

# LEGAL ALERT

## AGRICULTURAL INSTITUTE OF ZAMBIA ACT



### Introduction

On 27 June 2023, the Minister of Agriculture, Mr. Reuben Mutolo Phiri, duly issued the Agricultural Institute of Zambia Act (Commencement) Order, S.I. No 19 of 2023, which brought into effect the Agricultural Institute of Zambia Act No.2 of 2017 (the “**Act**”).

We set out below some notable provisions in the Act.

### Salient Provisions

The Act establishes the Agricultural Institute of Zambia (the “**Institute**”), a body corporate whose many functions include:

- Registering agricultural professionals and regulating their professional conduct.
- Promoting the agricultural profession in Zambia.
- Investigating allegations of professional misconduct and imposing such sanctions as may be necessary.
- Advising the Government on matters relating to the agricultural profession.

It is an offence under the Act to practice as an agricultural professional without registering as such. A person who contravenes the foregoing commits an offence and is liable, upon conviction, to a fine not exceeding ZMW 210,000 (approximately **USD 10,769.23**) or to imprisonment for a period not exceeding seven years, or to both. The Act defines an agricultural professional as “a scientist, technician, or craftsperson in the science of agriculture, but excludes a veterinary professional or para-veterinary professional”. The Agricultural Institute of Zambia Act (General) Regulations S.I. No 54 of 2018 (the “**General Regulations**”) recognizes four classes of agricultural professionals to register, namely; agricultural professional scientist, agricultural professional technician, agricultural crafts technician, and honorary and life members.

In addition, an agricultural professional is equally required to hold a practicing certificate issued by the Institute. It is an

offence for a person to practice as an agricultural professional without a validly issued practicing certificate. A person who contravenes the foregoing commits an offence and is liable, upon conviction, to a fine not exceeding ZMW 210,000 (approximately **USD 10,769.23**) or to imprisonment for a period not exceeding seven years, or to both.

Worth noting as well is the prohibition under the Act from holding out as an agricultural professional unless one is duly registered. The Act prohibits the following unless one is duly registered:

- Practicing as, being employed as, offering services related to agriculture, being engaged as an agent of, or holding out to be, an agricultural professional.
- Adopting, using, or exhibiting the titles or designations prescribed in the constitution of the Institute.
- Doing anything likely to lead persons to infer that the person is a registered agricultural professional.

It is equally an offence for a person, organization, or institution to offer

employment to an agricultural professional who is not duly registered under the Act. A person who contravenes the foregoing i.e., holding out and employing a non-registered agricultural professional, commits an offence and is liable, upon conviction, to a fine not exceeding ZMW 300,000 (approximately **USD 15,384.62**) or to imprisonment for a period not exceeding ten years, or to both.

Once issued, a practicing certificate should be renewed annually, failing which the certificate becomes void.

Equally worth noting is that once issued, a practicing certificate cannot be transferred to a third party.

### Conclusion

The operationalization of the Act introduces registration requirements intended to bring about better regulation of the conduct of agricultural professionals in the interest of the agricultural sector.

We hope you found this alert useful. Please contact our Corporate Advisory Partner and Lawyer, Jacqueline Jhala at **JJhala@corpus.co.zm** and Dalitso Ng'ona at **DNg'ona@corpus.co.zm** respectively, if you have any questions relating to the Agricultural Institute of Zambia Act.

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