

REPUBLIC OF ZAMBIA

THE COTTON ACT

CHAPTER 227 OF THE LAWS OF ZAMBIA

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ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Regulations
3. Penalties

CHAPTER 227

COTTON

An Act to provide for the protection and control of the cotton industry; to regulate the importation of cotton seed; to prevent the spread of diseases affecting cotton; and to provide for matters incidental thereto.

[9th May, 1914]

4 of 1914
7 of 1924
47 of 1963
25 of 1969
Federal Act
35 of 1954
Government Notices
319 of 1964
497 of 1964
238 of 1972
Act No. 13 of 1994

1. This Act may be cited as the Cotton Act.

Short title

The Laws of Zambia

2. The Minister may, by statutory instrument, make regulations as to the following matters and may declare that such regulations or any of them shall apply to the whole of Zambia or to any part or parts thereof, namely:

Regulations

- (a) to deal with diseases affecting cotton;
- (b) to regulate the importation of cotton seed;
- (c) generally for the protection and control of the cotton industry.

(As amended by No. 47 of 1963 and G.N. No. 319 of 1964)

3. Such regulations may provide penalties for their breach, attempted breach or non-observance, not exceeding imprisonment with or without hard labour for a term of three months or a fine of seven hundred and fifty penalty units, or both and, in addition to such penalties, may provide that any seed cotton or implement in respect of which a breach, attempted breach or non-observance of any regulation has been committed shall be confiscated or otherwise dealt with, with or without compensation; and where no penalty is imposed by regulation, then the breach or attempted breach or non-observance of any regulation shall be punishable to the extent aforesaid.

Penalties

(As amended by Act No. 13 of 1994)

SUBSIDIARY LEGISLATION

SECTION 2-THE COTTON (CONTROL OF DISEASES) REGULATIONS

Regulations by the Minister

Government Notices

115 of 1925
286 of 1951
287 of 1951
288 of 1951
13 of 1955
289 of 1955
319 of 1964

1. These Regulations may be cited as the Cotton (Control of Diseases) Regulations. Title

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

"area" means any area defined in the Schedule or which may hereafter be defined by regulation;

"prescribed area" means any area to which the Minister may hereafter, by statutory notice, declare that these Regulations shall apply.

(As amended by No. 319 of 1964)

The Laws of Zambia

3. The ⁽¹⁾Minister may, from time to time, by statutory notice, declare that these Regulations shall apply to any area therein specified. Application

* Applied to the areas set out in the Schedule to these Regulations. (G.N. 288 of 1951)

(As amended by No. 319 of 1964)

4. The ⁽²⁾Minister may, from time to time, fix, by statutory notice, a date prior to which- Order for destruction of cotton plants

** 1st October in each year. (G.N. No. 287 of 1951.) portion of which shall not have been uprooted and burnt, as the case may be, prior to the date specified in such notice, shall be deemed to have contravened these Regulations.

- (a) all cotton plants, planted more than four months prior to such date, in any prescribed area therein specified, shall be uprooted and destroyed by burning; and
- (b) all cotton plants planted as aforesaid in such area but which have been or become severed from the soil, and all portions of cotton plants planted as aforesaid in such area which have been or become severed from such cotton plants, shall be burnt.

(As amended by No. 319 of 1964)

5. The owner, lessee or occupier of land in any prescribed area specified in any notice issued under the provisions of regulation 4 who shall fail to uproot and burn, or to burn, as the case may be, any cotton plant or portion thereof, being on such land and to which such notice relates, prior to the date specified in such notice, shall be deemed to have contravened these Regulations. In addition, the person who planted or caused to be planted any such cotton plant which or any portion of which shall not have been uprooted and burnt, as the case may be, prior to the date specified in such notice, shall be deemed to have contravened these Regulations. Failure to comply with notice

* Applied to the areas set out in the Schedule to these Regulations. (G.N. 288 of 1951)

**1st October in each year. (G.N. No. 287 of 1951.) portion of which shall not have been uprooted and burnt, or burnt, as the case may be, prior to the date specified in such notice, shall be deemed to have contravened these Regulations.

6. If, in contravention of these Regulations, any cotton plant to which a notice issued under the provisions of regulation 4 applies shall not have been properly uprooted from the land, with the result that a sprout has grown from the root or portion of the root which has not been uprooted, the owner, lessee or occupier of the land, or the person who planted or caused such cotton plant to be planted, shall forthwith uproot and burn such root or portion of a root and the sprout growing therefrom, and, if the same shall not be forthwith so uprooted and burnt, all the persons previously mentioned in this regulation shall be deemed to have contravened these Regulations. Failure to uproot sprouts

7. If, in contravention of these Regulations and of any notice issued under the provisions of regulation 4, any cotton plant or portion thereof or root with sprout growing therefrom on any land shall not have been uprooted and burnt, or burnt, as the case may be, by the owner, lessee or occupier of such land, or by the person who planted or caused such cotton plant to be planted (hereinafter in this regulation referred to as "the persons responsible"), the Director of Agriculture, or any person thereto authorised by him, may cause such cotton plant or portion thereof or root with sprout growing therefrom to be uprooted and burnt, or burnt, as the case may be, and, in such event, all of the persons responsible shall be jointly and severally liable for any expense incurred by such uprooting and burning, or burning, as the case may be, in addition to their liability to the penalties prescribed by the Act for the contravention of these Regulations.

Destruction of plants
by Director of
Agriculture

8. Whenever, in any area which is not a prescribed area, a resolution has been passed recommending that such area shall be declared to be an area to which the provisions of these Regulations shall apply, the Minister may, by statutory notice, declare such area to be an area to which these Regulations apply, if-

Recommendation for
these Regulations to
be applied to an area

- (a) the resolution was passed at a meeting convened by the Director of Agriculture upon a written request signed by not less than ten owners or lessees of land engaged in the business of growing cotton in such area; and
- (b) one month's notice of such meeting was given by advertisement in a newspaper circulating in such area; and
- (c) the Director of Agriculture, or some person nominated by him, presided at such meeting, and the said resolution was duly put to the meeting and carried by a 75 per centum majority of the owners or lessees of land in such area, engaged therein in the business of growing cotton.

(As amended by No. 319 of 1964)

9. The Minister may, at any time, by statutory notice, declare that a prescribed area shall cease to be a prescribed area, and such area shall thereupon cease to be a prescribed area.

Prescribed areas

(As amended by No. 319 of 1964)

10. The Director of Agriculture, or any person thereto authorised by him, shall have access at all times to any land upon which cotton is grown, for the purpose of searching for diseases or pests, or, in the case of a prescribed area, of ascertaining whether these Regulations have been complied with.

Right to enter and
search for diseases

The Laws of Zambia

SCHEDULE

(Regulation 2)

SCHEDULED AREAS

The Livingstone District.	1-THE LIVINGSTONE AREA
The Kalomo District.	2-THE KALOMO AREA
The Mazabuka District.	3-THE MAZABUKA AREA
The Namwala District.	4-THE NAMWALA AREA
The Lusaka District.	5-THE LUSAKA AREA
The Mumbwa District.	6-THE MUMBWA AREA
The Kabwe Rural District.	7-THE KABWE AREA
The Mkushi District.	8-THE MKUSHI AREA
The Ndola Rural District.	9-THE NDOLA AREA
The Chililabombwe, Chingola, Kalulushi, Kitwe, Luanshya and Mufulira Districts.	10-THE COPPERBELT AREA
The Eastern Province.	11-THE EASTERN AREA
The Choma District.	12-THE CHOMA AREA

(No. 288 of 1951 as amended by Nos. 13 and 289 of 1955)

Endnotes

1 (Popup - Popup)

Applied to the areas set out in the Schedule to these Regulations. (G.N. 288 of 1951)

2 (Popup - Popup)

1st October in each year. (G.N. No. 287 of 1951.) portion of which shall not have been uprooted and burnt, as the case may be, prior to the date specified in such notice, shall be deemed to have contravened these Regulations.