

THE FOOD RESERVE ACT, 2020

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SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 6 of 2020

Date of Assent: 23rd October, 2020

An Act to continue the existence of the Food Reserve Agency and re-define its functions; re-constitute the Board of the Agency; to continue the existence of the National Strategic Food Reserve; to repeal and replace the Food Reserve Act, 1995; and to provide for matters connected with, or incidental to, the foregoing.

[26th October, 2020

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Food Reserve Act, 2020.

Short title

2. In this Act, unless the context otherwise requires—

Interpretation

“Agency ” means the Food Reserve Agency continued under section 3;

“ associate ” has the meaning assigned to the word in the Anti-Corruption Act;

Act No. 3 of
2012

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

“ Chairperson ” means the person elected as Chairperson of the Board under section 6;

“ committee ” means a committee of the Board constituted under section 11;

“ designated agricultural commodity ” means cereal oilseed, stockfeed and other agricultural food commodity designated as essential for the food security of the country under section 21;

“ emoluments ” has the meaning assigned to the word in the Constitution;

Cap. 1

Cap. 1	<p>“ Emoluments Commission ” means the Emoluments Commission established under the Constitution;</p> <p>“ Executive Director ” means the person appointed as Executive Director of the Agency under section 15;</p>
Act No. 6 of 2019	<p>“ legally disqualified ” means the absence of legal capacity as provided in section 4 of the Mental Health Act;</p> <p>“ marketing season ” means the period from the 1st May in each year to the 30th April of the following year;</p> <p>“ member ” means a member of the Board or a committee of the Board;</p> <p>“ National Food Balance Sheet ” means an annual comprehensive compilation of selected food supply and demand for the Republic for a specific period by the Ministry responsible for agriculture in collaboration with the Zambia Statistics Agency;</p> <p>“ National Strategic Food Reserve ” means an inventory or stockpile of designated agricultural commodities maintained by the Agency for purposes of food security in accordance with section 19;</p> <p>“ processor ” means a person who converts or transforms, on a commercial scale, any designated agricultural commodity into a finished or semi finished product;</p> <p>“ producer ” means a person who grows a designated agricultural commodity;</p> <p>“ purchaser ” means a person who directly or indirectly purchases for oneself, or for another person a designated agricultural commodity;</p>
Act No. 3 of 2012	<p>“ relative ” has the meaning assigned to the word in the Anti-Corruption Act;</p>
Act No. 12 of 1995	<p>“ repealed Act ” means the Food Reserve Act;</p> <p>“ Secretary ” means the person appointed as Secretary under section 16;</p> <p>“ shortfall ” means the non-availability of a sufficient quantity of a designated agricultural commodity supplied through domestic production, food stocks or imports as defined in the National Food Balance Sheet;</p> <p>“ trader ” means a person who, as broker, dealer, marketing company, or other purchaser, acquires any designated</p>

agricultural commodity from a producer or any other person through a purchase or otherwise, for the purpose of resale; and

“ Vice-Chairperson ” means the person elected as Vice-Chairperson of the Board under section 6.

PART II

FOOD RESERVE AGENCY

3. (1) The Food Reserve Agency established under the repealed Act is continued as if established under this Act.

Continuation
of Food
Reserve
Agency
Cap. 225

(2) The Agency is a body corporate with a common seal, capable of suing and being sued and, subject to this Act, of performing acts that a body corporate may by law do or perform.

4. (1) The seal of the Agency shall be a device that may be determined by the Agency and shall be kept by the Secretary.

Seal of
Agency

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

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

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

5. (1) The function of the Agency is to manage the National Strategic Food Reserve established under Part III.

Functions of
Agency

(2) Despite the generality of subsection (1), the functions of the Agency are to—

- (a) market and trade a designated agricultural commodity;
- (b) purchase, import, sell, trade or export a designated agricultural commodity;
- (c) establish, manage, lease, and maintain a storage facility and equipment to be used in relation to a designated agricultural commodity;