

Zambia

## Food Reserve Act, 2020

Act 6 of 2020

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# Food Reserve Act, 2020

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# Zambia

## Food Reserve Act, 2020

Act 6 of 2020

*Published in Government Gazette on 26 October 2020*

**Assented to on 23 October 2020**

**Commenced on 26 October 2020**

*[This is the version of this document from 26 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.**

ENACTED by the Parliament of Zambia.

### Part I – Preliminary provisions

#### 1. Short title

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

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"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]*

"Emoluments Commission" means the Emoluments Commission established under the Constitution;

*[Cap. 1]*

"Executive Director" means the person appointed as Executive Director of the Agency under [section 15](#);

"legally disqualified" means the absence of legal capacity as provided in section 4 of the Mental Health Act;

*[Act No. 6 of 2019]*

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

**"member"** means a member of the Board or a committee of the Board;

**"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;

**"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](#);

**"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;

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

**"relative"** has the meaning assigned to the word in the Anti-Corruption Act;

[Act [No. 3 of 2012](#)]

**"repealed Act"** means the Food Reserve Act;

[Act [No. 12 of 1995](#)]

**"Secretary"** means the person appointed as Secretary under [section 16](#);

**"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;

**"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 a purchase or otherwise, for the purpose of resale; and

**"Vice-Chairperson"** means the person elected as ViceChairperson of the Board under [section 6](#).

## Part II – Food Reserve Agency

### 3. Continuation of Food Reserve Agency

- (1) The Food Reserve Agency established under the repealed Act is continued as if established under this Act.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

[Cap. [225](#)]

### 4. Seal of Agency

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

- (1) The function of the Agency is to manage the National Strategic Food Reserve established under Part III.
- (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;
  - (d) collect information related to the marketing of a designated agricultural commodity; and
  - (e) advise the Minister on matters relating to the National Strategic Food Reserve.

## 6. Board of Agency

- (1) There is constituted a Board of the Agency which consists of the following part-time members appointed by the Minister:
  - (a) a representative each of an association representing—
    - (i) small scale farmers;
    - (ii) large scale farmers;
    - (iii) millers; and
    - (iv) grain traders;
  - (b) a representative of the Attorney-General;
  - (c) a representative each of the ministry responsible for—
    - (i) agriculture;
    - (ii) fisheries and livestock;
    - (iii) finance; and
    - (iv) commerce, trade and industry; and
  - (d) two persons with proven knowledge and experience in matters relevant to this Act.
- (2) The ministries, institutions, or organisations under subsection (1)(a), (b) and (c) shall nominate their representatives for appointment by the Minister.
- (3) The members shall elect the Chairperson and Vice-Chairperson from among themselves.
- (4) The Chairperson shall not be elected from members under subsection (1)(b) and (c).
- (5) The members under subsection (1)(a), shall possess knowledge and experience relevant to this Act.
- (6) A person shall not be appointed as a member of the Board if that person—
  - (a) is not a citizen;
  - (b) is an employee of the Agency;

- (c) is convicted of an offence under this Act or any written law and is sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (d) is legally disqualified; or
- (e) is an undischarged bankrupt.

## **7. Functions of Board**

- (1) Subject to this Act, the Board shall perform the functions of the Agency and provide strategic policy direction to the Agency.
- (2) Despite subsection (1), the functions of the Board are to—
  - (a) promote effective corporate governance of the Agency;
  - (b) formulate the policies and strategies of the Agency;
  - (c) approve documents of a policy nature of the Agency; and
  - (d) approve the annual budget estimates and financial statements of the Agency.

## **8. Delegation of functions**

- (1) The Board may, by direction in writing and on conditions that the Board considers necessary, delegate to the Executive Director any of its functions under this Act.
- (2) A delegation made under subsection (1) shall not prevent the Board from performing the function so delegated.
- (3) The Minister may give to the Board directions, which are consistent with this Act, relating to the performance of its functions and the Board shall give effect to those directions.

## **9. Tenure of office for members and vacancy**

- (1) A member of the Board shall hold office for a term of three years and may be reappointed for a further term of three years on terms and conditions that may be specified in the instrument and of appointment but shall not consecutively hold office for more than two terms.
- (2) On the expiration of the term for which a member is appointed, the member shall continue to hold office until another member is appointed, but in no case shall the further period exceed three months.
- (3) The office of a member shall become vacant if that member—
  - (a) dies;
  - (b) is adjudged bankrupt;
  - (c) is absent from three consecutive meetings of the Board, of which the member has had notice, without the prior approval of the Board;
  - (d) resigns;
  - (e) becomes legally disqualified;
  - (f) is found guilty of professional misconduct;
  - (g) is convicted of an offence under this Act or any written law and is sentenced to imprisonment for a period exceeding six months without the option of a fine; or
  - (h) ceases to be a representative of the ministry, institution, or organisation that nominated or appointed that member to sit on the Board.



- (4) The Minister shall, where there is a vacancy in the membership of the Board, before the expiry of the term of office, appoint another person to replace that member but the person appointed shall hold office for the remainder of that term.

## 10. Proceedings of Board

- (1) Subject to this Act, the Board may regulate its own procedure.
- (2) The Board shall meet at least once every three months at a place that the Board may determine.
- (3) The Chairperson shall, on giving notice of not less than seven days, call a meeting of the Board, if one-third or more of the members so request, in writing, except that if the urgency of a particular matter does not permit the giving of notice, a special meeting may be called on giving shorter notice.
- (4) The quorum of the Board at any meeting shall be two-thirds of the members.
- (5) There shall preside at a meeting of the Board—
  - (a) the Chairperson;
  - (b) in the absence of the Chairperson, the Vice-Chairperson; or
  - (c) in the absence of the Chairperson and the ViceChairperson, a member elected from among the members present at the meeting for the purpose of that meeting.
- (6) A decision of the Board on any question shall be by a majority of members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.
- (7) Where a member is for any reason unable to attend the meeting of the Board, the member may, in writing, nominate another person from the same ministry, institution or organisation to attend the meeting in that member's place and that person shall be deemed to be a member for the purpose of that meeting but that person shall have no vote.
- (8) The Board may invite any person, including an observer, whose presence, in its opinion, is desirable to attend and participate in the deliberation of a meeting of the Board, but that person or observer shall have no vote.
- (9) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and any committee of the Board.

## 11. Committees

- (1) The Board may, for the purpose of exercising its powers and the effective and efficient performance of the functions of the Agency, constitute committees and delegate to the committees functions of the Agency that it considers necessary.
- (2) The Board may appoint, as members of a committee, persons who are or are not members of the Board and those persons shall hold office for a period that the Board may determine.
- (3) A committee shall have the power to invite any person whose presence, in its opinion, is desirable to attend and participate in the deliberations of the meeting of the committee but that person shall have no vote.
- (4) A person presiding at a meeting of a committee shall cause a record to be kept of the proceedings of the meeting and shall cause to be submitted to the Board that record, as soon as possible after a meeting of the committee.
- (5) Subject to any specific or general direction of the Board and other provisions of this section, a committee may regulate its own procedure at a meeting.

## 12. Allowances

A member shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.

## 13. Disclosure of interest

- (1) If any person is present at a meeting of the Board or a committee of the Board at which any matter, in which that person or any member of that person's relative or associate is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable during the meeting disclose that interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.
- (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.

## 14. Prohibition of publication or disclosure of information to unauthorised person

- (1) A person shall not, without the consent in writing given by or on behalf of the Board or as otherwise permitted by any written law, publish or disclose to any other person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of, that person's duties under this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.
- (3) A person who, having information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates that information to any other person, that person commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.
- (4) Nothing in this section shall be interpreted to prohibit the publication and dissemination of a final decision of the Board.

## 15. Executive Director

- (1) The Board shall appoint the Executive Director who is the chief executive officer of the Agency and is, subject to the control of the Board, responsible for the day-to-day administration of the Agency.
- (2) The Executive Director shall attend meetings of the Board as an *ex-officio* member and may address those meetings, but shall not vote on any matter.

## 16. Secretary and other staff of Agency

- (1) The Board shall appoint the Secretary and other staff that may be necessary for the performance of the functions of the Board.
- (2) The Secretary is, under the general direction of the Executive Director, responsible for the corporate secretarial affairs of the Board.

**17. Emoluments and other conditions of service of Executive Director, Secretary and other staff**

- (1) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Executive Director, Secretary and other staff of the Agency.
- (2) The Board shall determine the conditions of service, other than emoluments, of the Executive Director, Secretary and other staff of the Agency.

**18. Immunity of member, committee and employee**

An action or other proceeding shall not lie or be instituted against a member, a committee or a member of staff of the Agency, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers or functions conferred under this Act.

**Part III – The National Strategic Food Reserve****19. Continuation of National Strategic Food Reserve**

- (1) The National Strategic Food Reserve established under the repealed Act, is continued as if established under this Act.
- (2) The purpose of the National Strategic Food Reserve is to—
  - (a) maintain the type and quantity of a designated agricultural commodity as determined by the Agency;
  - (b) ensure a reliable supply of a designated agricultural commodity for the country;
  - (c) meet local shortfalls in the supply of a designated agricultural commodity;
  - (d) meet a food emergency caused by drought, flood or by other natural disaster, for the purposes of this Act, that may be declared by the President; and
  - (e) correct problems relating to the supply of a designated agricultural commodity arising from the manipulation of prices or monopolistic trading practices.
- (3) The Agency shall take into account the following when determining the quantity of a designated agricultural commodity to be maintained as part of the National Strategic Food Reserve under subsection (2)(a):
  - (a) lean period;
  - (b) human consumption;
  - (c) industrial requirement;
  - (d) livestock requirements;
  - (e) mobilisation of resources;
  - (f) importation period;
  - (g) climate change; or
  - (h) any other factor that the Agency may determine.
- (4) An activity undertaken by the Agency under subsection (2)(c) and (e) is a concerted conduct designed to achieve a non-commercial socio-economical objective for the purposes of section 3(3) of the Competition and Consumer Protection Act.

[Act *No. 12 of 1995*]

## 20. Role of Minister in National Strategic Food Reserve

- (1) The Minister shall, for the purposes of this Act—
  - (a) approve the quantity and type of a designated agricultural commodity to be maintained in, sold, traded or issued from, the National Strategic Food Reserve;
  - (b) cause the collection of data for the purposes of national food security;
  - (c) cause the inspection and verification of stock levels of designated agricultural commodities; and
  - (d) cause the preparation of the National Food Balance Sheet.
- (2) The Minister may appoint inspectors to perform the functions under subsection (1)(b) and (c).
- (3) A person shall not obstruct or refuse to provide information to an inspector in the performance of the inspector's function under subsection (2).
- (4) A person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

## 21. Designation of agricultural commodity

The Minister shall, by statutory instrument, at least sixty days before the planting season, designate an agricultural commodity that the Minister considers essential for the food security of the country.

## 22. Purchase and importation of designated agricultural commodity

- (1) The Agency may purchase from the domestic market or import a designated agricultural commodity for the purposes of the National Strategic Food Reserve.
- (2) The Agency shall, in purchasing a designated agricultural commodity from the domestic market—
  - (a) identify, enter and operate markets in rural areas;
  - (b) establish or determine prices and create a market for a designated agricultural commodity in rural areas; and
  - (c) enter a domestic market that may be determined by the Agency.
- (3) The Agency shall purchase a designated agricultural commodity from the domestic market if it announces the type and quantity of the designated agricultural commodity to be purchased in the market in season in the *Gazette* and a daily newspaper of general circulation in the Republic at least thirty days before the commencement of the following marketing season.
- (4) The Agency may purchase a type and quantity of the designated agricultural commodity that is required to properly rotate, distribute and position the designated agricultural commodity as part of the National Strategic Food Reserve.

## 23. Power to inspect records

- (1) Subject to the Agricultural Credits Act, a trader or processor shall, prior to selling a designated agricultural commodity to the Agency, declare to the Agency whether or not the designated agricultural commodity has previously been pledged as security or registered as a charge under that Act in the prescribed manner and form.

[Act No. 35 of 2010]

- (2) A trader or processor who fails to declare to the Agency under subsection (1) that a designated agricultural commodity is pledged as security or where a charge is registered on the designated

agricultural commodity commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

## **24. Sale of designated agricultural commodity**

- (1) The Agency may—
  - (a) sell a designated agricultural commodity from the National Strategic Food Reserve to—
    - (i) meet a local shortfall in the supply of the commodity; or
    - (ii) meet a food emergency caused by drought, flood, or other natural disaster;
  - (b) export any excess designated agriculture commodity; or
  - (c) enter into a partnership for the purposes of paragraph (a) or (b).
- (2) The Agency may, where a designated agricultural commodity is maintained as part of the National Strategic Food Reserve, sell or dispose of the type and quantity of the designated agricultural commodity in different places that the Agency considers necessary to—
  - (a) properly handle, rotate, distribute and position the designated agricultural commodity as part of the National Strategic Food Reserve; or
  - (b) secure the National Strategic Food Reserve.
- (3) Subject to subsection (2), a purchase to offset a sale of a designated agricultural commodity may be made as soon as is reasonably practicable following that sale.

## **25. Receipt of designated agricultural commodity and non-designated agricultural commodity**

The Agency may—

- (a) receive as a donation a designated agricultural commodity or any commodity not designated under this Act as part of the National Strategic Food Reserve; or
- (b) sell any donation received in paragraph (a) in accordance with this Act.

## **26. Standard of designated agricultural commodity**

The Agency shall—

- (a) use the standards of quality, condition, quantity and grade of a designated agricultural commodity approved by the Zambia Bureau of Standards under the Standards Act and the Compulsory Standards Act to ensure uniformity and consistency; and  
*[Act No. 4 of 2017; Act No. 3 of 2017]*
- (b) consult the Zambia Metrology Agency in approving the weighing and measuring equipment used in the purchase of a designated agricultural commodity in accordance with the Metrology Act.  
*[Act No. 6 of 2017]*

## **27. Offence and penalty for misrepresenting grade**

- (1) A person shall not knowingly sell to the Agency a grade of a designated agricultural commodity contrary to the standards approved by the Zambia Bureau of Standards under [section 26](#).
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

## Part IV – Financial provisions

### 28. Funds of Agency

- (1) The funds of the Agency consists of money that may—
  - (a) be appropriated to the Agency by Parliament for the purposes of the Fund;
  - (b) be paid to the Agency by way of grants or donations;
  - (c) be obtained through sale of publications;
  - (d) subject to the Public Finance Management Act be generated from a sale of a designated agricultural commodity for the purposes of maintaining and securing the National Strategic Food Reserve; or  
*[Act No. 1 of 2018]*
  - (e) vest in, or accrue to, the Agency.
- (2) The Agency may, subject to the approval of the Minister—
  - (a) accept monies by way of grants or donations from any source in the Republic and from any source outside the Republic;
  - (b) raise, by way of loans or otherwise money that the Agency may require for the performance of its functions;
  - (c) charge and collect fees in respect of programmes, publications, seminars, consultancy and other services provided by the Agency; or
  - (d) lease storage facilities and equipment.
- (3) There shall be paid from the funds of the Agency—
  - (a) salaries, allowances, loans, gratuities and pensions of the staff of the Agency;
  - (b) reasonable travelling and subsistence allowances for members, when engaged on the business of the Agency and at rates that the Emoluments Commission may, on the recommendation of the Minister, determine; and
  - (c) any other expenses incurred by the Agency in carrying out its functions under this Act.
- (4) The Board may invest, in monies that the Agency does not immediately require for the performance of the Agency's functions.

### 29. Financial year

The financial year of the Agency shall be a period of twelve months ending on 31st December of each year.

### 30. Accounts

- (1) The Board shall cause to be kept proper books of accounts and other records relating to the accounts of the Agency.
- (2) The accounts of the Agency shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.
- (3) The fees for the Auditor-General or an auditor appointed by the Auditor-General shall be paid by the Agency.

### **31. Annual report**

- (1) The Board shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning the Agency's activities during the financial year.
- (2) The report under subsection (1), shall include information on the financial affairs of the Agency and there shall be appended to the report—
  - (a) an audited statement of financial position;
  - (b) an audited statement of comprehensive income and expenditure; and
  - (c) other information that the Minister may require.
- (3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report under subsection (1), lay the report before the National Assembly.

## **Part V – General provisions**

### **32. Declaration of national food emergency and vesting of Agency functions**

- (1) The President may, on the recommendation of the Minister, by proclamation, declare a national food emergency in the event of a shortfall in the—
  - (a) domestic production; or
  - (b) availability of a designated agricultural commodity.
- (2) Where the President declares a national food emergency under subsection (1), the President shall administer the National Strategic Food Reserve.
- (3) The President shall, authorise the Agency to purchase the deficit of the designated agricultural commodity required for the purposes of the National Strategic Food Reserve during the period of the national food emergency.

### **33. Restricted area**

- (1) The Minister may, by statutory instrument, designate a storage facility used for the storage of a designated agricultural commodity as a restricted area.
- (2) A person who is in a restricted area shall comply with directions regulating the person's movements and conduct that may be given by the Agency.
- (3) A person who, while in a restricted area fails to comply with a direction under subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.
- (4) A person who is unlawfully found on the premises of a storage facility designated as a restricted area under subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

### **34. Compounding of certain offences by Executive Director**

Subject to the written consent of the Director of Public Prosecutions after an investigation by the Agency and an admission by a person who committed an offence under this Act, the Executive Director may compound the offence by collecting from that person a sum of money that the Executive Director considers appropriate, but not exceeding fifty percent of the maximum amount of the fine to which that person would have been liable, on conviction, and a person having made that payment shall not thereafter be prosecuted in relation to the offence so compounded.

### 35. Offence by principal officers of a body corporate and unincorporate body

Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner of the body corporate or unincorporate body, that director, manager, shareholder or partner commits an offence and is liable, on conviction, to the penalty or term of imprisonment specified for that offence.

### 36. Regulations

The Minister may, by statutory instrument, make regulations that are necessary for the better carrying out of the provisions of this Act.

### 37. Act to bind Republic

This Act binds the Republic.

### 38. Repeal of Cap. 225

- (1) The Food Reserve Act, is repealed.
- (2) Despite subsection (1), the Schedule applies to the savings and transitional arrangements of the Agency.

## Schedule (Section 38)

### Savings and transitional provisions

#### 1. Interpretation

In this Schedule " former Agency " means the Food Reserve Agency established under the repealed Act.

*[Cap. 225]*

#### 2. Member

A person who immediately before the commencement of this Act held office as a member of the former Agency shall continue to hold office as a member for a period of three months after which the Minister shall appoint the members of Board in accordance with this Act.

#### 3. Staff of Agency

- (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an officer or employee of the former Agency, shall continue to be an officer or employee of the Agency, as if appointed or employed under this Act.
- (2) The service of a person under subparagraph (1) shall be treated as continuous service.
- (3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the former Agency before this Act comes into force.

#### 4. Transfer of assets and liabilities

- (1) On or after this Act comes into force, there shall be transferred to, vest in, and subsist against the Agency by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before that date were the assets, rights, liabilities and obligations of the former Agency.
- (2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the former Agency was a party immediately before the commencement of this Act whether or not of a nature that rights, liabilities and obligations could be assigned, shall,



unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this paragraph, have effect as if—

- (a) the Agency had been party to it;
  - (b) for any reference to the former Agency there was substituted, with respect to anything falling to be done on or after this Act comes into force, a reference to the Agency; or
  - (c) for any reference to any officer of the former Agency, not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to that officer of the Agency as the Agency shall designate.
- (3) Where under this Act, any assets, rights, liabilities and obligations of the former Agency are deemed to be transferred to the Agency in respect of which transfer a written law provides for registration, the Agency shall make an application in writing to the appropriate registration authority for registration of the transfer.
- (4) The registration authority, under subparagraph (3), shall make entries in the appropriate register that shall give effect to the transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.
- (5) Any direction or authorisation granted in accordance with the repealed Act, whether to a company or an individual, shall be deemed, until expiry, to be a direction or authorisation granted in accordance with this Act, but subject to any rights or benefits accruing, or any liabilities suffered, under the repealed Act, but without the right of renewal.

#### **5. Legal proceedings**

- (1) Any legal proceedings or applications of the former Agency pending immediately before this Act comes into force by or against the former Agency may be continued by or against the Agency.
- (2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the former Agency, may be instituted by or against the Agency.

#### **6. National Strategic Food Reserve of former Agency**

The National Strategic Food Reserve held by the former Agency shall continue to be the National Strategic Food Reserve for the Agency under this Act.