

THE FOOD AND NUTRITION BILL, 2020

MEMORANDUM

The objects of this Bill are to—

- (a) provide for the implementation of a national food and nutrition programme;
- (b) provide for the continued existence of the National Food and Nutrition Commission and re-define its functions;
- (c) re-constitute the Board of the Commission and re-define its functions;
- (d) establish the Food and Nutrition Coordinating Committee and provide for its functions;
- (e) repeal and replace the National Food and Nutrition Commission Act, 1967; and
- (f) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

THE FOOD AND NUTRITION BILL, 2020

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A BILL

ENTITLED

An Act to provide for the implementation of a national food and nutrition programme; continue the existence of the National Food and Nutrition Commission and re-define its functions; establish the Board of the Commission and define its functions; re-constitute the Board of the Commission and re-define its functions; establish the Food and Nutrition Coordinating Committee and provide for its functions; repeal and replace the National Food and Nutrition Commission Act, 1967; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Food and Nutrition Act, 2020,
5 and shall come into operation on the date appointed by the Minister by statutory instrument.

Short title
and
commencement

2. In this Act unless the context otherwise requires—

Interpretation

“authorised officer” means an employee of the Commission
or any other officer authorised in writing to enforce this
10 Act;

“Board” means the Board of the Commission constituted
under section 6;

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	“Chairperson” means the person appointed as Chairperson of the Board under section 6;	
	“Commission” means the National Food and Nutrition Commission continued under section 3;	
	“Coordinating Committee” means the Food and Nutrition Coordinating Committee constituted under section 30;	5
Cap. 1	“Emoluments Commission” means the Emolument Commission established under the Constitution;	
	“Executive Director” means the person appointed as Executive Director under section 9;	10
Act No. 7 of 2019	“food” has the meaning assigned to the word in the Food Safety Act, 2019;	
	“food supplement” means a product, other than tobacco, intended to supplement the diet, and includes the following characteristics:	15
	(a) contains concentrated source of one or more of the following:	
	(i) vitamins;	
	(ii) minerals;	
	(iii) amino acids;	20
	(iv) essential oils;	
	(v) natural substances of plant or animal origin;	
	(vi) enzymes; or	
	(vii) substances with nutritional or physiological function or contains a combination of any of these;	25
	(b) is intended to be taken orally in the form of tablet, capsule, powder, softgel, gelcap, granules or liquid;	
	(c) is not represented for use as a conventional food or as a sole item of a meal or the diet; and	30
	(d) is labelled as a food supplement;	
Act No. 24 of 2009	“Health Professions Council of Zambia” means the Health Professions Council of Zambia established under the Health Professions Act, 2009;	
Act No. 4 of 2013	“higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;	35
	“institution” means a public or private organisation, establishment, foundation or society involved in the promotion of public, educational or charitable programmes;	

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- “legally disqualified” means having no legal capacity as provided in section 4 of the Mental Health Act, 2019; Act No. 6 of 2019
- 5 “malnutrition” means a condition resulting from an inadequate or excess intake of food resulting in either under nutrition or over nutrition;
- “micro-nutrient deficiency” means the inadequate availability of either vitamins or minerals, or both, required to maintain health in the body, and “micro-nutrient deficiencies” shall be construed accordingly;
- 10 “national food and nutrition programme” means provision of services in an integrated manner to improve the food and nutrition situation of the population;
- “nutrition” means the intake of food, considered in relation to the body’s dietary needs for growth, development and maintenance of health;
- 15 “nutrition group” means an organisation registered with the Commission that carries out food and nutrition programmes at community level;
- 20 “nutritionist” means a person qualified in the field of human nutrition, dietetics, food and nutrition sciences and registered with the Commission or the Health Professions Council of Zambia;
- “nutritional security” means a person’s access to an optimal nutrition status relative to age, sex and physiological characteristics covering dietary energy, protein mineral and vitamin requirement;
- 25 “nutritional supplement” means natural, processed or manufactured food in the form of a capsule, tablet, powder or liquid source of nutrients, or other substance with a nutritional or physiological effect capable of supplementing the normal diet;
- 30 “Register” means the Register referred to under section 28;
- “repealed Act” means the National Food and Nutrition Commission Act, 1967; Cap. 308
- 35 “Secretary” means the person appointed as Secretary to the Commission under section 10;
- “Vice-Chairperson” means the person elected as Vice Chairperson under section 6;

“vulnerable group” means a group at risk of nutritional deficiencies and includes children under five years of age, adolescents, pregnant women and breastfeeding mothers, the aged and individuals with special nutritional needs; and
 “Zambia Qualifications Authority” means the Zambia 5
 Qualifications Authority established under Zambia
 Qualifications Authority Act, 2011.

Act No. 13
 of 2011

PART II

NATIONAL FOOD AND NUTRITION COMMISSION

Continuation of Commission 3. (1) The National Food and Nutrition Commission 10
 established under the repealed Act is continued as if established under this Act.

(2) The Commission is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with power subject to other provisions of 15
 this Act to do the acts that a body corporate may, by law, do or perform.

Seal of Commission 4. (1) The seal of the Commission is a device that may be determined by the Commission and shall be kept by the Executive Director. 20

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

(3) A contract or instrument which if entered into or executed 25
 by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Commission by the Executive Director or any other person generally or specifically authorised by the Board in that behalf. 30

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

Functions of Commission Act No. 24 of 2009 5. (1) The functions of the Commission are to— 35
 (a) register nutritionists, except those registered under the Health Professions Act, 2009;
 (b) formulate the national food and nutrition programme in the Republic; 40

- (c) coordinate, monitor and evaluate food and nutrition programmes in order to improve delivery and access to food and nutrition services;
- 5 (d) issue and facilitate the implementation of guidelines for the purposes of this Act;
- (e) carry out research on food and nutritional matters;
- (f) develop and implement a nutrition surveillance system to monitor the food and nutrition situation in the Republic, particularly for vulnerable groups;
- 10 (g) advocate for good nutrition practices among the population;
- (h) promote local nutritious foods;
- (i) collaborate with other relevant institutions in matters relating to food and nutrition;
- (j) establish and maintain a national food and nutrition information system;
- 15 (k) promote provision of adequate diet in public and private institutions;
- (l) co-ordinate training in food and nutrition;
- (m) liaise with professional bodies and institutions at national, regional and international levels in matters related to food and nutrition;
- 20 (n) undertake nutrition assessments and make recommendations to address micronutrient deficiencies of public health significance;
- 25 (o) register nutrition groups; and
- (p) approve food and nutrition programmes or projects to be undertaken by an institution.
- (2) The Commission may—
- (a) require any person dealing with food supplements or any agent, employee, servant or authorised representative of that person to furnish the Commission with information, records and samples that are necessary to enable the Commission monitor food and nutrition matters under this Act; and
- 30 (b) direct any organisation implementing a food and nutrition programme to implement the programme in a manner that ensures compliance with this Act.
- 35

6. (1) There is constituted a Board of the Commission which consists of the following part-time members appointed by the
40 Minister:

Board of
Commission

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-
- (a) a representative each of the—
- (i) office of the Vice-President;
 - (ii) Attorney-General;
 - (iii) Ministry responsible for health;
 - (iv) Ministry responsible for agriculture; 5
 - (v) Ministry responsible for water and sanitation;
 - (vi) Ministry responsible for Community Development and Social Services; and
 - (vii) Ministry responsible for education;
- (b) a representative from a recognised food and nutrition 10
professional body;
- (c) a representative from a research or academic institution
dealing with food and nutrition;
- (d) a representative from a civil society organisation dealing
with food and nutrition; and 15
- (e) one person with experience and knowledge in matters
relevant to this Act.
- (2) The ministries, institutions and organisations referred to in
subsection (1), shall nominate their representatives for appointment
by the Minister. 20
- (3) The Minister shall appoint the Chairperson of the Board
from among the members.
- (4) The members shall elect the Vice-Chairperson of the Board
from among themselves.
- (5) A person shall not be nominated or appointed as a member 25
of the Board if that person—
- (a) is not a citizen;
 - (b) has not served at senior management level for at least 5
years;
 - (c) is an undischarged bankrupt; 30
 - (d) is legally disqualified from holding the office of a member;
 - (e) has been convicted of an offence under any other written
law and sentenced to imprisonment for a period
exceeding six months without the option of a fine within
a period of five years preceding the date of nomination 35
or appointment;
 - (f) has been found guilty of professional misconduct; or
 - (g) is an employee of the Commission.

7. The functions of the Board are to—
- (a) approve the policy and strategic plan of the Commission;
- (b) approve the annual budget estimates and audited financial statements of the Commission;
- 5 (c) monitor and evaluate the performance of the Commission against budgets and plans; and
- (d) establish and approve guidelines and standards for the purposes of this Act.
8. (1) The Board may, subject to any conditions imposed and guidelines issued by it, delegate to the Executive Director any of its functions under this Act.
- (2) The Minister may give to the Board general or specific directions relating to the performance of its functions and the Board shall give effect to those directions to the extent that they are not
- 15 inconsistent with this Act.
9. (1) The Board shall appoint an Executive Director of the Commission who shall be the chief executive officer of the Commission and responsible, under the direction of the Board, for the day-to-day administration, of the Commission.
- 20 (2) A person qualifies to be appointed as Executive Director if that person possesses the relevant qualifications, professional competencies and experience in public health or other relevant qualifications, professional competencies and experience from an institution recognised by the Zambia Qualifications Authority.
- 25 (3) The Executive Director may attend meetings of the Board and of any committee and may address those meetings, but shall have no vote.
10. (1) The Board shall appoint a Secretary who shall perform board secretarial functions.
- 30 (2) The Commission may appoint other staff of the Commission that the Commission considers necessary for the performance of the functions of the Commission.
11. (1) The Emoluments Commission shall, on the recommendation of the Commission, determine the emoluments of
- 35 the Executive Director, Secretary and other staff of the Commission.
- (2) The Board shall determine the conditions of service, other than the emoluments, of the Executive Director, Secretary and other staff of the Commission.

Functions of Board

Delegation of functions of Board

Executive Director

Secretary and staff

Emoluments and other conditions of service of Executive Director, Secretary and other staff

Tenure of
office of
member and
vacant

12. (1) A member of the Board shall hold office for a period of three years and may be reappointed for one further period of three years.

(2) A member may resign on giving one month's notice, in writing, to the Minister. 5

(3) The office of a member shall become vacant if that member—

(a) is absent, without reasonable excuse, from three consecutive meetings of the Board of which the member is notified; 10

(b) is adjudged bankrupt;

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

(d) ceases to be a representative or member of the institution 15 which nominated that member;

(e) is found guilty of professional misconduct;

(f) is removed from the Board by the Minister;

(g) is legally disqualified from performing the functions of a member; 20

(h) dies; or

(i) resigns.

(4) A member shall, on the expiry of the period for which that member is appointed, continue to hold office until a successor is appointed, but in no case shall the further period exceed three 25 months.

Proceedings
of
Board

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

(2) The Board shall meet for the transaction of business at least once in every three months at places and times that the Board 30 may determine.

(3) The Chairperson may call for a meeting of the Board on giving notice of not less than fourteen days, and if onethird of the members so request in writing, except that if the urgency of any particular matter does not permit the giving of the notice, a special 35 meeting may be called on giving a shorter notice.

(4) Seven members of the Board shall constitute a quorum at any meeting of the Board.

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

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the ViceChairperson;
and
- (c) in the absence of the Chairperson and the ViceChairperson,
5 any other member that the members present may elect
for the purpose of that meeting.
- (6) A decision of the Board on any question shall be by a
majority of the members present and voting at the meeting and in
the event of an equality of votes, the person presiding at the meeting
10 shall have a casting vote, in addition to that person=s deliberative
vote.
- (7) The Board may invite any person, whose presence is in its
opinion desirable, to attend and participate in the deliberations of
the meeting of the Board, but that person shall not have any vote.
- 15 (8) Where a member is for any reason unable to attend a
meeting of the Board, the member may, in writing, nominate another
person from the same organisation to attend the meeting in that
members stead and that person shall be deemed to be a member
for the purpose of that meeting.
- 20 (9) The validity of any proceedings, acts or decisions of the
Board shall not be affected by any vacancy in the membership of
the Board or by any defect in the appointment of any member or
by reason that any person not entitled to do so, took part in the
proceedings.
- 25 **14.** (1) The Board may constitute committees of the Board
and delegate to the committee any of its functions that it considers
necessary. Committees
of
Board
- (2) The Board may appoint as a member of a committee
constituted under subsection (1), a person who is, or is not a member
30 of the Board, except that at least one member of a committee shall
be a member of the Board.
- (3) A person serving as a member of a committee shall hold
office for a period that the Board may determine.
- (4) Subject to any specific or general direction of the Board, a
35 committee may regulate its own procedure.
- 15.** The Minister may, where the office of a member becomes
vacant before the expiry of the term of office, appoint another
member in place of the member who vacates office but that member
shall only hold office for the remainder of the term. Filling of
casual
vacancy

Allowances of member	16.	A member of the Board or a committee of the Board, shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.	
Disclosure of interest	17.	(1) A person who is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration, and in which matter that person or that persons relative or associate is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, declare that interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.	5 10
		(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.	
Act No. 3 of 2012	(3)	For the purposes of this section a relative “and associate” have the meaning assigned to the words in the Anti-Corruption Act, 2012.	15
Prohibition of publication or disclosure of information to unauthorised persons	18.	(1) A person shall not, without the consent in writing given by, or on behalf of the Commission, publish or disclose to any person in the course of that person’s duties, the contents of any document or communication of information whatsoever, which relates to, or which has come to that person’s knowledge in the course of that person’s duties under this Act.	20
		(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.	25
Immunity of member, committee and staff	19.	An action or other proceeding shall not lie or be instituted against a member of the Board, a committee of the Board, or a member of staff of the Commission for, or in respect of, any act or thing done in good faith in the exercise or performance of, any of the powers, functions or duties conferred under this Act.	30

PART III

INSPECTORATE

Authorised officer	20.	(1) The Commission may appoint, on the terms and conditions that the Board may determine a suitably qualified person to be an authorised officer for the purposes of ensuring compliance with this Act.	35
		(2) The Commission shall provide an authorised officer with an identification card and a certificate of appointment in the prescribed form which shall be evidence of the authorised officer’s appointment.	40

(3) An authorised officer shall, in performing any function under this Act—

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

5 (b) show an identification card or a certificate of appointment to a person who requests to see the identification card or the certificate of appointment.

21. (1) An authorised officer may, in performing any function under this Act

Powers of authorised officer

10 (a) at reasonable times enter and search an institution and examine a document or an article found on the premises that has a bearing on the inspection;

(b) assess the adequacy of the diets provided in an institution; and

15 (c) require information to be given about a document or an article by

(i) the owner of the premises;

(ii) the person in control of the premises;

20 (iii) a person who has control of the document or article; or

(iv) any other person who may have the information.

(2) An authorised officer shall furnish the Commission with a written report and any other information relating to an inspection, that the Commission may require.

25 (3) A person commits an offence if that person—

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

30 (b) refuses to give an authorised officer reasonable assistance that the authorised officer may require for the purpose of exercising the authorised officer's powers;

(c) gives an authorised officer false or misleading information in answer to an inquiry made by the authorised officer; or

35 (d) impersonates or falsely represents oneself to be an authorised officer.

(4) A person convicted of an offence under subsection (3) is liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to
40 both.

PART IV

REGISTRATION OF NUTRITION GROUPS

- Prohibition of operation without certificate of registration **22.** (1) A person shall not operate a nutrition group without a valid certificate of registration issued under this Act. 5
 (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.
- Application for registration of a nutrition group **23.** (1) A person who intends to operate a nutrition group shall apply to the Commission for registration of the nutrition group in the prescribed manner and form, on payment of a prescribed fee. 10
 (2) The Commission shall, within thirty days of receipt of an application under subsection (1), grant or reject the application.
 (3) The Commission shall, where it rejects an application under subsection (2), inform the applicant in writing, giving reasons for the rejection of the application. 15
 (4) The Commission shall, where an application meets the requirements of this Act, register the applicant as a nutrition group and issue the applicant with a certificate of registration. 20
- Operation of nutrition group **24.** (1) A nutrition group shall operate in accordance with the guidelines issued under this Act for the purposes of a nutrition group.
 (2) A nutrition group shall not, without the approval of the Commission, receive or request for any donations or grants from any source within or outside the Republic. 25
- Changes in details **25.** A nutrition group shall notify the Commission of any change of that nutrition group's particulars relating to the registration within seven days of the change.
- Cancellation of registration **26.** (1) The Commission may cancel the registration of a nutrition group where— 30
 (a) the nutrition group obtained the registration on the basis of fraud, negligence or misrepresentation;
 (b) fails to comply with any term or condition of registration or guidelines issued under this Act; or
 (c) circumstances have arisen that disqualify the nutrition group from registration. 35
 (2) The Commission shall, before cancelling the registration of a nutrition group, give the nutrition group an opportunity to be heard.

(3) The Commission, shall where the Commission cancels the registration of a nutrition group, remove the name of the nutrition group from the Register.

(4) A nutrition group whose certificate of registration is cancelled shall surrender to the Commission any moveable property or equipment acquired by the nutrition group from the Commission for the purposes of this Act.

27. Where a certificate of registration is cancelled the holder of the certificate of registration may, subject to the terms and conditions that the Commission may determine, apply for re-registration on payment of a prescribed fee.

Re-
registration

28. (1) The Commission shall keep and maintain a Register of nutrition groups.

Register for
nutrition
groups

(2) The Register shall be kept and maintained at the office of the Executive Director at the offices of the Commission and shall be open for inspection by members of the public during normal office hours on payment of a prescribed fee.

(3) The Executive Director may, on an application by a person, issue to that person a certified extract from the Register of a copy of a certificate of registration on payment of a prescribed fee.

29. (1) A person who intends to implement a food and nutrition programme or project shall apply to the Commission for authorisation.

Authorisation
of
programmes
or projects

(2) The Commission may, within thirty days of receipt of an application under subsection (1), grant or refuse the authorisation.

(3) The Commission shall, where it rejects an application under subsection (2), inform the applicant in writing, giving reasons for the rejection of the application.

PART V

30 NATIONAL FOOD AND NUTRITION PROGRAMME

30. (1) There is established a Coordinating Committee which is responsible for the coordination of the multi-sectoral response to food and nutrition programmes in the Republic under the direction of the Vice-President.

Coordinating
Committee

(2) The Coordinating Committee consists of the following part-time members:

(a) the Secretary to the Cabinet, as chairperson;

(b) the Permanent Secretary of the Office of the Vice-President responsible for policy analysis and coordination, as vice-chairperson;

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- (c) the Permanent Secretary of the ministries responsible for—
- (i) health;
 - (ii) agriculture;
 - (iii) community development; 5
 - (iv) fisheries and livestock;
 - (v) finance;
 - (vi) information and broadcasting;
 - (vii) local government;
 - (viii) chiefs and traditional affairs; 10
 - (ix) gender;
 - (x) national planning;
 - (xi) youth and sport;
 - (xii) environment and natural resources; and
 - (xiii) water and sanitation; 15
- (d) one person with knowledge and experience in food and nutrition; and
- (e) the Chairperson and the Executive Director, as *ex-officio* members.
- (3) The members under subsection (2) (c) shall be appointed 20 by the Minister for a term of three years and may be re-appointed for one further term.
- (4) The Coordinating Committee may, with approval of the Vice-President, for the purpose of this Act, co-opt any other person from a Government department, private sector or non-governmental 25 organisation as a member.
- (5) The Coordinating Committee may regulate its own procedure.
- (6) The Coordinating Committee shall, in the performance of 30 its function—
- (a) consult and cooperate with any State institution in the implementation of this Act; and
 - (b) recognise the role of other agencies in implementing matters relating to food and nutrition.
- (7) The Coordinating Committee shall not exercise its functions 35 in a manner inconsistent with the functions of the Commission or any other Agency performing a function under a written law.

31. The Coordinating Committee shall implement the national food and nutrition programme through the Commission in an integrated manner so as to—

National food and nutrition programme

- 5 (a) ensure improved food and nutrition security by maintaining minimum dietary needs of persons or communities;
- (b) promote a person's right to food and nutrition;
- (c) promote and strengthen coordinated planning and programming across various sectors and geographical convergence of multi-sectoral interventions;
- 10 (d) prioritise food and nutrition security in national and sector plans, budgets and policies; and
- (e) implement regional and international treaties, agreements, protocols and declarations relating to food and nutrition to which the Republic is a State party.

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PART VI

FINANCIAL PROVISIONS

32. (1) The funds of the Commission consist of moneys

Funds of Commission

- (a) appropriated to the Commission by Parliament for the purposes of the Commission;
- 20 (b) paid to the Commission by way of grants or donations; and
- (c) otherwise vest in, or accrue to, the Commission.
- (2) The Commission may, subject to the approval of the Minister
- (a) accept moneys by way of grants or donations from any
- 25 source within or outside the Republic; or
- (b) raise by way of loans or otherwise, moneys that it may require for the performance of its functions under the Act.
- (3) There shall be paid from the funds of the Commission
- 30 (a) the salaries, allowances, loans, gratuities and pensions of members of staff of the Commission;
- (b) reasonable travelling and other allowances for the members of the Board and of any committee of the Board when engaged on the business of the Commission,
- 35 at rates that the Emoluments Commission, may on recommendation of the Minister, determine; and
- (c) any other expenses incurred by the Commission in the performance of its functions under this Act.

- (4) The Commission may, with the approval of the Minister, invest in a manner that it considers appropriate funds of the Commission that it does not immediately require for the performance of its functions under this Act.
- Financial year **33.** The financial year of the Commission is twelve months ending on 31st December in each year. 5
- Accounts and Audit **34.** (1) The Commission shall cause to be kept proper books of account and other records relating to its accounts.
- (2) The accounts of the Commission shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General. 10
- (3) The Auditor-General's fees shall be paid by the Commission.
- Annual report **35.** (1) The Commission shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning its activities during that financial year. 15
- (2) The report referred to in subsection (1) shall include information on the financial affairs of the Commission and there shall be appended to that report 20
- (a) an audited statement of financial position;
- (b) an audited statement of comprehensive income; and
- (c) other information that the Minister may require.
- (3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (1), lay the report before the National Assembly. 25
- PART VII**
- GENERAL PROVISIONS
- Appeals **36.** (1) A person who is aggrieved with a decision of the Commission may, within thirty days of receipt of the decision, appeal to the Minister. 30
- (2) Any person who is aggrieved with a decision of the Minister may appeal to the High Court.
- Guidelines **37.** (1) The Commission may issue guidelines that are necessary for the better carrying out of the provisions of the Act. 35
- (2) Without prejudice to the generality of subsection (1), guidelines issued under that subsection shall relate to—
- (a) food and nutrition needs for all age groups and vulnerable groups; 40

(b) promotion of the provision of adequate diets in an institution; and

(c) food and nutrition emergency preparedness and response.

(3) The guidelines issued by the Commission under this Act
5 shall —

(a) be published in a daily newspaper of general circulation in the Republic; and

(b) bind all persons regulated under this Act.

10 **38.** The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act. Regulations

39. The Food and Nutrition Commission Act, 1967, is repealed. Repeal of Cap.308

40. The Schedule applies to the savings and transitional arrangements for the purposes of this Act. Savings and transitional provisions

SCHEDULE

(Section 40)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation 1. In this Schedule “former Commission” means the National Food and Nutrition Commission established under the repealed Act. 5

Staff of Commission 2. (1) A person who, before the commencement of this Act, was an officer or employee of the former Commission, shall continue to be an officer or employee of the Commission, as if appointed or employed under this Act. (2) The service of the persons referred to in subparagraph (1) shall be treated as continuous service. 10

(3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the former Commission before the commencement of this Act.

Transfer of assets and liabilities 3. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Commission by 15 virtue of this Act and further assurance, all assets, rights and obligations which immediately before that date were the assets, rights, liabilities and obligations of the former Commission.

(2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which 20 the former Commission was a party immediately before the commencement of this Act, whether or not of a nature that rights, liabilities and obligations could be assigned, shall, unless its subject matter or terms makes it impossible that it should have effect as modified, as provided under this paragraph, have effect as if— 25

(a) the Commission had been party to it;

(b) for any reference to the former Commission there was substituted, with respect to anything required to be done on or after the commencement of this Act, a reference to the Commission; or 30

(c) for any reference to any officer of the former Commission, not being a party to it and beneficially interested, there were substituted, with respect to anything required to be done on or after the commencement of this Act, a reference to that officer of the Commission that it shall 35 designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the former Commission are deemed to be transferred to the Commission in respect of which transfer a written law provided for registration, the Commission shall make an application, 40 in writing, to the appropriate registration authority for registration of the transfer.

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

4. (1) Any legal proceedings or application of the former Commission pending immediately before the commencement of
10 this Act by or against former Commission may be continued by or against the Commission.

Legal proceedings

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

5. A certificate or authorisation granted in accordance with the repealed Act shall continue to be valid for a period of one year from the commencement of this Act or until its expiry, cancellation or surrender in accordance with its terms, whichever is the earlier,
20 but subject to any rights or benefits accruing, or any liabilities suffered, under the repealed Act.

Certificate or authorisation

