

CHAPTER 225

FOOD RESERVE

Act No.
12 of 1995
20 of 2005

*Statutory
Instrument*
105 of 1995

An Act to establish the Food Reserve Agency and define its powers and functions; to establish a national food reserve; to transfer to the Government certain assets, rights, liabilities and obligations of Nitrogen Chemicals of Zambia Limited and Zambia Co-operative Federation Limited; to repeal the National Agricultural Marketing Act 1989; and to provide for matters connected with or incidental to the foregoing.

[28th April, 1995

PART I PRELIMINARY

1. This Act may be cited as the Food Reserve Act, Short title
2. In this Act, unless the context otherwise requires- Interpretation

"Agency" means the Food Reserve Agency established by section *three*;

"Chairperson" means the person elected as Chairperson of the Agency under paragraph *two* of the Schedule;

"Committee" means a committee established under paragraph *five* of the Schedule;

"Company" means Nitrogen Chemicals of Zambia Limited, a company Cap. 388 registered under the Companies Act;

"Director" means the person appointed as Director under paragraph *eight* of the Schedule;

"designated agricultural commodity" means any cereal, oilseed, stockfeed and other agricultural food commodity designated under section *six* as essential for the food security of the country;

"Federation" means Zambia Co-operative Federation Limited registered under the Co-operative Societies Act;

"marketing season" means the period from the 1st May in one year to the 30th April of the succeeding year;

"member" means a member of the Agency, or a committee;

"national strategic food reserve" means the national food reserve established under section *five*;

"Processor" means a person who converts or transforms, on a commercial scale, any designated agricultural commodity into a finished or semi-finished product;

"producer" means a person who grows a designated agricultural commodity;

"property" means movable or immovable assets;

"purchaser" means a person who directly or indirectly purchases for himself, or for another person a designated agricultural commodity;

"repealed act" means the National Agricultural Marketing Act;

*Act No.
19 of 1989*

"trader" means a person who, as broker, dealer, marketing company, or other purchaser, acquires any designated agricultural commodity from a producer or any other person through purchases or otherwise, for the purpose of resale;

"Vice Chairperson" means the person elected as Vice-Chairperson of the Agency under paragraph *two* of the Schedule.

PART II

THE FOOD RESERVE AGENCY

3. (1) There is hereby established the Food Reserve Agency, which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and shall, subject to the provisions of this Act, have power to do all such acts and things as a body corporate may by law do or perform.

Establishment of the Agency

(2) The provisions of the Schedule shall apply to the Agency.

4. (1) The functions of the Agency shall be to do all such things as are necessary for the administration of this Act.

Functions of the Agency

(2) Notwithstanding the generality of subsection (1) the Agency shall-

(a) administer the national strategic food reserve;

(b) establish a market information system of stocks for the national strategic food reserve;

(c) promote the use of approved standards of weighing and grading standards for designated agricultural commodities in accordance with the Weights and Measures Act and the Standards Act;

Cap. 403
Cap. 404

(d) establish and conduct a programme under which storage facilities and equipment owned by the Government may be leased or sold;

(e) assess storage requirements for marketing a designated agricultural commodity and plan for their establishment as needed; and

(f) undertake such other functions as the Minister may assign to the Agency.

(3) The Agency may by resolution delegate any of the powers and functions of the Agency to any person in the Agency or to any committee established by the Agency or, with the consent of the Minister, to any other person.

(4) The Agency shall, in addition to such other actions as may be necessary to administer the national strategic food reserve, purchase, import, sell, or trade in any agricultural commodity.

(5) Notwithstanding any provision of any other law, the Agency may enter into a contract with any person for the purpose of performing any of its functions under this Act.

(As amended by Act No. 20 of 2005)

PART III

THE NATIONAL STRATEGIC FOOD RESERVE

5. (1) There shall be a national strategic food reserve which shall, subject to this Act, be administered by the Agency.

National strategic
food reserve

(2) The purpose of the national strategic food reserve shall be to-

(a) ensure a reliable supply of designated agricultural commodities for the country;

(b) meet local shortfalls in the supply of a designated agricultural commodity;

(c) meet such other food emergencies caused by drought or flood, or by such other natural disaster, for the purposes of this Act, as may be declared by the President;

(d) correct problems relating to the supply of designated agricultural commodities which result from the manipulation of prices or monopolistic trading practices.

(As amended by Act No. 20 of 2005)

6. (1) The Minister shall designate, prior to October 31st of each year, any cereal, oilseed, stockfeed and any other agricultural food commodity that he considers essential for the food security of the country.

Designation of commodities

(2) In the case of the marketing season in which this Act comes into force, the Minister shall make the designation referred to in subsection (1), not later than thirty days after the coming into force of this Act.

7. (1) Subject to subsection (2), the Agency may purchase from the domestic market or import any designated agricultural commodity for the purposes of the national strategic food reserve.

Purchase and importation of designated agricultural commodities

(2) The Agency shall not purchase any designated agricultural commodity unless it announces in the *Gazette* and the print media, prior to the 1st of May of each year, its plan for purchases of each designated commodity in the following marketing year.

(3) The plan referred to in subsection (2) shall include the-

(a) quantity of the designated agricultural commodity the Agency plans to purchase;

(b) method of procurement and payment for the designated agricultural commodity by the Agency; and

(c) places at which the Agency plans to make such purchases.

(4) The Agency shall announce and publish in the *Gazette* and the print media prior to the 31st of October of each year, the procedure to be followed in buying a designated agricultural commodity which it needs to import or when buying locally for the next twelve months; and different procedures may be published for different areas.

(As amended by Act No. 20 of 2005)

8. (1) Subject to subsection (2), the Agency may sell any designated agricultural commodity in the national strategic food reserve to meet-

Sale of designated agricultural commodities

(a) local shortfalls in the supply of the commodity;

(b) other food emergencies caused by drought, flood, or other natural disaster.

(2) Subject to subsection (3), the Agency shall not sell any designated agricultural commodity in the national strategic food reserve unless it publishes in the *Gazette* and in the print media, prior to the 31st of October of each year, the procedure to be followed during the following twelve months in selling any designated agricultural commodity held in the national strategic food reserve; and different procedures may be published for different areas.

(3) Whenever a designated agricultural commodity is stored as part of the national strategic food reserve, the Agency may sell, quantities of the designated agricultural commodity in different places to the extent necessary to properly handle, rotate, distribute, and position the designated agricultural commodity as part of the national strategic food reserve.

(4) Subject to subsection (3) any purchase to offset a sale of a designated agricultural commodity shall be made as soon as possible following the sale.

(As amended by Act No. 20 of 2005)

9. The Agency may receive any designated agricultural commodity or any commodity not designated under this Act as part of the national strategic food reserve donated by any person, body, Government or institution:

Receipt of designated agricultural commodity and non-designated agricultural commodity

Provided that the Agency may sell any commodity not designated under this Act as a designated agricultural commodity and shall purchase quantities of the designated agricultural commodity to properly rotate, distribute and position the designated agricultural commodity as part of the national strategic food reserve.

(As amended by Act No. 20 of 2005)

PART IV

CROP MARKETING

10. (1) The Agency shall engage in the marketing and trading of designated agricultural commodities.

Market and trading of designated agricultural commodities

(2) In conducting activities under subsection (1) the Agency shall-

(a) announce in the *Gazette* the designated agricultural commodities, the quantities, places, procurement methods and methods of payment for the purchase of designated agricultural commodities;

(b) identify and enter markets in rural areas;

(c) establish or determine prices and create markets for designated agricultural commodities in rural areas where involvement by the private sector is minimal;

(d) operate through established market centres in rural areas or farmers' organisations such as co-operatives and associations of farmers; and

(e) export excess designated agricultural commodities.

(As repealed and Replaced by Act No. 20 of 2005)

11. (1) The Agency shall -

Functions of Agency related to designated agricultural commodities

(a) establish and maintain a market information system for the benefit of the consumer and for any person engaged in the production, marketing and processing of each designated agricultural commodity; and

(b) in establishing the market information system under this section, consult representatives of consumers, producers, traders, processors and any other person engaged in the production, marketing and processing of a designated agricultural commodity.

(2) The Agency shall collect and disseminate information relevant to the marketing of designated agricultural commodities, including information on domestic sales and export sales of a designated agricultural commodity for the purposes of the requirements of consumers, producers, traders, processors and any other persons engaged in the production, marketing or processing of such designated agricultural commodities.

(As repealed and Replaced by Act No. 20 of 2005)

11A. Subject to Agricultural Credits Act, the Agency shall, prior to purchasing a designated agricultural commodity, inspect all relevant records to determine if the trader or processor selling the designated agricultural commodity has previously pledged the commodity as security or whether a charge or lien has been registered under that Act.

Power to inspect records
Cap. 224

(As repealed and Replaced by Act No. 20 of 2005)

11B. Any registered trader and processor who sells any designated agricultural commodity in regard of a registered charge or lien on the designated agricultural commodity referred to in section *eleven A* commits an offence and shall be liable to a penalty under the Agricultural Credits Act.

Penalties for disregarding charge or lien

(As repealed and Replaced by Act No. 20 of 2005)

PART V

WEIGHING AND GRADING STANDARDS FOR DESIGNATED COMMODITIES

12. The Agency shall consult the Zambia Bureau of Standards, as provided for under the Weights and Measures Act and Standards Act, in developing and improving standards of quality, condition, quantity and grade of a designated agricultural commodity, so as to encourage uniformity and consistency.

Standard of designated agricultural commodity
Cap. 403
Cap. 404

(As amended by Act No. 20 of 2005)

13. (1) Any person who knowingly misrepresents the grade of a designated agricultural commodity contrary to established standards shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding fifty thousand penalty units, or to imprisonment for a term not exceeding six months, or to both.

Offence and penalty for misrepresenting grade

(2) Any person who fails to pay the fine under subsection (1) shall in addition to that penalty be prohibited from participating in the marketing or processing of any designated agricultural commodity for a period not exceeding three years.

(As amended by Act No. 20 of 2005)

PART VI

REGISTRATION OF TRADERS AND PROCESSORS

14. (1) The Agency shall manage, lease and maintain such storage facilities and equipment, to be used for designated agricultural commodities, as it may consider necessary. Functions related to storage facilities and equipment

(2) The Minister may, by statutory instrument, make regulations for the better carrying out of the functions of the Agency specified in subsection (1).

(As repealed and Replaced by Act No. 20 of 2005)

15. (1) The Agency shall collaborate with other institutions to facility the operations of markets and agri-business. Agri-business activities

(2) In this section, "agri-business activities" include-

(a) the operation of a system where a farmer obtains inputs on credit and agrees with the lender to recover the loan in full from the sale of the farmer's produce, and pay the farmer the difference, if any, for the recovery of credit; and

(b) the maintenance of a system which allows a farmer or any person to obtain credit against agricultural commodities held in a bonded warehouse.

(As repealed and Replaced by Act No. 20 of 2005)

16. The Minister may, by statutory instrument, and after consultation with the Agency, establish rules and regulations regarding the standards of conduct of every registered trader and processor in relation to the trade in any designated agricultural commodity. Standards of conduct of traders and processors

17. (1) A trader or a processor registered as a dealer in a designated commodity shall provide to the Agency information regarding the price and stock of a designated agricultural commodity handled or held by him during the period designated by the Agency. Reports by traders and processors

(2) A report under this section shall be-

(a) in such form as may be prescribed by the Agency;

(b) approved by the Minister; and

(c) submitted by a trader or a processor within such time as may be prescribed by the Agency.

(As amended by Act No. 20 of 2005)

18. (1) A trader or a processor who fails to register, or who, if registered, fails to comply with the standards of conduct established by the Minister shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten penalty units.

Penalty for failing to register or comply with standards of conduct

(2) Any person who fails to pay the fine under subsection (1) shall in addition to that penalty be prohibited from participating in the marketing or processing of any designated agricultural commodity for a period not exceeding three years.

19. Subject to the Agricultural Credits Act, the Agency shall, prior to purchasing a designated agricultural commodity, inspect all relevant records to determine if the trader or processor selling the designated agricultural commodity has previously pledged the commodity as security or whether a charge or lien has been registered under that Act.

Power to inspect records
Cap. 224

(As amended by Act No. 20 of 2005)

20. Any registered trader and processor who sells any designated agricultural commodity in disregard of a registered charge or lien on the designated agricultural commodity referred to in section *nineteen* shall be guilty of an offence and shall be liable to a penalty under the Agriculture Credits Act.

Penalties for disregarding registered charge or lien
Cap. 224

(As amended by Act No. 20 of 2005)

PART VII

NATIONAL FOOD EMERGENCY

21. The President may declare a national food emergency if, in his opinion, there is a major shortfall in the domestic production or availability of a designated agricultural commodity.

Declaration of national food emergency

22. (1) Subject to subsection (2), whenever the President declares a national food emergency under section *twenty-one*, the powers of the Agency under this Act shall vest in the Minister.

Vesting of Agency functions

(2) The Minister shall exercise the powers of the Agency, during the

existence of the national food emergency and for not more than thirty days after the end of the emergency as declared by the President, and shall consult the Agency in the selection of bidders for the supply of a designated agricultural commodity purchased for the national strategic food reserve.

(3) Where the Minister exercises the powers referred to in subsection (2), the Agency shall, after the appointed date be an advisory committee to the Minister.

(As amended by Act No. 20 of 2005)

PART VIII

GENERAL

23. The Minister may exercise the powers of the Agency under this Act until such time as the members of the Agency are appointed. Transitional period

24. (1) On the appointed date, there shall be transferred to, and shall vest in and be owned by the Government without further assurance all property, rights, liabilities and obligations, excluding fertilizer, transferred under the repealed Act which, immediately before the appointed date, were the property, rights, liabilities and obligations of the Company or Federation by virtue of the repealed Act. Vesting of assets and transfer of liabilities

(2) The Minister shall by statutory instrument provide for the transfer of any property, right, liability or obligation to the Agency without further assurance on such terms and conditions as may be specified in the statutory instrument.

(3) The property, rights, liability or obligation specified in the statutory instrument made under subsection (2) shall, on the coming into force of the statutory instrument, vest in or, as the case may be, subsists against the Agency.

(4) The provisions of section *twenty-five* shall apply, with the necessary modifications, to the Agency on the coming into force of the statutory instrument.

25. (1) Whenever in pursuance of this Act any property, right, liabilities or obligations, of the Federation or Company are transferred to the Government in respect of which transfer a written law provides for registration, the Government shall make an application in writing to the proper officer or the appropriate registration authority for the registration of the transfer.

Registration of
property to be
transferred

(2) The officer referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to the transfer and, where appropriate, issue the transferee concerned with a certificate of title in respect of the property or make necessary amendments to the register, as the case may be, and shall make endorsement on the deeds relating to the title, right or obligation concerned.

(3) No registration fees or duty shall be payable in respect of any transfer effected under this Part.

26. (1) Without prejudice to the other provisions of this Act, where any right, liability or obligation vests in the company or Federation by virtue of the repealed Act, the Government or Agency, as the case may be, and all other persons shall, as from the commencement of this Act, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing those rights, liabilities or obligations as they would have had if it had at all times been a right, liability or obligation of the Government or the Agency under the repealed Act.

Legal Proceedings

(2) Any legal proceedings or application to any authority pending immediately before the commencement of this Act by or against the Federation or Company in relation to the assets transferred to the Government or the Agency, as the case may be, may be continued by or against the Government or Agency.

(3) After the commencement of this Act proceedings in respect of any right or obligation which was vested in, held, enjoyed, incurred or suffered by the Federation or Company may be instituted by, or against the Government or Agency.

27. The Minister may, by statutory instrument, and in consultation

Regulations

with the Agency, prescribe-

- (a) anything which by this Act is required or permitted to be prescribed;
- (b) any forms for the purposes of this Act;
- (c) any fees payable in respect of any service provided by the Agency;
- (d) any other matters as are necessary or conducive to the better carrying out of the purposes of this Act.
- (e) to describe different procedures for different areas.

28. The National Agricultural Marketing Act is hereby repealed.

Repeal of *Act No.*
19 of 1989

SCHEDULE

(Section 3(2))

PART I

ADMINISTRATION OF AGENCY

1. (1) The seal of the Agency shall be such device as may be determined by the Agency and shall be kept by the Secretary.

Seal of the Agency

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson or any other person authorised in that behalf by a resolution of the Agency.

(3) Any contract or instrument which, if entered into or executed 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 Agency by the Secretary or any other person authorised by the Agency in that behalf.

(4) Any document purporting to be under the seal of the Agency or issued on behalf of the Agency shall be received in evidence and shall

be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

2. (1) The Agency shall consist of the following part-time members: Composition of the Agency

(a) a representative of-

- (i) the small scale farmers;
- (ii) the Zambia National Farmers Union;
- (iii) the Millers Association of Zambia; and
- (iv) the Bankers Association of Zambia;

(b) one person from a co-operative;

(c) two senior officials from the Ministry responsible for agriculture and co-operatives; one whom shall be from the Division responsible for marketing and co-operatives and the other from the Division responsible for agriculture;

(d) one senior official from the Ministry responsible for commerce, trade and industry;

(e) one senior official from the Ministry responsible for finance and national planning; and

(f) a representative of the Attorney-General

(2) The members referred to in subparagraph (1) shall be nominated by their respective organisations or Ministers and appointed by the Minister.

(3) The Chairperson and the Vice-Chairperson shall be elected by the Agency from amongst its members:

Provided that the Chairperson shall not be elected from the members appointed under clauses (c), (d) or (e).

(As repealed and replaced by Act No. 20 of 2005)

3. (1) A member of the Agency, except a member referred to in clause (a) of subparagraph (1) of paragraph 2-

Tenure of office and
vacancy

(a) shall hold office for a period of three years from the date of appointment and shall be eligible for re-appointment for a further term

of three years;

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

(2) The office of a member, shall become vacant-

(a) upon his death;

(b) if he is absent, without reasonable excuse, from three consecutive meetings of the Agency of which he has had notice;

(c) on ceasing to be a representative of the organisation which nominated him; or

(d) if he is an undischarged bankrupt.

4. (1) Subject to the other provisions of this Act, the Agency may regulate its own procedure.

Proceedings of the
Agency

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

(3) The Chairperson may at any time call a meeting of the Agency and shall call a special meeting to be held within fourteen days of receipt of a written request addressed to him by at least five members of the Agency.

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

(5) Two-thirds of the members shall form a quorum at any meeting of the Agency.

(6) There shall preside at any meeting of the Agency-

(a) the Chairperson;

(b) in the absence of the Chairperson the Vice-Chairperson the Vice-Chairperson; or

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

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

(8) The Agency may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of the meeting of the Agency, but such person shall have no vote.

(9) The validity of any proceedings, acts or decisions of the Agency shall not be affected by any vacancy in the membership of the Agency 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.

5. (1) The Agency may, for the purpose of performing its functions under this Act, establish such committees as it considers necessary and delegate to any of those committees such of its functions as it considers fit. Committees of the Agency

(2) Subject to sub-paragraph (3), the Agency may appoint as members of a committee, persons who are, or are not, members of the Agency, except that at least one member of a committee shall be a member of the Agency.

(3) A committee established for the purpose of purchasing designated agricultural commodities for the national strategic food reserve under Part III of the Act shall be composed entirely of members of the Agency.

(4) A person serving as a member of a committee shall hold office for

such period as the Agency may determine.

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

(6) A member of a committee shall be paid such allowances for the member's necessary travel and other expenses when actually engaged in the performance of such duties as the Agency may determine with the approval of the Minister.

(As amended by Act No. 20 of 2005)

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

Disclosure of interest

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

7. (1) A member shall within thirty days of becoming a member submit a financial disclosure report to the Minister.

Financial disclosure report

(2) The report referred to in subsection (1) shall disclose-

(a) the income earned by the member from crop production, marketing, processing or financing, during the year before his appointment;

(b) the personal liabilities owned by the member in relation to crop production, marketing, processing or financing before his appointment; and

(c) such other information as the Minister may require.

(3) A member shall file a supplementary financial disclosure report with the Minister if during any calendar year there is any change in the

member's financial interests or personal liabilities.

(4) The Minister may grant such extension of time for the submitting of reports under this section as he considers appropriate.

(5) The Minister shall within fifteen days after a report is submitted under this section, make the report available for inspection by members of the public at reasonable hours.

(6) A person who knowingly falsifies any information or fails to submit a report as required under this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten penalty units.

8. (1) The Agency shall, on such terms and conditions as it may determine, appoint a Director who shall be the Chief Executive Officer of the Agency, and who shall be responsible for the administration of the Agency and the implementation of the decisions of the Agency. Staff of Agency

(2) There shall be a Secretary to the Agency who shall be appointed on such terms and conditions as the Agency may determine.

(3) The Secretary shall be responsible for the day-today affairs of the Agency under the general supervision of the Director.

(4) The Agency may appoint on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions under this Act.

(5) Notwithstanding any other law, the Director or the employees of the Agency shall not be considered as public officers.

9. (1) A person shall not, without the consent in writing given by, or on behalf of, the Agency, publish or disclose to any person otherwise than in the course of his duties, the contents of any documents, communication, or information which relates to, and which has come to his knowledge in the course of his duties under this Act. Prohibition of disclosure of information

(2) Any person who knowingly contravenes the provisions of subparagraph (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

(As amended by Act No. 20 of 2005)

PART II

FINANCIAL PROVISIONS

10. (1) The funds of the Agency shall consist of such moneys as may- Funds of the Agency

(a) be appropriated by the National Assembly for the purposes of administering the national food reserve;

(b) be paid to the Agency by way of grants or donations;
and

(c) vest in or accrue to the Agency.

(2) The Agency may-

(a) accept money by way of grants or donations;

(b) raise by way of loans or otherwise from any source in Zambia, and subject to the approval of the Minister, from any source outside Zambia, such money as it may require for the discharge of its functions;

(c) charge and collect fees in respect of programmes, publications, seminars, consultancy and other services provided by the Agency;

(d) lease storage facilities and equipment.

(As amended by Act No. 20 of 2005)

(3) There shall be paid from the funds of the Agency-

(a) salaries, allowances, loans, gratuities and pensions of staff of the Agency and other payments for the recruitment and retention of staff;

(b) such reasonable travelling and subsistence allowances for members of any committee of the Agency when engaged on the business of the Agency and at such rates as the Agency may determine; and

(c) any other expenses incurred by the Agency in the performance of its functions.

(4) The Agency may after the approval of the Minister invest in such manner as it thinks fit such of its funds as it does not immediately require for the discharge of its functions.

11. The financial year of the Agency shall be the period of twelve months ending on 31st March in each year. Financial year

12. (1) The Agency shall cause to be kept proper books of account and other records relating to its accounts. Accounts

(2) The books and the records referred to in sub-paragraph (1) shall contain three separate accounts of-

(a) the Agency's administration of the national food reserve;

(b) the Agency's administration of the lease or sale of storage facilities and the maintenance, repair, rehabilitation or construction of any storage facility; and

(c) the Agency's other operations.

(3) The accounts of the Agency shall be audited annually by independent auditors appointed by the Agency, subject to the approval of the Minister.

(4) The Auditor's fees shall be paid by the Agency.

13. (1) As soon as practicable, but not later than ninety days after the Annual report end of the financial year, the Agency shall submit to the Minister a report concerning its activities during the financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Agency and there shall be appended to the report-

- (a) an audited balance sheet;
- (b) an audited statement of the income and expenditure;
- (c) information on the marketing of any designated agricultural commodity; and
- (d) such other information as the Minister may require.

(3) The Minister shall not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in sub-paragraph (1), lay the report before the National Assembly.
(As amended by Act No. 20 of 2005)

SUBSIDIARY LEGISLATION

(SECTION 15 OF THE INTERPRETATION AND GENERAL PROVISIONS ACT)

Statutory Instruments
296 of 1969
329 of 1969
CAP. 2

THE GRAIN MARKETING (ACCEPTANCE STANDARDS) REGULATIONS

1. These Regulations may be cited as the Grain Marketing (Acceptance Standards) Regulations.

Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"Federation" means the Zambia Cooperative Federation Limited;

"broken shells", in relation to unshelled groundnuts, means the shells or cortices of unshelled groundnuts which are broken or cracked in such a way as to admit air to the kernels;

"bushel weight" means weight per Imperial bushel;

"chipped grain", in relation to maize, means maize which has been cracked or chipped beyond the pericarp and horny endosperm or in the embryo area and will not pass through a No. 5 sieve;

"cotton lint" means the white fluff consisting of a mass of unicellular hairs which grow attached to the cotton seed;

"cotton seed" means the new generation in the life of the cotton plant;

"damaged grain" means-

(a) in relation to maize or shelled groundnuts, grain and pieces of grain which will pass, with thorough shaking, through a No. 5 sieve;

(b) in relation to Canadian wonder beans, haricot beans, mixed beans, sugar beans, velvet beans, cowpeas, soya beans, sunflower seed, and sunnhemp, grain which is heat damaged, sprouted, frosted, badly weather damaged, mouldy, diseased, or materially damaged by insects, birds, rodents or any other agency;

(c) in relation to sorghum, grain and pieces of grain which will not readily pass through a No. 4 sieve or a No. 3 sieve, and which are not whole threshed sorghum with a complete pericarp:

"defective grain" has the meaning assigned thereto in regulation 3;

"dirty grain" means grain which is discoloured by soil or any other foreign agent, but does not include grain which is discoloured due to heating caused by fermentation, moulds, weathering or disease;

"discoloured grain" means grain which is discoloured due to heating caused by fermentation, moulds, weathering or disease, but does not include other coloured varieties of the same grain;

"diseased grain" means grain which is obviously rotted by the species *diplodia*;

"diseased kernels" means groundnut kernels which are affected by a

fungus or mould;

"extraneous matter" has the meaning assigned thereto in regulation 4;

"germinated grain" means sprouted grain or grain in which the process of germination is visible within the embryo;

"grain" means maize, shelled groundnuts or unshelled groundnuts, Canadian wonder beans, haricot beans, mixed beans, sugar beans, velvet beans, cowpeas, sorghum, soya beans, sunflower seed and sunnhemp;

"immature grain" means grain which has indications of lack of maturity or full development;

"immature lint" means the undeveloped condition of the lint which is found during the first four days after the opening of the cotton bolls;

"insect-damaged grain" means grain which has been attacked and damaged by any insect or animal pest;

"new sack" means a grain sack which is new, clean, strong, sound and of not less than two and a half pounds in weight, without holes or tears and not stained, patched or otherwise repaired;

"No. 1 sieve" means a grading sieve, the baseplate of which is perforated with round holes $\frac{3}{64}$ of an inch in diameter;

"No. 2 sieve" means a grading sieve, the baseplate of which is perforated with round holes $\frac{4}{64}$ of an inch in diameter;

"No. 3 sieve" means a grading sieve, the baseplate of which is perforated with round holes $\frac{6}{64}$ of an inch in diameter;

"No. 4 sieve" means a grading sieve, the baseplate of which is perforated with round holes $\frac{12}{64}$ of an inch in diameter;

"No. 5 sieve" means a grading sieve, the baseplate of which is perforated with round holes $\frac{16}{64}$ of an inch in diameter;

"No. 6 sieve" means a grading sieve, the baseplate of which is

perforated with slotted holes $\frac{3}{4}$ of an inch by $\frac{17}{64}$ of an inch in size;

"No. 7 sieve" means a grading sieve, the baseplate of which is perforated with slotted holes $\frac{3}{4}$ of an inch by $\frac{19}{64}$ of an inch in size;

"No. 8 sieve" means a grading sieve, the baseplate of which is perforated with slotted holes $\frac{3}{4}$ of an inch by $\frac{21}{64}$ of an inch in size;

"other coloured grain"-

(a) in relation to maize, means coloured or partly coloured maize present in white maize, or maize of any colour other than yellow present in yellow maize;

(b) in relation to mixed beans, beans of varying colour shall not be regarded as other coloured grain;

(c) in relation to "S" grade sorghum, grain of varying colour shall not be regarded as other coloured, provided that it is of a variety included in the list of varieties acceptable as "S" grade;

"other grain" means grain of another controlled product, except that in the case of mixed beans, beans of another variety or type shall not be regarded as other grain;

"other varieties", in relation to sorghum, means sorghum of the variety or type other than those varieties listed as acceptable as "S" grade;

"seed cotton" means the white fluffy material produced by the cotton plant and consisting of the cotton seed and the cotton lint;

"shelled groundnuts" means the kernels or seeds of groundnuts;

"shrivelled grain" means grain which is shrivelled over its entire surface and not over the embryo area only;

"smutty grain" means grain which has an unmistakable odour of smut or which contains balls, portions of balls or spores of smut;

"split grain" means, in the case of-

(a) shelled groundnuts-

(i) of which the testae are visibly loose or cracked and break off readily; and

(ii) which have lost their testae over more than half their surface; and

(iii) separate cotyledons of shelled groundnuts and parts of such cotyledons which will not pass through a No. 5 sieve;

(b) Canadian wonder beans, haricot beans, mixed beans, sugar beans, velvet beans, cowpeas, soya beans, sunflower seed and sunnhemp, grain which is split, but which is otherwise not damaged, dirty or immature;

"stained grain" means grain which is discoloured by soil or any other foreign agent, but does not include grain which is discoloured due to heating caused by fermentation, moulds, weathering or disease;

"stained lint" means the discoloration of the cotton lint through the action of pathogens or insects resulting in the weakening of the cotton lint;

"standard bag" means-

(a) in relation to maize or maize meal, Canadian wonder beans, haricot beans, mixed beans, sugar beans, velvet beans, cowpeas, sorghum, soya beans and sunnhemp, a quantity of 90 kg, net weight;

(b) in relation to shelled groundnuts, a quantity of 180 lb. net weight;

(c) in relation to unshelled groundnuts, a quantity of 65 lb. net weight;

(d) in relation to sunflower seed, a quantity of 150 lb. net weight;

"trash" means-

(a) in relation to maize, any vegetable matter, other than maize, which will not pass through a No. 5 sieve;

(b) in relation to seed cotton, all foreign matter of vegetable origin that can be found in seed cotton;

"undeveloped grain" means grain which is thin and papery in appearance, but not tip and butt grain which is small and unwrinkled;

"unshelled groundnuts" means groundnuts from which the shells or cortices have not been removed;

"unthreshed grain" means grain to which stalks, or other parts of the parent body are adhering, but does not include, in relation to unshelled groundnuts, shells or cortices forming an integral part of the grain;

"used sack" means a grain sack which is clean, strong, sound and of not less than two and a 1.3 kg weight, without holes or tears and not thin with wear, stained, patched or otherwise repaired;

"white maize" means maize of which the endosperm is white in colour and the pericarp of the grain is uniformly white or cream in colour, and does not include maize of which the endosperm is white and the seed coat or grain tip is any colour other than white or cream;

"woolpack" means a sack which is either new or used, clean, strong, sound and of not less than ten pounds in weight;

"yellow maize" means maize of which the endosperm is yellow in colour and the pericarp is generally yellow in colour.

3. (1) Subject to the provisions of this regulation, for the purposes of Defective grain these Regulations, any grain which falls within one or other of the following categories shall be defective grain:

- (a) damaged grain;
- (b) discoloured grain;
- (c) diseased grain;
- (d) germinated grain;

- (e) other coloured grain;
- (f) shrivelled grain;
- (g) smutty grain;
- (h) stained grain;
- (i) undeveloped grain;
- (j) unthreshed grain.

(2) In the case of unshelled groundnuts, shelled groundnuts shall not be regarded as defective grain.

4. (1) Subject to the provisions of this regulation, for the purposes of Extraneous matter these Regulations, extraneous matter shall, in relation to any grain, be any matter other than the grain itself, including other grain, grain flour, plant debris, weed seeds and dust.

(2) In the case of unshelled groundnuts, extraneous matter shall include pieces of shell, in addition to any matter of the nature described in sub-regulation (1).

(3) In the case of seed cotton, extraneous matter shall be any matter other than the seed cotton itself, including other grain, grain flour, plant debris, trash, weed seeds and dust.

5. All controlled products accepted by the Agency shall be classified as follows:

Standards of
classification

(a) maize shall be classified as Class A, Class B, Class C or Class D in accordance with the standards of classification prescribed in Part I of the First Schedule;

(b) shelled groundnuts shall be classified as Class A or Class B in accordance with the standards of classification prescribed in Part II of the First Schedule;

(c) unshelled groundnuts shall be classified as Class A or Class B in accordance with the standards of classification prescribed in Part III

of the First Schedule;

(d) seed cotton shall be classified as Class A, Class B or Class C in accordance with the standards of classification prescribed in Part IV of the First Schedule:

Provided that where seed cotton of more than one class is packed in one container, the contents of such container shall be classified according to the lowest quality of seed cotton therein;

(e) Canadian wonder beans, haricot beans, mixed beans, sugar beans, velvet beans, cowpeas, soya beans, sunflower seed and sunnhemp shall be classified as Class A in accordance with the standards of classification prescribed in Part V of the First Schedule;

(f) sorghum shall be classified as Class S, Class A or Class B in accordance with the standards of classification prescribed in Part VI of the First Schedule.

6. (1) Subject to the provisions of this regulation, the standards of quality and moisture content of controlled products which may be accepted by the agency shall be-

Standards of quality and moisture

(a) in respect of maize, the standard of quality and moisture content prescribed for maize classified as Class C;

(b) in respect of shelled groundnuts, the standard of quality and moisture content prescribed for shelled groundnuts classified as Class B;

(c) in respect of unshelled groundnuts, the standard of quality and moisture content prescribed for unshelled groundnuts classified as Class B;

(d) in respect of seed cotton, the standard of quality and moisture content prescribed for seed cotton classified as Class C;

(e) in respect of sorghum, the standard of quality and moisture content prescribed for sorghum as Class B;

(f) in respect of Canadian wonder beans, haricot beans, mixed beans, soya beans, sugar beans, velvet beans, cowpeas, sunflower seed and sunnhemp seed, the standard of quality and moisture content prescribed for these products as Class A.

(2) In addition to the standards of quality referred to in subregulation (1), the following further standards of quality for controlled products which may be accepted by the Agency are hereby prescribed:

- (a) in the case of any controlled product, that-
 - (i) it does not contain any extraneous, poisonous or deleterious matter rendering it unfit for human or animal consumption;
 - (ii) it is not obviously rotted by the species *diplodia* in excess of 2 per centum;
 - (iii) it is not affected by *fusarium* or other fungal disease;
- (b) in the case of shelled groundnuts or unshelled groundnuts, that it does not contain stones and that the kernels are not affected by a fungus or mould;
- (c) in the case of seed cotton, that it does not contain extraneous matter capable of causing damage to ginning and allied machinery or constituting a fire hazard during the process of ginning or is in any other respect unsuitable for ginning; in which case, it shall not be accepted by the Agency and shall be returned to the producer thereof at his own expense.

7. (1) For the purposes of-

Grading and disputes
on classification

(a) determining whether any controlled product surrendered to the Agency complies with the standards prescribed by these Regulations; and

(b) classifying controlled products accepted by the Federation in accordance with the provisions of these Regulations:

every such controlled product shall be graded in the manner prescribed in the Second Schedule by persons appointed by the Agency. Seed cotton shall be classified in the manner prescribed in Part IV of the First Schedule.

(2) If, after grading in terms of sub-regulation (1), a controlled product is accepted by the Federation, the classification thereof shall be signified on the receipt issued therefor by the Agency to the person who surrendered the controlled product.

(3) Any person wishing to dispute the classification of a controlled product surrendered by him to and accepted by the Board shall-

(a) give notice in writing to the Federation at the receiving depot to which such product was delivered of his intention to do so in accordance with the following provisions:

(i) in the case of any such product which was delivered to the Agency by rail, the notice shall be given so as to be delivered at such receiving depot not later than the close of business on the seventh day after the day on which the receipt for such product was issued by the Agency, or, in case such seventh day is not a working day, then not later than the close of business on the next ensuing working day thereafter;

(ii) in the case of any such product which was delivered to the Agency in any manner other than by rail, the notice shall be given so as to be delivered at such receiving depot not later than the close of business on the first working day following the delivery of such product; and

(b) within ten days after he has given notice as aforesaid, deposit with the Agency a sum calculated at the rate of two kwacha for each 100 standard bags or one wool-pack of such product or part thereof in respect of which notice as aforesaid has been given, subject to a maximum of ten kwacha.

(4) On receipt of a notice given in terms of sub-regulation (3), the Agency shall cause the controlled product of which the classification is disputed to be regraded in the manner prescribed in the First Schedule in respect of seed cotton and the Second Schedule in respect of other controlled products by a person appointed by the Minister for the purpose.

(5) Where, after regrading in terms of sub-regulation (4)-

(a) the original classification of the controlled product is confirmed, the sum deposited in terms of sub-regulation (3) shall be forfeited to the Agency;

(b) the original classification of the controlled product is not confirmed-

- (i) if a classification inferior to the original classification is determined, the sum deposited in terms of sub-regulation (3) shall be forfeited to the Agency;
- (ii) if a classification superior to the original classification is determined, the sum deposited in terms of sub-regulation (3) shall be returned to the person who made such deposit.

8. (1) The standards of packing of controlled products which may be Standards of packing accepted by the Agency shall be as prescribed in this regulation.

(2) Controlled products shall be packed in sacks or woolpacks, being either new sacks or woolpacks or used sacks or woolpacks:

Provided that the Agency may, at its discretion, accept maize which is not packed in sacks, at such time, at such place and in such quantities as the Agency directs.

(3) Sacks or woolpacks containing any controlled products shall be properly sewn at the mouth without lugs in one or other of the following manners, that is to say:

(a) hand-sewn with double jute twine of good quality, the stitches being through the hem at a distance apart of not more than one inch; or

(b) machine-sewn with cotton thread not inferior to 14 count thread of three cables each consisting of three strands, the stitches being approximately four to the inch and between one inch and two and a half inches from the mouth of the sack.

(4) Without derogation from the rights conferred on the Agency by subsection (5) of section *twenty-two* of the Act, if the federation declines to accept any controlled product surrendered to it by reason that the standard of packing does not comply with the provisions of this regulation, it may, at the expense of the person surrendering it, arrange for the sack or woolpack in which the controlled product is contained to be re-sewn or for the controlled product to be packed in another sack or woolpack and for that other sack or woolpack to be properly sewn.

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MAIZE

*Class A Class B Class C Class D
White or White or White or White or*

	<i>Colour of Grain</i>	<i>Yellow unmixed</i>	<i>Yellow unmixed</i>	<i>Yellow</i>	<i>Yellow</i>	<i>Yellow</i>	<i>Yellow</i>
Maximum percentage moisture	..	12.5	12.5	12.5	12.5		
Maximum percentage extraneous matter	.. .. . 0.5	0.75	1.0	1.0			
Maximum percentage trash	..	0.05	0.05	0.125	0.125		
Maximum percentage extraneous matter and trash aggregate	..		0.5	0.75	1.0	1.0	
Maximum percentage chipped grain			8.0	--	-		
Maximum percentage insect-damaged grain	.. .. . 3.0	5.0	25	25			
Maximum percentage defective grain			5.0	10.0	20	40	
Maximum percentage other coloured grain included with defective grain			2.0	4.0	10	10	
Maximum percentage diseased grain included with defective grain	..	2.0	2.0	2.0	-		
Minimum bushel weight (white maize only) in lb. at 12.5 per cent moisture content.	.. ..	54	52	50	50		
Condition Fresh and plump	Fresh and plump	Fit for human consumption	Market-able			

(As amended by No. 329 of 1969)

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II

SHELLED GROUNDNUTS

	<i>Class A</i>	<i>Class B</i>
Maximum percentage moisture 6.5	6.5
Maximum percentage extraneous matter 1.5	1.5
Maximum percentage unshelled nuts	.. .. . 8	8
Maximum percentage split grain	.. .. . 20	25
Maximum percentage insect-damaged grain	.. .. . 10	20
Maximum percentage defective grain	.. .. . 25	30

No diseased kernels permitted.

Condition. Fresh Fit for human consumption

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				<i>Class A</i>	<i>Class B</i>		
Maximum percentage moisture	6.5	6.5		
Maximum percentage extraneous matter.	1.5	1.5		
Maximum percentage with broken shells	..	..	..	20	-		
Maximum percentage shelled groundnuts	..	..	..	3	-		
Minimum percentage kernels	..	..	..	66	66		
Maximum percentage split grain	..	..	..	20	-		
Maximum percentage insect-damaged grain	..	..	..	..	10	20	
Maximum percentage defective grain	..	..	..	25	30		

No diseased kernels permitted.

Condition. Fresh Fit for human consumption

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IV

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Class A: Clean white mature seed cotton. Occasional small flecks of staining and small amounts of cotton leaf trash and extraneous matter are tolerated. No other impurities are permitted. Immature or weak lint, even though clean and white, is not permissible.

Class B: Seed cotton containing obvious but not substantial amounts of weak, stained or discoloured cotton and leaf trash and extraneous matter. No obvious stick or other plant parts are permissible.

Class C: Seed cotton which contains substantial but not excessive amounts of stained or discoloured cotton, leaf trash and extraneous matter, and damaged seed.

In all instances, the maximum percentage of moisture content of seed cotton permitted is eight per centum.

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A representative sample of 100 grammes of seed cotton shall be obtained from each woolpack and passed through an air-operated Frictionator. The percentage of the resultant extraneous matter and trash extracted from the sample shall then be determined by weight by means of the Ohaus 4-in-1 Grading Scale.

In all instances the maximum percentage of moisture content of seed cotton permitted is eight per centum, and the maximum percentage of extraneous matter or trash permitted is seven per centum. Seed cotton within these tolerances is then graded visually in accordance with the Acceptance Standards for hand-picked cotton.

Where the proportion of extraneous matter or trash amounts to more than seven per centum, the weight of the seed cotton shall be deemed to be reduced by the same percentage in excess of seven per centum, provided, however, that where such extraneous matter or trash exceeds 12 $\frac{1}{2}$ per centum, it shall be rejected.

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Class A

Maximum percentage moisture	10
Maximum percentage extraneous matter.	1
Maximum percentage damaged grain	1
Maximum percentage dirty grain	1
Maximum percentage immature grain	1
Maximum percentage damaged, dirty and immature grain	2
Maximum percentage other coloured grain	1
Maximum percentage split grain	10
Condition.	Fresh

PA
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VI

SORGHUM

	<i>Class S</i>	<i>Class A</i>	<i>Class B</i>
Maximum percentage moisture.	12.5	12.5	12.5
Maximum percentage extraneous matter		1	1.5
Maximum percentage insect-damaged sorghum		5	15

Maximum percentage other varieties	5	- -		
Maximum percentage defective sorghum		10	10	10
Conditions	Fresh and plump	Fresh and plump	Fresh and plump	

Variety or type (Class "S" only): Sorghum Caffrorum, Variety Radar, or Sorghum Caffrorum, Variety Barnards Red, or Sorghum Caydatum, Variety Framida, or Hybrid No. 36 or Hybrid No. 39, or Hybrid NK.222, NK.300, DC.55, or Lindsay 788A.

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(Regulation 7)

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PART I

ALL CONTROLLED PRODUCTS

1. The determination of the moisture content of grain shall be ascertained by means of the Marconi electrical resistance method calibrated to the standard Brown-Duval method or such other method, no less accurate, as the Board may approve. The determination shall be made with a minimum of delay either from a representative sample taken from the load of the grain concerned or from a sample contained in an airtight container which shall be opened immediately before the test.

Moisture content
2. Except in the determination of the moisture content of a grain, all percentages shall be determined by weight by means of the Ohaus 4-in-1 Grading Scale or such other method, no less accurate, as the Board may approve.

Percentages by weight
3. For the purpose of obtaining a representative sample necessary for grading, the following procedure shall be followed:

Representative samples

(a) in the case of a load of grain which is packed in sacks, the representative sample shall be obtained by taking equal portions of grain from evenly distributed parts of the load, so that-

(i) where the grain in a load is packed in five sacks or less, the contents of every sack are sampled;

(ii) where the grain in a load is packed in more than five sacks but less than 100 sacks, the contents of not less than five sacks are sampled;

(iii) where the grain in a load is packed in 100 sacks or more, the contents of not less than ten sacks are sampled:

Provided that-

A. where the quality of the grain contained in any one sack in a load of grain differs from the average quality of the grain in the load as a whole, the grain contained in that sack shall be graded separately;

B. where seed cotton of more than one class is packed in one container, the contents of such container shall be classified according to the lowest quality of seed cotton therein;

C. should otherwise undetectable trash due to mechanical harvesting or other cause be suspected, the whole contents of the requisite proportion of sacks shall be employed to determine the percentage of trash;

(b) in the case of a load of grain which is not packed in sacks, the representative sample shall be obtained by inserting a long probe or by thrusting the hand into the bulk of the load in several places so as fairly to represent the bulk. A minimum of seven uniformly distributed parts of the bulk shall be sampled. Individual bulk samples may be taken from a load to determine whether the grain is uniform in quality.

4. A working sample shall be obtained by thoroughly mixing and quartering a representative sample obtained in the manner described in paragraph 3. For this purpose diagonally opposed quarters of the representative sample shall be rejected by means of an efficient mechanical divider until a working sample of the requisite weight has been obtained.

Working samples

5. For the purpose of determining the standards of quality and classification of a load of grain, the procedure described in the Part appropriate to the grain concerned shall be carried out in the sequence indicated.

Order of grading procedure

PART II

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6. A representative sample weighing not less than 1kg shall be taken in the manner described in paragraph 3.

Representative sample

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|---|-----------------------------|
| <p>7. From the representative sample so obtained, a working sample weighing not less than 200 grammes shall then be obtained in the manner described in paragraph 4, and the precise weight of the working sample shall be determined.</p> | <p>Working sample</p> |
| <p>8. Extraneous matter shall then be removed from the working sample and weighed.</p> | <p>Extraneous matter</p> |
| <p>9. The trash content shall be determined by either of the following methods:</p> <p>(a) in normal circumstances trash shall be removed from the working sample and weighed;</p> <p>(b) when the trash content cannot be reliably determined by the use of the working sample, the whole contents of the number of bags prescribed in paragraph 3 shall be weighted on a duly assized bag scale. The trash shall then be removed from the contents of the bags and weighed on an Ohaus 4-in-1 Grading Scale, and the percentage shall be determined accordingly.</p> | <p>Trash content</p> |
| <p>10. Chipped grain shall then be removed from the working sample with the use of a No. 5 sieve and weighed.</p> | <p>Chipped grain</p> |
| <p>11. Insect-damaged grain shall then be removed from the working sample and weighed.</p> | <p>Insect-damaged grain</p> |
| <p>12. Defective grain shall then be removed from the working sample and weighed.</p> | <p>Defective grain</p> |
| <p>13. Other coloured grain shall then be removed from the defective grain referred to in paragraph 12 and weighed.</p> | <p>Other coloured grain</p> |
| <p>14. Diseased grain shall then be removed from the defective grain referred to in paragraph 12 and weighed.</p> | <p>Diseased grain</p> |
| <p>15. A special sample shall be taken from the representative sample and all extraneous matter shall be removed from it. The bushel weight shall then be determined by testing the special sample by means of the Ohaus 4-in-1 Grading Scale or such other method, no less accurate, as the Board may approve.</p> | <p>Bushel weight</p> |
| <p>16. Wherever detailed examination is necessary, at least two replicate tests shall be made and the average taken, the limit of variation in respect of the percentages of defective grain when comparing and averaging duplicate tests being calculated in accordance with the following table:</p> | <p>Replicate tests</p> |

<i>Percentage of Defective Grain</i>	<i>Limit of</i>	<i>Variation</i>
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Up to 5 per cent.	± 1 per cent
Over 5 per cent and up to 10 per cent	± 1.5 per cent
Over 10 per cent and up to 15 per cent	x..	..	± 2 per cent
Over 15 per cent and up to 20 per cent	± 2.5 per cent

PART III

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17. A representative sample weighing not less than 1 kg shall be taken in the manner described in paragraph 3. Representative sample

18. From the representative sample so obtained, a working sample weighing not less than 200 grammes shall be obtained in the manner described in paragraph 4, and the precise weight of the working sample shall be determined. Working sample

19. Extraneous matter shall then be removed from the working sample and weighed. Extraneous matter

20. Unshelled nuts shall then be removed from the working sample and weighed. Unshelled nuts

21. Split grain shall then be removed from the working sample and weighed. Split grain

22. Insect-damaged grain shall then be removed from the working sample and weighed. Insect-damaged grain

23. Defective grain shall then be removed from the working sample and weighed. Defective grain

24. Wherever detailed examination is necessary, at least two replicate tests shall be made and the average taken, the limit of variation in respect of the percentage of defective grain when comparing and averaging duplicate tests being calculated in accordance with the following table: Replicate tests

<i>Percentage of Defective Grain</i>	<i>Limit of Variation</i>
Up to 5 per cent.	± 1 per cent

Over 5 per cent and up to 10 per cent	..	..	..	± 1.5 per cent
Over 10 per cent and up to 15 per cent	..	..	..	± 2 per cent
Over 15 per cent and up to 20 per cent	.x	± 2.5 per cent
Over 20 per cent and up to 25 per cent	± 3 per cent

PART IV

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- 25.** A representative sample weighing not less than 2.5 kg shall be taken in the manner described in paragraph 3 and weighed. Representative sample
- 26.** For the purposes of determining the percentage of extraneous matter, the extraneous matter, including any such matter which may be adhering to the shells or cortices, shall then be removed from the representative sample and weighed. Extraneous matter
- 27.** For the purposes of determining the percentage of shelled groundnuts, the shelled groundnuts shall then be removed from the representative sample, weighed and discarded. Shelled groundnuts
- 28.** For the purposes of determining the percentage of groundnuts with broken shells, such groundnuts shall then be removed from the representative sample and weighed. Broken shells
- 29.** For the purposes of determining the percentage of kernels, the shells or cortices shall then be removed from the kernels of the groundnuts in the representative sample and shall be weighed and shall then be discarded. Kernels
- 30.** From the kernels obtained from the representative sample referred to in paragraph 29, a working sample weighing not less than 200 grammes shall then be obtained in the manner described in paragraph 4, and the precise weight of the working sample shall be determined. Working sample
- 31.** Split grain shall then be removed from the working sample and weighed. Split grain
- 32.** Insect-damaged grain shall then be removed from the working sample and weighed. Insect-damaged grain

33. Defective grain shall then be removed from the working sample and weighed. Defective grain

34. Wherever detailed examination is necessary, at least two replicate tests shall be made and the average taken, the limit of variation in respect of the percentages of defective grain when comparing and averaging duplicate tests being calculated in accordance with the following table: Replicate tests

<i>Percentage of Defective Grain</i>	<i>Limit of Variation</i>
Up to 5 per cent.	± 1 per cent
Over 5 per cent and up to 10 per cent	± 1.5 per cent
Over 10 per cent and up to 15 per cent	± 2 per cent
Over 15 per cent and up to 20 per cent	± 2.5 per cent
Over 20 per cent and up to 25 per cent	± 3 per cent

PART V

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35. A representative sample weighing not less than 2 lb. shall be taken in the manner described in paragraph 3. Representative sample

36. From the representative sample so obtained, a working sample weighing not less than 200 grammes shall then be obtained in the manner described in paragraph 4, and the precise weight of the working sample shall be determined. Working sample

37. Extraneous matter as defined in regulation 4 shall then be removed from the working sample and weighed. Extraneous matter

38. Damaged grain shall then be removed from the working sample and weighed. Damaged grain

39. Dirty grain shall then be removed from the working sample and weighed. Dirty grain

- 40.** Immature grain shall then be removed from the working sample and weighed. Immature grain
- 41.** Other coloured grain shall then be removed from the working sample and weighed. Other coloured grain
- 42.** Split grain shall then be removed from the working sample and weighed. Split grain
- 43.** Wherever detailed examination is necessary, at least two replicate tests shall be made and the average taken, the limit of variation in respect of the percentage of defective grain when comparing and averaging duplicate tests being calculated in accordance with the following table: Replicate tests

<i>Percentage of Defective Grain</i>	<i>Limit of Variation</i>
Up to 5 per cent.	± 1 per cent
Over 5 per cent and up to 10 per cent	± 1.5 per cent
Over 10 per cent and up to 15 per cent	± 2 per cent
Over 15 per cent and up to 20 per cent	± 2.5 per cent

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- 44.** A representative sample weighing not less than 1 kg shall be taken in the manner described in paragraph 3. Representative sample
- 45.** From the representative sample so obtained, a working sample weighing not less than 50 grammes shall be obtained in the manner described in paragraph 4, and the precise weight of the working sample shall be determined. Working sample
- 46.** Extraneous matter as defined in regulation 4 (3) shall then be removed from the working sample and weighed. Extraneous matter
- 47.** Insect-damaged sorghum shall then be removed from the working sample and weighed. Insect-damaged sorghum
- 48.** Other varieties shall then be removed from the working sample and weighed. Other varieties

49. Defective sorghum as defined in regulation 3 shall then be removed and weighed.

Defective sorghum

50. Wherever detailed examination is necessary, at least two replicate tests shall be made and the average taken, the limit of variation in respect of the percentages of defective sorghum when comparing and averaging duplicate tests being calculated in accordance with the following table:

Replicate tests

<i>Percentage of Defective Sorghum</i>	<i>Limit of Variation</i>
Up to 5 per cent.	± 2 per cent
Over 5 per cent and up to 10 per cent	± 2.5 per cent
Over 10 per cent and up to 15 per cent	± 3 per cent
Over 15 per cent and up to 20 per cent	± 3.5 per cent

THE GRAIN MARKETING (CONTROLLED PRODUCTS DECLARATION) ORDER

*Statutory Instrument
290 of 1969*

1. This Order may be cited as the Grain Marketing (Controlled Products Declaration) Order.

Title

2. In this Order, unless the context otherwise requires- "shelled groundnuts" means the kernels or seeds of groundnuts;

Interpretation

"unshelled groundnuts" means groundnuts from which the shells or cortices have not been removed.

3. Maize, maize meal, shelled groundnuts, unshelled groundnuts, Canadian wonder beans, haricot beans, mixed beans, sugar beans, velvet beans, cowpeas, sunnhemp, sunflower seed, sorghum, soya beans and seed cotton shall be controlled products in all areas described in the First Schedule.

Controlled products.
First Schedule

4. Maize, maize meal, shelled groundnuts, unshelled groundnuts and seed cotton shall be controlled products in the area described in the Second Schedule.

Controlled products.
Second Schedule

5. Shelled groundnuts and unshelled groundnuts shall be controlled products in the area described in the Third Schedule.

Controlled products.
Third Schedule

FIRST SCHEDULE

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1. The Copperbelt Province.
2. The Central Province.
3. The following Districts:
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Choma;
Gwenbe;
Mazabuka.

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(Paragraph 5)

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**SECTION 16-THE FOOD RESERVE (DESIGNATED
COMMODITIES) (STANDARD OF CONDUCT)
REGULATIONS**

Statutory Instrument
94 of 1996

1. These Regulations may be cited as the Food Reserve (Designated Title Commodities) Standard of Conduct) Regulations.

2. A registered trader or processor shall, prior to purchasing a designated commodity, inspect all relevant records to determine if-

Power to inspect
records

(a) the farmer, trader or processor selling the designated commodity has previously pledged the commodity as security; or

(b) a charge or lien has been registered under the Agricultural Credits Act.

3. A trader or a processor, registered as a dealer in a designated commodity, shall on a monthly basis provide to the Food Reserve Agency information regarding the stock of a designated commodity handled or held by him during the period commencing 1st May, 1996 to 30th April, 1997.

Records by traders
and processors

4. The information referred to in Regulation (3) above, shall be provided in the forms set out in the Schedule to these Regulations.

Prescribed forms

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Reporting period:

Traders who deal in designated commodities are required to complete this form at the end of the month and send it to one of the addresses below.

Reports on trading activities are required for statistical purposes only, to enable the Food Reserve Agency to collect, analyse and disseminate marketing information for the benefit of producers, traders, processors and other market participants, and the help plan the Agency's own marketing activities. The information provided will remain confidential. Any statistics that are publicised will be in the form of aggregated data.

Your cooperation is greatly appreciated.

NOTES:

-When filling in the forms, please provide data for the operating period only.

-Please specify the unit of measurement when indicating quantities (50 kg or 90 kg bags, or metric tonnes).

Name of organisation:

Food Reserve Agency registration number:

Address (physical location):

P.O. Box: _____ Tel. and Fax No:

-Food Reserve Agency

-P.O. Box 34054, Lusaka

-Temporary Address: NRDC-Maize and Fertilizer Storage Project, Lusaka

-Choma, Regional Property Officer, offices at CIDA sheds, P.O. Box 630006

-Chipata, Regional Property Officer, PWD building, P.O. Box 510161

-Mkushi, Regional Property Officer, offices at CIDA sheds, P.O. Box 840170

-Kitwe, Regional Property Officer, offices at Kitwe silos, P.O. Box 20630

-Kasama, Regional Property Officer, offices at CIDA sheds, P.O. Box 410501

-Isoka, Regional Property Officer, offices at CIDA sheds, P.O. Box 440034

FORM 1

(Regulation 4)

1. *Crop Purchases*

Please indicate the quantities of designated commodities that your organisation purchased and the respective areas of purchase (province, district, country):

Commodity	Area of Purchase	Quantity purchased

2. *Storage*

Please indicate the quantities and location of designated commodities that you currently have in storage:

Commodity		

3. *Sales*

Please indicate the quantities of designated commodities that you have marketed, and the type of buyer (e.g. industrial mill, hammer mill, international grain trader, local grain trader, brewery, stockfeed producer):

Commodity	Type of buyer	Quantity sold

