

CHAPTER 232

THE AGRICULTURAL PRODUCTS LEVY ACT

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CHAPTER 232

AGRICULTURAL PRODUCTS LEVY

Act No.
19 of 1957
13 of 1994
Statutory
Instrument
176 of 1965

An Act to provide for the payment and collection of levies on certain agricultural products and for matters incidental thereto.

[1st October, 1957]

1. This Act may be cited as the Agricultural Products Levy Act.

Short title

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

Interpretation

"agricultural product" means-

(a) dry maize on or off the cob, milk and butterfat; and

(b) any other animal or thing whatsoever declared to be an agricultural product in terms of subsection (1) of section *five*;

"animal" includes the carcass or any portion of the carcass of any animal;

"class", in relation to an agricultural product, includes grade, quality, standard and type;

"dealer" includes-

(a) an auctioneer, broker, purchaser, seller or exporter of an agricultural product or class of agricultural product and a person engaged in a trade or industry in which an agricultural product or class of agricultural product is utilised or treated;

(b) a market master and a local authority;

(c) a statutory board, organisation, society, association or like body in or to which an agricultural product or class of agricultural product is vested or surrendered;

and cognate expressions shall be construed by reference, *inter alia*, to transactions or operations such as are carried on by persons referred to in paragraph (a);

"marketing or levy law", in relation to an agricultural product or class of agricultural product, means any written law relating to the marketing of the agricultural product or class of agricultural product or providing for the imposition of a levy on the agricultural product or class of agricultural product, but does not include this Act;

"producer" means a person who, by himself or by means of his agents or servants, produces an agricultural product and "produced" shall be construed accordingly;

"producers' association", in relation to an agricultural product, means the Zambia National Farmers' Union or, if the Minister is satisfied that some other association of persons adequately represents producers of the agricultural product, that other association;

"sell" includes to exchange or dispose of for any valuable consideration and "purchaser" and "seller" shall be construed accordingly.

(As amended by S.I. No. 176 of 1965)

3. The provisions of this Act shall not apply-

Application

(a) obsolete;

(b) in relation to agricultural products which are-

(i) obsolete;

(ii) produced by a producer and consumed by him, members of his household and his servants or utilised by him for the feeding of his livestock and poultry.

4. (1) A producer shall pay a levy on an agricultural product produced by him at such rate as the Minister may, subject to the provisions of subsection (4), prescribe.

Levies on
agricultural
products

(2) In prescribing the rate of a levy on an agricultural product, the Minister may-

(a) make different provision in respect of different classes of the agricultural product and in respect of different producers and classes of producers of the agricultural product;

(b) make no provision in respect of particular classes of the agricultural product or in respect of particular producers or classes of producers of the agricultural product;

(c) exempt a particular class of producer or producers of a particular class of the agricultural product from payment of the whole or any portion of the levy;

and may in classifying an agricultural product for the purposes of this subsection have regard, amongst other things, to the purposes for which, or the manner, or the places or areas in which, or the persons by whom, the agricultural product is produced, consumed, utilised or dealt in.

(3) A levy shall be payable to the Permanent Secretary in such circumstances and at such times as the Minister may prescribe.

(4) The Minister shall not prescribe a levy-

(a) in the case of an agricultural product specified in paragraph (a) of the definition of that term in section *two*, at a rate exceeding the appropriate rate specified for the agricultural product in the Schedule; or

(b) in the case of an agricultural product referred to in paragraph (b) of the definition of that term in section *two*, at a rate exceeding the agreed maximum rate for the agricultural product referred to in paragraph (b) of subsection (2) of section *five*;

unless he is satisfied as a result of a referendum held by the appropriate producers' association that the majority of producers of the agricultural product voting on the referendum has consented to the imposition of the levy at the rate proposed by the Minister.

(As amended by S.I. No. 176 of 1965)

5. (1) Subject to the provisions of subsection (2), the Minister may, by Declaration of

statutory order, declare any animal or any thing whatsoever which is produced in the course of agriculture to be an agricultural product for the purposes of this Act. agricultural products

(2) The Minister shall not declare any animal or thing to be an agricultural product for the purposes of this Act unless he is satisfied, as a result of a referendum held by the Zambia National Farmers' Union of persons by whom a levy in respect of that animal or thing will be paid, that a majority of the persons voting on the referendum-

(a) is in favour of the imposition of a levy in respect of that animal or thing; and

(b) has agreed on the maximum rate at which the levy may be imposed.

(As amended by S.I. No. 176 of 1965)

6. The Minister may at any time, by statutory order-

(a) withdraw a levy; or

(b) suspend the collection of a levy;

on an agricultural product or class of agricultural product, in whole or in part.

Withdrawal or suspension of levy

7. On the date the rate of a levy on an agricultural product or class of agricultural product is first prescribed in terms of this Act, there shall be established in respect thereof a special account, to be described by reference to the name of the agricultural product or class of agricultural product, into which shall be paid the proceeds of the levy thereon and any moneys granted for the purpose of promoting the interests of producers of the agricultural product or class of agricultural product by any person or authority which the person or authority directs shall be payable to the account and any moneys payable to the account by virtue of the provisions of any written law.

(As amended by S.I. No. 176 of 1965)

Establishment of levy accounts

8. The funds of each levy account established in terms of section *seven* shall be applied to objects calculated to promote generally the interests of producers of the particular agricultural product or class of agricultural product in respect of which the account relates.

Object of levies

9. (1) The Minister shall from time to time pay to the appropriate producers' association the amount standing to the credit of each levy account. Disposal of levies

(2) A producers' association to which moneys are paid in terms of subsection (1) may spend the money so paid for such purposes, including the payment of a portion of the general administrative expenses of the association, and in such amounts and in such manner as the Minister, having regard to the provisions of section *eight*, may approve in writing.

(3) If the constitution of a producers' association is at any time so changed as to result, in the Minister's opinion, in the producers' association ceasing to be representative of producers of an agricultural product or class of agricultural product on which a levy is or was payable, the Minister may deal with the moneys standing to the credit of the levy account relating thereto in accordance with the provisions of section *eight*.

10. (1) A producers' association shall keep proper accounts showing the manner in which moneys paid to it in terms of section *nine* have been spent. Audit of accounts of producers' association

(2) The accounts referred to in subsection (1) shall be subject to annual audit by an auditor appointed by the producers' association with the approval of the Minister.

(3) The auditor appointed in terms of subsection (2) shall report to the Minister whether the moneys paid to the producers' association in terms of section *nine* are being spent in accordance with the provisions of that section.

(4) If at any time it appears to the Minister that a producers' association has spent moneys paid to it from a levy account otherwise than in accordance with the provisions of section *nine*, he may-

(a) require the person or persons responsible for so spending the

moneys to repay the amount spent to the levy account and for that purpose cause action to be brought in a court of competent jurisdiction;

(b) cease payments to the producers' association until the moneys have been repaid; and

(c) pending repayment of the moneys, deal with the funds standing to the credit of the levy account in accordance with the provisions of section *eight*.

11. (1) The Minister may, by regulation, statutory order or statutory notice, prescribe all matters which by this Act are required or are permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

Regulatory
powers of
Minister

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may, in regulations, orders or notices made in terms of that subsection, provide for-

(a) the registration of producers and consumers of and dealers in an agricultural product or class of agricultural product and the information to be supplied in connection with applications for registration;

(b) the keeping of books, registers and accounts, the furnishing of returns and the supply of information relating to the production and consumption of and dealings in agricultural products or classes of agricultural products by producers, consumers and dealers;

(c) the inspection by persons authorised by the Minister of-

(i) agricultural products or classes of agricultural products wherever they may be; and

(ii) books, registers and accounts referred to in paragraph (b); and

(iii) land or animals from which agricultural products or classes of agricultural products are derived; and

(iv) premises in which agricultural products are kept, dealt in, stored or produced;

(d) the production to persons authorised by the Minister of agricultural products, classes of agricultural products, books, registers, accounts and animals referred to in paragraph (c);

(e) the manner in which levies shall be assessed and the collection of and the remittal to the Permanent Secretary of levies, including the collection and the remittal to the Permanent Secretary of levies by consumers and dealers.

(3) The Minister may make different regulations, orders or notices in terms of subsection (1) in respect of different agricultural products or classes of agricultural products and in respect of different producers, consumers and dealers or classes of producers, consumers and dealers.

(4) The Minister may in regulations, orders or notices made in terms of subsection (1) provide-

(a) that books, registers and accounts kept, or returns and information furnished in connection with an agricultural product or class of agricultural product in terms of or under a marketing or levy law shall, for the purposes of this Act, be treated as books, registers and accounts kept or returns and information furnished in terms of or under this Act;

(b) that producers and consumers of and dealers in an agricultural product or class of agricultural product who are registered or licensed in terms of a marketing or levy law shall be treated as registered producers and consumers of or dealers in the agricultural product or class of agricultural product for the purposes of this Act;

(c) for the submission to the Permanent Secretary by a board or like body established by or in terms of a marketing or levy law of information or returns in connection with an agricultural product or class of agricultural product furnished to it in terms of or under that law.

(As amended by S.I. No. 176 of 1965)

12. (1) If the requirements of a form or return to be furnished in terms of or under a marketing or levy law or the provisions of subsidiary legislation prescribed in terms of a marketing or levy law require amendment in order that the Minister may, in regulations, orders or notices made in terms of subsection (1) of section *eleven*, make provision as is contemplated in subsection (4) of that section, the Minister may by regulation make such incidental, consequential and supplemental amendments to the form or return or to the provisions of

Amendment of forms, returns and subsidiary legislation prescribed under marketing or levy laws

the subsidiary legislation as may appear to the Minister to be necessary in order to make the provision contemplated.

(2) An amendment to a form or return or to the provisions of subsidiary legislation referred to in subsection (1) which is made by the Minister in terms of that subsection, shall be treated for all purposes as if it had been made in accordance with the provisions of the marketing or levy law in terms of or under which the form or return is to be furnished or in terms of which the subsidiary legislation is prescribed.

(As amended by S.I. No. 176 of 1965)

13. (1) A person who-

Offences and
penalties

(a) fails or refuses to register as a producer or a consumer of, or a dealer in, an agricultural product or class of agricultural product when required to do so in terms of this Act; or

(b) fails or refuses to furnish a return, or to supply information in the manner and in the time prescribed, or furnishes a false or incomplete return or supplies false or incomplete information; or

(c) obstructs a person authorised by the Minister in the exercise of powers of inspection conferred by or under this Act or, on being directed to do so, does not produce to that person for inspection an agricultural product or class of agricultural product, and any books, registers or accounts relating thereto which are in his possession or under his control; or

(d) contravenes or fails to comply with a provision of a regulation, order or notice made in terms of this Act or an order or direction made or given thereunder with which it is his duty to comply;

shall be guilty of an offence and liable-

(i) on first conviction, to a fine not exceeding seven hundred and fifty penalty units or, in default of payment, to imprisonment for a period not exceeding one month, or to such imprisonment without the option of a fine, or to both;

(ii) on the second or any subsequent conviction, to a fine not exceeding one thousand five hundred penalty units or, in default of payment, to imprisonment for a period not exceeding two months, or to such imprisonment without the option of a fine, or to both.

(2) On the conviction of-

(a) a producer for an offence of failing or refusing to pay a levy in terms of this Act; or

(b) a person for an offence of failing or refusing to collect or to remit to the Permanent Secretary a levy in terms of this Act;

the court convicting the accused may, on the application of the prosecutor and in addition to any penalty which it may inflict, give summary judgment in favour of the Minister for the amount of the levy to which the offence relates.

(3) A judgment given by a court in terms of subsection (2) shall have the same force and effect and may be executed in the same manner as if the judgment had been given in a civil action instituted in the court.

(As amended by S.I. No. 176 of 1965 and Act No. 13 of 1994)

14. The Minister may, by civil action in a competent court, recover the amount of a levy on an agricultural product or class of agricultural product which is due in terms of this Act from a producer or, as the case may be, from a person required in terms of this Act to collect and remit the levy to the Permanent Secretary.

Recovery of
levies due

(As amended by S.I. No. 176 of 1965)

15. Any costs payable by the Minister in an action referred to in paragraph (a) of subsection (4) of section *ten* or in section *fourteen* may be paid from the funds in the levy account relating to the moneys in respect of which the action is brought.

Legal costs of
Minister

SCHEDULE

(Section 4)

MAXIMUM RATES OF LEVY ON AGRICULTURAL PRODUCTS SPECIFIED IN PARAGRAPH (a) OF THE DEFINITION OF THAT TERM IN SECTION 2

<i>Agricultural product</i>	<i>Maximum rate</i>
Maize.	One fee unit per 90 kg weight of shelled maize or One fee unit per 90 kg weight of maize on the cob.
Milk.	One fee unit per litre.
Butterfat.	One fee unit per kg weight.

(As amended by Act No. 13 of 1994)