnership or joint ownership of plant

- (1) Where an application is made under this Act for registration of any plant which is owned by two or more persons, whether as partners, or jointly, or as tenants in common, or otherwise, the said partners or joint owners, as the case may be, shall nominate one person among them who, upon registration of the said plant, shall be registered as registered owner.
- (2) Registration of any person as registered owner in pursuance of the provisions of this section shall not be construed as affecting or limiting in any way any liability present or future existing or arising between such partners or joint owners, or between them and any third person.

7. Inspection on application for registration

Upon an application being made under this Act for first registration of any plant, the Registering Officer shall cause such plant to be inspected by an inspector.

8. Provisional registration of plant before inspection

Upon application being made under this Act for first registration of any plant, the Registering Officer may, if he so thinks fit, register such plant in the register before it has been inspected in pursuance of section seven, and, when the Registering Officer so registers any such plant, the following provisions shall have effect, that is to say:

- (a) such registration shall be provisional only and is in this Act referred to as provisional registration;
- (b) such registration shall not relieve the Registering Officer from the obligation to cause such plant to be inspected by an inspector, save that such inspection may take place after such registration;
- (c) such registration shall not prejudice or affect the power of the Registering Officer to grant or refuse the said application for registration of the said plant;
- (d) if and when the Registering Officer grants the said application, the said provisional registration shall cease to be provisional;
- (e) if and when the Registering Officer refuses the said application, the said provisional registration shall be cancelled;
- (f) when, and so long as, any plant is provisionally registered in the register, such plant shall, subject to the foregoing provisions of this section, be deemed for all of the purposes of this Act to be a registered plant, and the person who is so registered as owner of the said plant shall, subject as aforesaid, be deemed for the said purposes to be the registered owner of the said plant.

9. Certificate of provisional registration of plant and owner

- (1) Upon the provisional registration of any plant under the provisions of section eight, the Registering Officer shall issue a certificate of provisional registration of such plant in the form prescribed, and shall furnish such certificate to the person registered under such registration as provisional registered owner, or his agent.
- (2) The person so provisionally registered as owner shall cause the said certificate to be displayed in a prominent place within the said plant so registered, and shall keep the same so displayed during the continuance of such provisional registration.
- (3) Any person who fails to comply with the provisions of subsection (2) shall be guilty of an offence.

10. Certificate of registration of plant and owner

- (1) Upon the registration of any plant under this Act, the Registering Officer shall issue a certificate of registration of plant and owner in the prescribed form, and shall furnish such certificate to the person registered as owner of such plant, or his agent.
- (2) The registered owner shall cause the said certificate to be displayed in a prominent place within the plant so registered, and shall keep the same so displayed during the continuance of such registration.
- (3) Any person who fails to comply with the provisions of subsection (2) shall be guilty of an offence.

11. Renewal of registration

- (1) Any person registered under this Act as registered owner of a registered plant may apply to the Registering Officer, on the form prescribed, for a renewal of the registration of the said plant.
- (2) Any application for renewal of any registration under this Act must be made to the Registering Officer not more than three months and not less than one month before the expiry of such registration. The Registering Officer may, at any time, extend the time herein prescribed for making any such application for renewal of registration.
- (3) Any such application for renewal of registration shall be accompanied by the fee prescribed.
- (4) The provisions of section seven as to inspection of plant shall not apply to an application for renewal of registration of such plant under this section:

Provided, however, that the Registering Officer may, in his absolute discretion, require such inspection as he deems fit to be made prior to his granting of any such renewal application.

- (5) In the event of the death of the person registered under this Act as registered owner of registered plant within six months of the date of expiry of such registration, the Registering Officer shall extend the time herein prescribed for making an application for renewal of such registration to a date not more than six months from the date of the death of the person so registered.
- (6) In the event of an extension of time for the making of an application for renewal having been granted by the Registering Officer under any provision of this section and the time granted extends beyond the date of expiry of the registration, the said registration shall be deemed for all of the purposes of this Act to have been extended to the date to which the said extension of time extends:

Provided, however, that upon renewal of such registration being granted, the renewed registration shall relate back to the date of the expiry of the former registration, and the duration of the renewed registration shall be calculated from that date.

12. Devolution and transfer of registered plant

- (1) Where a registered owner dies, the following provisions shall have effect, that is to say:
- (a) the death of the said registered owner shall not of itself render unlawful by virtue of this Act, during the period of six months from such death, the carrying on, in the registered plant of which the deceased was registered owner, of the business theretofore carried on in such registered plant;
 - (b) the personal representative of the said deceased registered owner (not registered in pursuance of the provisions of section six), or with the assent of such personal representative, any other person, shall (subject to the provisions of this section) be entitled, on application to the Registering Officer, in the form and manner prescribed, to be registered as the registered owner of the said registered plant;
 - (c) where the deceased registered owner has been registered in pursuance of the provisions of section six, the surviving partner or joint owner or the nominee of the surviving partners or joint owners, as the case may be, shall (subject to the provisions of this section) be entitled, on application to the Registering Officer, in the form and manner prescribed, to be registered as the registered owner of the said registered plant for the purposes of this Act:

Provided, however, that such registration under this paragraph shall be provisional only, until such time as the Registering Officer is satisfied as to the identity of the person, or persons, actually entitled, in the events which have happened, to the ownership of the said registered plant; whereupon, the Registering Officer may—
 - (i) confirm the said provisional registration as full registration, if the person so provisionally registered is entitled to such full registration under this Act; or
 - (ii) cancel the said provisional registration and register in lieu thereof the person entitled to be registered under this Act as registered owner in respect of the said registered plant;
 - (d) from the death of the said deceased registered owner, until the registration of another person as registered owner, the person actually carrying on the business in the said registered plant shall be deemed to be the registered owner of the said registered plant for the purposes of this Act as relates to things to be done on the said plant, or to be done in the course of carrying on the said business; and for the purposes of notices required by this Act to be given to the registered owner and the service of such notices.
- (2) Where the registered owner of a registered plant (in this subsection referred to as the transferor) transfers, on sale or otherwise, the said plant and the business carried on therein to another person (in this subsection referred to as the transferee) the following provisions shall have effect, that is to say:
- (a) the transferee shall (subject to the provisions of this section) be entitled, on application to the Registering Officer, in the form and manner prescribed, and on satisfying the Registering Officer that he has become the proprietor of the said registered plant, to be registered as the registered owner of the said registered plant;
 - (b) until the transferee is so registered as the registered owner, the transferor shall, notwithstanding the said transfer, continue to be, for all of the purposes of this Act, the registered owner of the said registered plant.
- (3) Where an application is made under this section to the Registering Officer for the registration of a person (in this subsection referred to as the applicant) as the registered owner of a registered plant, the following provisions shall apply and have effect, that is to say:
- (a) where the applicant is the personal representative of a deceased registered owner and is applying under subsection (1) for registration solely in his capacity as such personal

representative, and the application is duly made in accordance with the said subsection, the Registering Officer shall not refuse the application;

- (b) in every other case it shall be lawful for the Registering Officer, if he so thinks proper, to refuse the application on the ground that the applicant was previously a registered owner of another plant and while he was so registered the said registration was cancelled by the Registering Officer under this Act; and it shall further be lawful for the Registering Officer to refuse such application upon any other ground which he deems to be a reasonable ground for refusal to register a person as registered owner upon application for first registration of any plant under this Act.

13. Cancellation of registration of plant, etc.

If the Registering Officer is satisfied—

- (a) that any plant registered under this Act does not comply with any provision of this Act or with any condition or requirement imposed or prescribed under this Act; or
- (b) that any plant is not being used for the purposes for which it has been registered under this Act; or
- (c) that the product of such plant does not conform to the standards prescribed for such product under this Act; or
- (d) that the registered owner of any such plant has been convicted of an offence under this Act;

he may cancel the registration of such plant and of the registered owner thereof:

Provided that nothing shall be construed to oblige or impose a duty upon the said Registering Officer at any time to exercise the powers by this section conferred upon him.

14. Reasons for refusal to register, etc.: when to be furnished

- (1) Any aggrieved party may, in writing, request the Registering Officer to furnish his reasons for refusing, imposing conditions upon or cancelling any registration under this Act.
- (2) Within seven days after the receipt of such request, the Registering Officer shall furnish, in writing, to the aggrieved party the reasons—
 - (a) why he refused the registration applied for; or
 - (b) why he imposed conditions on such registration; or
 - (c) why he cancelled such registration.

15. Appeal to Minister

- (1) Any aggrieved party may appeal to the Minister against the decision of the Registering Officer.
- (2) Such appeal must be in writing.
- (3) In determining such appeal the Minister may consult with the Registering Officer, and may uphold the decision of the Registering Officer, or may make an order instructing the Registering Officer—
 - (a) to register the plant, or person, as applied for in the application for registration; or
 - (b) to strike out all or any of the conditions imposed by the Registering Officer, or to amend such conditions in such manner as the Minister may direct; or
 - (c) to restore the registration;and the Registering Officer shall comply with such order.
- (4) Upon the written request of an unsuccessful appellant, the Minister shall furnish to him, in writing, the reasons for his decision.

- (5) No appeal shall lie to any court from the decision of the Minister.

16. Alteration of registration of plant

- (1) The Registering Office may, at any time, alter the registration under this Act of any plant, upon application by the registered owner or by the personal representative of a deceased registered owner, or, in the case of an incorporated body being the registered owner, by the managing director or liquidator of such registered owner.
- (2) The Registering Officer may, at any time, without any such application as aforesaid, alter the registration of any plant in any respect in which such registration appears to him to be erroneous or misleading.
- (3) The following provisions shall apply and have effect in relation to the alteration under subsection (2) of the registration of any plant under this Act, that is to say:
- (a) the Registering Officer shall not make any such alteration unless he has given to the registered owner or his personal representative, or its managing director or its liquidator, as the case may be, at least fourteen days' notice in writing that the Registering Officer has under his consideration the making of such alteration and stating the grounds on which such alteration is so under consideration;
 - (b) the Registering Officer shall consider any representations, in relation to such alteration, made to him before the expiration of the said notice by any person interested;
 - (c) the Registering Officer may, if he thinks fit, cause an inquiry to be held in relation to such alteration;
 - (d) such alteration, if made at all, shall be made within three months after the expiration of the said notice.

17. Registration fees

- (1) Subject to the provisions of this section, there shall be payable to the Registering Officer by any person—
- (a) who is the owner of any plant, on any provisional registration of the said plant and owner under this Act;
 - (b) who is the owner of any plant, on first registration of the said plant and owner as registered plant and registered owner thereof, respectively;
 - (c) on the annual renewal of any registration of any plant and owner under this Act;
- the respective registration fees prescribed in the First Schedule.
- (2) Subject to the provisions of this section, there shall be payable to the Registering Officer by any transferee from or successor in interest to any registered owner—
- (a) on any provisional registration of such transferee or successor in interest as registered owner;
 - (b) on any full registration of such transferee or successor in interest as registered owner;
- the respective registration fees prescribed in the Second Schedule.
- (3) Where the personal representative of a deceased registered owner of any plant is registered as registered owner of such plant under the provisions of paragraph (b) of subsection (1) of section twelve, solely in his capacity as such personal representative, no registration fee shall be charged for such registration.

- (4) Where a surviving or nominated joint owner or partner of a deceased registered owner of any plant is registered provisionally as such registered owner under the provisions of paragraph (c) of subsection (1) of section twelve, no registration fee shall be charged for such provisional registration.

Part III – Analysts and laboratories

18. Analysts, approval of

- (1) Subject to the qualifications and other requirements prescribed, the Minister may approve persons as analysts for the purposes of this Act.
- (2) An approval granted by the Minister under this section may be withdrawn by the Minister at any time.

19. Laboratories approval by Minister

- (1) Subject to the standards and other requirements prescribed, the Minister may, for the purposes of this Act, approve any laboratory as an approved laboratory for any or all of the following purposes:
- (a) the testing of fertilisers; or
 - (b) the testing of farm feed; or
 - (c) the testing of bone or other substance derived from animal carcass.
- (2) Any approval granted under this section may be withdrawn by the Minister at any time.

20. Rolls of approved analysts and laboratories

The Registering Officer shall cause the following rolls to be kept:

- (a) a roll of approved analysts, which shall contain—
- (i) the name and address of each analyst approved by the Minister under section eighteen;
 - (ii) the date of such approval;
 - (iii) particulars of the purposes for which such analyst is approved;
 - (iv) if such approval is withdrawn, the date of such withdrawal;
 - (v) such other particulars as may be prescribed;
- (b) a roll of approved laboratories, which shall contain—
- (i) the name and address of each laboratory approved by the Minister under section nineteen;
 - (ii) the name and address of the owner of each such laboratory;
 - (iii) the name and address of each approved analyst attached to each such laboratory;
 - (iv) particulars of the purposes for which such laboratory is approved;
 - (v) if such approval is withdrawn, the date of such withdrawal;
 - (iv) such other particulars as may be prescribed.

[Please note: numbering as in original.]

21. Reports, certificates, etc., of approved laboratories

Any reports, certificates or other documents issued or furnished by an approved laboratory for the purposes of this Act shall be in the forms prescribed.

22. Prohibition against testing of farming requisites in non-approved laboratory

- (1) Any person who by any process in any laboratory, not being an approved laboratory under this Act, purports to test, for the purposes of this Act, any farming requisite shall be guilty of an offence.
- (2) Upon conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any machinery, equipment or chemicals and any such farming requisite found in such laboratory, to be forfeited, or order them to be destroyed, without compensation; or may both declare them to be so forfeited and order them to be so destroyed, without compensation.

Part IV – Inspectors: Searches and seizures**23. Inspectors of farming requisites**

There shall be inspectors of farming requisites who shall be inspectors for the purposes of this Act.

24. Duly authorised officers

- (1) The Minister may, from time to time, and as often as he deems it necessary, authorise any public officer (herein referred to as a duly authorised officer) to exercise the powers of an inspector of farming requisites under this Act.
- (2) An authorisation made under this section may be—
 - (a) general, whereby the duly authorised officer shall be empowered to exercise all of the powers of an inspector of farming requisites anywhere in Zambia; or
 - (b) limited, either—
 - (i) as to the specific powers exercisable by the duly authorised officer; or
 - (ii) as to the place or district in which such powers are exercisable by him; or
 - (iii) as to both sub-paragraphs (i) and (ii).
- (3) An authorisation made under the provisions of this section shall be in writing.

25. Powers of inspectors and duly authorised officers to search plant and seize machinery, farming requisites, books, etc.

- (1) An inspector, or any duly authorised officer may, for any of the purposes of this Act, and at all reasonable times—
 - (a) enter upon any plant, whether registered under this Act or not, and inspect the same and any machinery and equipment to be found therein, which he has reasonable cause to believe are being used in the manufacture, processing or preparation of any farming requisite; and, in the manner prescribed, take, without payment, for testing, samples of any farming requisite found therein, and the owner thereof shall, on demand, furnish to the person taking such samples a statement in writing containing such particulars with respect thereto as are prescribed; and if the plant is not registered under this Act, and he has reasonable cause to believe that this Act is being contravened, he may seize and remove therefrom and detain, any machinery, equipment, farming requisite or any books, records or documents found therein, which would afford evidence of a contravention of this Act; and if the plant is

a registered plant, and he has reasonable cause to believe that this Act is being contravened, he may seize and remove therefrom any farming requisite which would afford evidence of a contravention of this Act; and if he has reasonable cause to believe that any of the machinery or equipment is, because of a mechanical or operational defect, contributing to the production of any farming requisite that does not conform to the requirements prescribed therefor, he may, by notice in writing, require the registered owner to rectify the said machinery or equipment within seven days of receipt of such notice, and, in the event of the registered owner failing to comply with the said notice, the inspector or duly authorised officer shall notify the Registering Officer of such failure to comply;

- (b) enter upon any building, place or vehicle at, or in which, he has reasonable cause to believe that any farming requisite is kept, sold or exposed for sale, or is being transported or stored for purposes of sale in contravention of this Act; and, in the manner prescribed, and without payment, take, for testing, a sample of any farming requisite found therein; and inspect any books, records or documents found therein; and he further may seize and remove and detain any such vehicle, and seize and remove from any such building, place or vehicle, and detain, any farming requisite, or any books, records, or documents, which would afford evidence of a contravention of this Act.
- (2) Any duly authorised officer shall, on demand by the owner, or by the person having custody of such plant, building, place or vehicle, produce his authority to enter upon such plant, building, place or vehicle.
- (3) Any such inspector or duly authorised officer who, under the provisions of subsection (1), seizes and detains any vehicle, machinery, equipment, farming requisite, or any books, records or documents, shall give to the person from whom they were seized a receipt, signed by such inspector or officer, for such vehicle, machinery, equipment, farming requisite, books, records and documents so seized.
- (4) In the event of—
 - (a) the Registering Officer being advised in writing by the Director of Public Prosecutions that no prosecution consequent upon any such inspection made under subsection (1) should be instituted under this Act; or
 - (b) any such prosecution having been finally concluded;

then, in either such event, any vehicle, machinery, equipment, farming requisite, books, records and documents seized during the course of such inspection and detained under the provisions of subsection (1) shall be returned to the owner thereof, or to the person from whose custody they were taken; and shall be so returned within ten days from the date of the receipt by the Registering Officer of such advice that no prosecution should be instituted, or from the date any such prosecution has been finally concluded, as the case may be:

Provided that any such vehicle, machinery, equipment or farming requisite shall not be returnable under this subsection if they have been declared by the court to be forfeited, or ordered to be destroyed, under any provision of this Act.

26. Prohibition against obstruction etc., of inspectors and duly authorised officers

Any person who—

- (a) obstructs or impedes an inspector, or a duly authorised officer, in the exercise of any of the powers conferred upon him by or under this Act; or
- (b) refuses to furnish to an inspector, or a duly authorised officer, on request, any particulars or information to which the said inspector or duly authorised officer is entitled by or under this Act; or

- (c) wilfully or recklessly gives to an inspector, or a duly authorised officer, any false or misleading particular or information with respect to any fact or particular to which the said inspector or duly authorised officer is entitled by or under this Act;

shall be guilty of an offence.

Part V – Manufacture, processing and sale of farming requisites

27. Prohibition against production of farming requisites or sterilising of bone, etc., in non-registered plant

- (1) Any person who, by any process, in any plant not registered under this Act, purports—
 - (a) to produce, manufacture, compound or process any farming requisite; or
 - (b) to sterilise, for the purpose of this Act, any bone or other substance derived from animal carcass, for use by any person in the manufacture or processing of, or as an ingredient in, any farming requisite;

shall be guilty of an offence.

- (2) Upon conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any machinery, equipment, or chemicals, or any farming requisite or bone or other substance derived from animal carcass, found in such plant, to be forfeited, or may order them to be destroyed, without compensation; or may both declare them to be so forfeited and order them to be so destroyed, without compensation.

28. Prohibition against sale of farming requisites not in bulk without prescribed statement

Any person who sells any farming requisite in sacks, bags or other containers and who at the time of delivery fails to furnish to the purchaser a statement of the prescribed analysis, in the form prescribed for use on such sale of such farming requisite, shall be guilty of an offence.

29. Prohibition against sale of farming requisites in bulk without prescribed statement of analysis of bulk material

Any person who sells any farming requisite in bulk and who at the time of delivery fails to furnish to the purchaser a statement of the prescribed analysis of the said bulk material, in the form prescribed for use on such sale of such farming requisite, shall be guilty of an offence.

30. Ingredients of farming requisites sold under trade name, etc., to be disclosed

- (1) Where any farming requisite is sold in containers or packages, under any trade name, trade mark, trade label or trade brand which is the property of, or exclusive to, the packer thereof, whether he is the manufacturer, processor, compounder or mixer of the said farming requisite, or otherwise, or whether the said trade name is in common use in the trade as a general description of a compound or mixture of certain chemical or other ingredients, there shall appear in legible letters and figures on the outside surface of each such container or package, or on a label attached thereto, a statement disclosing the prescribed analysis of the said farming requisite.
- (2) Any person who sells any farming requisite in a container or package under any trade name, trade mark, trade label or trade brand and who fails to comply with the provisions of this section shall be guilty of an offence.

31. Warranties as to fertilisers and farm feed

- (1) Where any person sells for use as a fertiliser any article which has been subjected to any artificial process in Zambia, or which has been imported into Zambia, and furnishes the purchaser with the statement of the prescribed analysis, in the form prescribed for use on the sale of such farming requisite, the said statement shall have effect as a warranty by the seller that on analysis the said fertiliser does not vary beyond the limits of variation of analysis prescribed for such fertiliser.
- (2) Where any person sells for use as farm feed for livestock any article which has been artificially prepared, and furnishes the purchaser with the statement prescribed, the said statement shall have effect as a warranty that the said farm feed does not vary beyond the limits of variation of analysis prescribed for such farm feed.
- (3) On the sale of any article for use as farm feed for livestock, or for any particular class of livestock, there shall be implied a warranty by the seller that the article is suitable to be used as such.
- (4) Any statement by the seller as to the percentages of the chemical or other substances contained in any article sold for use as a fertiliser, or as to the nutritive qualities or substances possessed by, or contained in, any article sold for use as farm feed, made after the commencement of this Act in an invoice of such article, or in any document, circular or advertisement descriptive of such article, shall have effect as a warranty by the seller.

32. Conditions for the manufacture or sale of fertiliser or farm feed containing animal substance

- (1) No person shall manufacture, process, compound or sell or offer or expose for sale any fertiliser or farm feed containing bone or any other substance derived from animal carcass unless such bone or other substance has been sterilised in the manner prescribed, and is certified in the manner prescribed as having been so sterilised.
- (2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

33. Prohibition against offering or sale or advertising bone, etc., for farming requisites before sterilisation

- (1) Any person who, being the owner of any bone or other substance derived from animal carcass, intends to offer or advertise the same for sale for use in the manufacture or processing of, or as an ingredient in, any farming requisite, shall, prior to the making of such offer or the publication of such advertisement, have the said bone or other substance sterilised at or by a registered sterilising plant.
- (2) At the request of the said owner, and upon payment of the fee prescribed, the registered owner of the said registered sterilising plant shall cause the said bone or other substance to be sterilised in the manner prescribed, and shall issue and furnish to the owner thereof a certificate of sterilisation in the form prescribed.
- (3) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

34. Certificate of sterilisation, by whom issued

- (1) The registered owner of any registered sterilising plant, upon sterilising in the manner prescribed any bone or other substance derived from animal carcass, shall issue, in the form prescribed and to the persons prescribed, a certificate of sterilisation of the said bone or other substance.
- (2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

35. Statement required of intended purchaser of non-sterilised bone, etc.

- (1) Any person who, for any purpose, intends to buy any bone or other substance derived from animal carcass which has not been sterilised as prescribed, shall furnish to the intended seller a statement in writing, signed by such person or his agent, stating the purpose or purposes for which the said bone or other substance is intended to be used.
- (2) Any person who fails to comply with the provisions of this section shall be guilty of an offence

36. Prohibition against sale of non-sterilised bone, etc.

- (1) No person shall sell any bone or other substance derived from animal carcass which has not been sterilised as prescribed, if the statement provided for under the provisions of section thirty-five has not been furnished as prescribed, or, if furnished, it shows that the said bone or other substance is intended for use in the manufacture or processing of, or as an ingredient in, any farming requisite:

Provided that this section shall not apply if at the time of such sale, the purchaser directs the seller in writing to deliver, at the expense of the purchaser, the said bone or other substance to a registered sterilising plant for purposes of its being sterilised as prescribed at the expense of the purchaser; and the seller makes such delivery as directed.

- (2) Unless it is otherwise provided by agreement between the parties, delivery of the said bone or other substance to a registered sterilising plant under the proviso to subsection (1) shall for all purposes be deemed to be delivery under the contract of sale.
- (3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence.

37. Certificate of sterilisation of bone, etc., to be produced for inspection

- (1) Save as provided by the proviso to subsection (1) of section thirty-six, any person who sells any bone or other substance derived from animal carcass for use in the manufacture or processing of, or as an ingredient in, any farming requisite, shall, upon request, produce for inspection by the purchaser or by an inspector or duly authorised officer, the certificate of sterilisation issued as prescribed in respect of the said bone or other substance.
- (2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

Part VI – Importation of farming requisites**38. Power of Minister to prohibit importation of farming requisites**

The Minister may, from time to time, by regulation, restrict, limit or prohibit the importation of any particular farming requisite, or class of farming requisites, into Zambia, without the prior written consent of the Minister.

39. Prohibition against importation of farming requisites

- (1) Any person who, in contravention of any restriction, limitation or prohibition imposed in pursuance of the provisions of section thirty-eight, imports into Zambia any farming requisite shall be guilty of an offence.
- (2) Upon the conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare the said farming requisite to be forfeited or order it to be destroyed, without compensation; or may both declare it to be so forfeited and order it to be so destroyed, without compensation.

40. Conditions for importation of fertilisers and farm feed containing animal substance bone, etc.

- (1) No person shall import into Zambia—
 - (a) any fertiliser or farm feed which contains bone or any other substance derived from animal carcass; or
 - (b) any bone or any other substance derived from animal carcass for use in the manufacture or processing of or as an ingredient in any farming requisite;

unless he has submitted to the Minister a certificate issued and signed in the country of origin of such fertiliser, farm feed, bone or other substance, by a person designated by the Minister, in which it is stated that such fertiliser or farm feed is free from such pathogenic organisms as are specified, or that such bone or other substance has been sterilised in the manner prescribed and is free from such pathogenic organisms as are specified.
- (2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.
- (3) Upon conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any such fertiliser or farm feed, or bone, or other substance derived from animal carcass, to be forfeited, or may order it to be destroyed, without compensation; or may both declare it to be so forfeited and order it to be so destroyed, without compensation.

41. Seizure and disposal of unlawfully imported farming requisites

- (1) Any farming requisite brought to any part of Zambia for purposes of importation in contravention of any of the provisions of this Act, or of any condition thereunder prescribed for such importation, may be seized and detained, subject to the disposal thereof by the Minister under the provisions of subsection (2).
- (2) If any such farming requisite is detained under the provisions of subsection (1), the Minister may—
 - (a) order such farming requisite—
 - (i) to be removed from Zambia within such time as may be specified in the order; or
 - (ii) with the consent of the person to whom the said farming requisite was consigned, or his agent, or of the owner thereof, to be destroyed without compensation; or
 - (b) bring proceedings in the manner prescribed by subsection (3), for its forfeiture and destruction; or
 - (c) permit the removal thereof subject to such conditions as he may impose; or
 - (d) order samples of such farming requisite to be taken and tested in the manner prescribed and—
 - (i) if, upon such test, the said farming requisite is found and certified not to vary beyond the limits of variation of analysis prescribed for such farming requisite, permit the importation thereof into Zambia, subject to such conditions as he may impose; or
 - (ii) if, upon such test, the said farming requisite is found and certified to vary beyond the said limits of variation of analysis prescribed, permit the importation thereof into Zambia, subject to such conditions as he may impose; or bring proceedings in the manner prescribed by subsection (3), for its forfeiture and destruction; or
 - (iii) if, upon such test, the said farming requisite is also found and certified to be in a dangerous state or injurious to the health of human beings, animals or plants, and the Minister deems it to be reasonably necessary so to do, order the said farming requisite to be destroyed forthwith, without compensation.

- (3) (a) Where the Minister elects to bring proceedings in pursuance of paragraph (b) of subsection (2) or in pursuance of sub-paragraph (ii) of paragraph (d) of subsection (2), he may, in his name, bring civil proceedings in the court against the owner of the said farming requisite, or against the person to whom it was consigned, as agent of the owner, and in the said proceedings the Minister shall claim for a declaration by the court that the said farming requisite was imported into Zambia in contravention of the provisions of this Act, and for an order that it be forfeited to the Government and destroyed.
- (b) Such proceedings shall be commenced by filing with the clerk of the court an affidavit, made by a public officer duly authorised by the Minister in that behalf, setting forth the relevant facts and exhibiting the report or certificate or reports or certificates upon which the declaration and order are sought.
- (c) (i) Upon the filing of the said affidavit, the clerk of the court shall assign a date for the hearing of the claim not less than three weeks and not more than six weeks from the date of issue of the writ of summons in accordance with the provisions of sub-paragraph (ii).
- (ii) The clerk of the court shall thereupon issue a writ of summons in the form prescribed setting forth therein the date assigned for the hearing of the claim by the court.
- (d) The said writ of summons shall be served upon the party named as party defendant therein in the manner prescribed in paragraph (e); and notice of the proceedings in the form prescribed shall be published in the *Gazette* not less than fourteen days prior to the date assigned for the hearing of the claim.
- (e) For the purposes of this section, any writ of summons issued under the provisions of this section shall be deemed to have been served upon the party defendant, if, not less than fourteen days prior to the date assigned for the hearing of the claim by the court, a true copy thereof is—
- (i) delivered to the said defendant personally; or
- (ii) addressed to him and left or forwarded by post to him at his usual or last known place of abode or business; or
- (iii) addressed to him forwarded by registered post to his usual or last known post office box number; or
- (iv) where he is unknown, or where he has no address within Zambia, or his address is unknown, published in one issue of the *Gazette*.
- (f) If any party defendant served with the said writ of summons as provided in paragraph (e) wishes to defend or oppose or contest the said proceedings, he shall, in the form prescribed, give notice of his intention so to do to the clerk of the court not less than five days before the date assigned in the said writ of summons for the hearing of the said claim.
- (g) If any person, who is not a party defendant, desires to defend or oppose or contest the said proceedings, he shall, not less than seven days after the publication of the notice of proceedings pursuant to paragraph (d), give to the clerk of the court notice in writing of his intention so to do; whereupon he shall be entitled to appear at the hearing of the claim as if he were in every respect a party defendant.
- (h) If any party defendant fails to comply with the provisions of paragraph (f), or if he, or any person who has given the notice provided for by paragraph (g), fails to appear at the hearing of the claim on the date assigned therefor, the court shall enter his default and may thereupon proceed to hear and determine the claim forthwith on the evidence of the affidavit filed under paragraph (b) and the report or certificate or reports or certificates exhibited therein or may adjourn such hearing and determination to a date not more than two weeks from the date assigned for the hearing of the claim.

- (i) Upon hearing the evidence adduced, the court may make the declaration and order sought; or may dismiss the claim and make such order as to costs, consequential upon such dismissal, as the court deems meet.
- (j) In the event of a dismissal of the said claim, the Minister may elect to dispose of the said farming requisite in any other manner thereunto provided by subsection (1).
- (4) It is hereby declared that any act done or ordered or permitted to be done in terms of this section shall not—
 - (a) prevent the institution of criminal proceedings under this Act or under any other written law against the person to whom the said farming requisite was consigned, or his agent, or the owner thereof, or any other person; or
 - (b) curtail or limit in any way whatsoever the powers or duties of the Controller of Customs and Excise or of any customs officer under the Customs and Excise Act; or

[Cap. 322]

 - (c) affect the liability of any person for the payment of customs duty in respect of the said farming requisite; or
 - (d) entitle any person to claim a refund of customs duty paid in respect to any farming requisite seized and dealt with in terms of this section.
- (5) Any person who fails to comply with any order made or condition imposed under this section shall be guilty of an offence.

Part VII – Miscellaneous

42. Disposal of substandard farming requisites

- (1) If any sample, taken in the manner prescribed, of any farming requisite is, upon test in the manner prescribed, found and certified to vary beyond the limits of variation of analysis prescribed for such farming requisite—
 - (a) the Minister may, if the said farming requisite has been seized and is detained under the provisions of this Act—
 - (i) subject to such conditions as to its sale and use and to such other conditions as he may impose, direct its return either to the owner thereof or to the persons from whose custody and control it was taken; or
 - (ii) with the consent of the owner thereof, order it to be destroyed without compensation; or
 - (iii) bring proceedings in the manner prescribed by subsection (2) for its forfeiture and destruction; or
 - (iv) if, upon such test, the said farming requisite is also found and certified to be in a dangerous state or injurious to the health of human beings, animals or plants, and the Minister deems it reasonably necessary so to do, order the said farming requisite to be forfeited and destroyed, without compensation;
 - (b) the Minister may, if the said farming requisite has not been seized or detained under the provisions of this Act—
 - (i) subject to such conditions as to its sale and use and to such other conditions as he may impose, permit the owner thereof to retain the said farming requisite; or
 - (ii) with the consent of the owner thereof, order it to be destroyed without compensation;

- (iii) bring proceedings in the manner prescribed by subsection (2) for its forfeiture and destruction; and may, if he deems it necessary so to do, at any time prior to or after the commencement of the said proceedings, direct that the said farming requisite be seized and detained pending the determination of the said proceedings; or
 - (iv) if, upon such test, the said farming requisite is also found and certified to be in a dangerous state or injurious to the health of human beings, animals or plants, and the Minister deems it reasonably necessary so to do, order the said farming requisite to be forfeited and destroyed, without compensation; and may for the purposes of this sub-paragraph, if he deems it necessary so to do, order the seizure and detention of the said farming requisite.
- (2)
 - (a) Where the Minister elects to act in pursuance of sub-paragraph (iii) of paragraph (a) of subsection (1) or of subparagraph (iii) of paragraph (b) of subsection (1), he may, in his name, bring, or cause to be brought, civil proceedings in the court against the owner of the said farming requisite or against the person from whose custody or control the same was taken, or in whose custody or control the same is found, as agent of the owner; and in the said proceedings the Minister shall claim for a declaration by the court that the said farming requisite varies beyond the limits of variation of analysis prescribed under this Act for such farming requisite; and for an order that it be forfeited to the Government and destroyed, without compensation.
 - (b) Such proceedings shall be commenced by filing with the clerk of the court an affidavit, made by a public officer duly authorised by the Minister in that behalf, setting forth the relevant facts and exhibiting the report or certificate or reports or certificates upon which the declaration and order are sought.
 - (c)
 - (i) Upon the filing of the said affidavit, the clerk of the court shall assign a date for the hearing of the claim not less than three weeks and not more than six weeks from the date of issue of the writ of summons in accordance with the provisions of subparagraph (ii).
 - (ii) The clerk of the court shall thereupon issue a writ of summons in the form prescribed setting forth therein the date assigned for the hearing of the claim by the court.
 - (d) The said writ of summons shall be served upon the party named as party defendant therein in the manner prescribed in paragraph (e); and notice of the proceedings in the form prescribed shall be published in the *Gazette* not less than fourteen days prior to the date assigned for the hearing of the claim.
 - (e) For the purposes of this section, any writ of summons issued under the provisions of this section shall be deemed to have been served upon the party defendant if not less than fourteen days prior to the date assigned for the hearing of the claim by the court, a true copy thereof is—
 - (i) delivered to the said defendant personally; or
 - (ii) addressed to him and left or forwarded by post to him at his usual or last known place of abode or business; or
 - (iii) addressed to him and forwarded by registered post to his usual or last known post office box number; or
 - (iv) where he is unknown, or where he has no address within Zambia, or his address is unknown, published in one issue of the *Gazette*.
 - (f) If any party defendant served with the said writ of summons as provided in paragraph (e) wishes to defend or oppose or contest the said proceedings, he shall, in the form prescribed, give notice of his intention so to do to the clerk of the court not less than five days before the date assigned in the said writ of summons for the hearing of the said claim.

- (g) If any person, who is not a party defendant, desires to defend or oppose or contest the said proceedings, he shall, not less than seven days after the publication of the notice of proceedings provided for in paragraph (d), give to the clerk of the court notice in writing of his intention so to do; whereupon he shall be entitled to appear at the hearing of the claim as if he were in every respect a party defendant.
 - (h) If any party defendant fails to comply with the provisions of paragraph (f), or if he, or any person who has given the notice provided for by paragraph (g), fails to appear at the hearing of the claim on the date assigned therefor, the court shall enter his default and may thereupon proceed to hear and determine the claim forthwith on the evidence of the affidavit filed under paragraph (b), and the reports or certificates exhibited therein, or may adjourn such hearing and determination to a date not more than two weeks from the date assigned for the hearing of the claim.
 - (i) Upon hearing the evidence adduced, the court may make the declaration and order sought; or may dismiss the claim and make such order as to costs, consequential upon such dismissal, as the court deems meet.
 - (j) In the event of a dismissal of the claim by the court, the Minister may elect to dispose of the said farming requisite in any other manner thereunto provided by subsection (1).
- (3) It is hereby declared that anything done or any proceedings taken in terms of this section shall not prevent the institution of criminal proceedings under this Act, or under any other written law, against the owner of the said farming requisite or his agent, or the person from whose custody and control it was taken, or in whose custody or control it is found, as the case may be, or against any other person.
- (4) Any person who fails to comply with any order made or condition imposed under paragraph (a) of subsection (1), or under paragraph (b) of subsection (1), shall be guilty of an offence.

43. Failure to comply with Act or regulations an offence

Any person who contravenes or fails to comply with any of the provisions of this Act, or with any regulation, requirement or condition lawfully prescribed thereunder, shall be guilty of an offence.

44. Prohibition against tampering with samples

Any person who—

- (a) tampers with any farming requisite so as to procure that any sample of such farming requisite taken under, and for the purposes of, this Act does not correctly represent the bulk from which the said sample was taken; or
- (b) otherwise tampers with any sample taken under this Act; or
- (c) with intent to deceive, causes or permits to be sent to any approved laboratory, to be tested, for the purposes of this Act, a sample of any farming requisite which to his knowledge does not represent the bulk from which it was taken;

shall be guilty of an offence.

45. Prohibition against altering, defacing or removing official records, etc.

Any person who shall, without lawful authority, alter, deface or remove—

- (a) any register, roll, index or other such official record maintained in pursuance of this Act or of any order, requirement or regulation made thereunder; or
- (b) any entry appearing in any such register, roll, index or other such official record;

shall be guilty of an offence.

46. Prohibition against altering, etc., documents and marks

Any person who shall, without lawful authority, alter or deface—

- (a) any certificate, report, invoice, account, or other document, prescribed, issued, furnished or kept under this Act or under any order, requirement, condition or regulation made thereunder; or
- (b) any note, docket or mark placed upon any package or container under this Act or under any order, requirement, condition or regulation made thereunder; or who shall remove any such note, docket or mark from any such package or container upon which it is required to be kept or attached under this Act or under any order, requirement, condition or regulation made thereunder;

shall be guilty of an offence.

Part VIII – Proceedings and penalty**47. Certificate or report *prima facie* evidence of facts certified**

In any proceedings brought under this Act, the production of any certificate or report of any test prescribed under this Act shall be sufficient evidence of the facts therein stated unless the defendant or person charged requires, as regards a certificate or report issued by an approved laboratory, that the approved analyst or the person who made the analysis be called as a witness:

Provided that this section shall not apply as regards a certificate or report issued by an approved laboratory where the sample analysed has been taken otherwise than in the manner prescribed.

48. Penalty

Save where otherwise expressly provided by this Act, any person who is convicted by the court of an offence under this Act shall, in the case of a first such offence, be liable to a fine not exceeding three hundred penalty units or to imprisonment for a term not exceeding three months, or to both; and in the case of a second or any subsequent offence, to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a term of six months, or to both.

[As amended by Act [No. 13 of 1994](#)]

49. Secrecy

If any person—

- (a) being a person employed for the purposes of this Act, publishes or communicates to any person without lawful authority any information acquired by him in the course of his employment; or
- (b) having possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person;

he shall be guilty of an offence and shall be liable to a fine not exceeding fifteen thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

[As amended by Act [No. 13 of 1994](#)]

50. Protection of secret processes, etc., against disclosure

Nothing in this Act shall require particulars of any secret process, formula or preparation to be disclosed, but the Minister shall be entitled to require disclosure to him of the ingredients used (but not the percentages thereof) and may also require that the cost of production (exclusive of overhead charges) shall be furnished by the producer under the certificate, verified by statutory declaration, of a qualified accountant approved by the Minister.

51. Inspection of registers and rolls

All registers and rolls maintained by the Registering Officer under this Act shall be open to the inspection of any person applying to the Registering Officer on payment of the fee prescribed.

Part IX – Regulations and rules

52. Regulations

The Minister may, by statutory instrument, make regulations for the better carrying out of this Act, and, without prejudice to the generality of the foregoing, such regulations may make provision for—

- (a) the forms of registers, rolls, applications, nominations for registration, certificates of registration, reports of sampling, reports of analysis, and such other forms as the Minister deems fit to prescribe under and for the purposes of this Act;
- (b) the forms of records to be kept, and of returns to be made by registered owners and owners of approved laboratories, importers, wholesalers and retailers, for the purposes of this Act;
- (c) standards of hygiene to be maintained in registered plant and approved laboratories;
- (d) the qualifications, professional or otherwise, of persons for approval as analysts under this Act;
- (e) standards of quality and performance of scientific equipment, and the variety of such equipment to be maintained in any laboratory for purposes of approval as an approved laboratory under this Act, together with such other requirements as to the operation of such approved laboratory as the Minister deems necessary; including requirements as to the number of approved analysts to be attached to any such approved laboratory;
- (f) the purpose or purposes for which any particular approved laboratory is approved under this Act;
- (g) limits of variation in the declared analysis of any farming requisite;
- (h) the manner in which samples of any farming requisite are to be taken under this Act; the forms to be used in and about the taking of such samples; and the fees to be paid for the taking of such samples under particular circumstances;
- (i) the methods to be employed by an approved laboratory in the testing of particular farming requisites under and for the purposes of this Act; and the fees to be paid to such approved laboratory for each such test;
- (j) the type of packing of any particular farming requisite which the Minister deems to be of a noxious nature, and which is packed by any registered plant, or by a packer, in packages or containers which are sealed by the plant or the packer and are intended for sale to the general public in such sealed packages or containers;
- (k) the manner of branding, labelling, marking or sealing packages or containers of any particular farming requisites;
- (l) periodic sampling and tests of farming requisites;
- (m) the prevention of the use of false or misleading statements in advertising any farming requisite for sale;
- (n) the prohibition or restriction of the disposal, acquisition or use of any farm feed as a fertiliser;
- (o) the restriction, limitation or prohibition of the importation of any particular farming requisite, or class of farming requisites, into Zambia; and the conditions under which any particular farming requisite may be imported;

- (p) the methods to be employed by a registered sterilising plant in and about the sterilisation of bone and other substance derived from animal carcass;
- (q) the exemption of any particular farming requisite or class of farming requisites from any or all of the provisions of this Act.

53. Rules of court

The Chief Justice may, by statutory instrument, make rules providing for—

- (a) with respect to proceedings brought under and in accordance with the provisions of subsection (3) of section forty-one and subsection (2) of section forty-two, the procedure and practice of the court, the forms to be used therein, the fees payable and the costs and charges to be allowed to legal practitioners practising therein;
- (b) the proper and effectual exercise of jurisdiction by the court;
- (c) the procedure and practice relating to appeals from the court.

First Schedule (Section 17)

Registration fees

	Fee units
1. For provisional registration of a plant on the register of plant	30
2. For provisional registration of an owner on the register of plant	30
3. For first registration of a plant on the register of plant	60
4. For first registration of an owner on the register of plant	60
5. For the annual renewal of a registration of registered plant and registered owner	30

[As amended by Act [No. 13 of 1994](#)]

Second Schedule (Section 17)**Transfer fees**

	Fee units
1. For provisional registration of a transferee from, or successor in interest to a registered owner, as registered owner on the register of plant	30
2. For full registration of a transferee from, or successor in interest to a registered owner, as registered owner on the register of plant	60

[As amended by Act [No. 13 of 1994](#)]