

**ENHANCING THE PROTECTION OF THE RIGHT TO FOOD IN
MALAWI**

FINAL DRAFT FOOD SECURITY BILL

Facilitated by the National Right to Food Network in consultation with the Ministry of Agriculture & Food Security, the Department of Nutrition and HIV/AIDS, the Malawi Human Right Commission and the Malawi Law Commission, through funding from the Presbyterian World Service & Development, Rights & Democracy and Action Aid International Malawi.

FOOD SECURITY BILL
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An Act to provide for the protection of the right to food; to establish the National Food Security Council, to define the functions and powers of the National Food Security Council, to establish the Food Security Fund and to provide for connected matters.

Enacted by the Parliament of Malawi as follows-

PART I-PRELIMINARY	
Short title and commencement	1. This Act may be cited as the Food Security Act, 20...
Interpretation	<p>2. In this act, unless the context otherwise requires-</p> <p>“adequate food” means the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances.</p> <p>“food security” means a situation when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life;</p> <p>“food” means safe, edible and nutritious substances, acceptable within a given culture, originating from a biological source and includes water, any beverage, food additive material, in processed form or not, which is fit for human consumption and further includes food additive material, food raw material and other materials used in the processing and preparation of such edible substance or beverage;</p> <p>“freedom from hunger” means a situation where all people, especially the vulnerable, have access to a level of food, capable of meeting the recommended minimum dietary requirements as may be set out by the Minister from time to time;</p> <p>“pyramid selling” with reference to the right to</p>

food, means a scheme with the following characteristics: -

(a) in order to participate, some or all new participants must make a payment to another participant or other participants in the scheme; and

(b) the participation payments must be entirely or substantially induced by the prospect held out to new participants that they will be entitled to access to food or other form of payment (a recruitment payment) in relation to the introduction to the scheme of further new participants.

right to food” includes the right to adequate food, the right to be free from hunger and the entitlement to food security. “unfair trade practice” has the same meaning as defined in the Competition and Fair Trading Act;

“vulnerable and disadvantaged groups” includes but is not be limited to the description ascribed to the term under Section 13 of the Human Rights Commission Act.

PART II-PROTECTION OF THE RIGHT TO FOOD

The right to food

3. (1) The State shall respect, promote, protect and fulfil -

- (a) the right to adequate food;
- (b) the right to freedom from hunger; and
- (c) the entitlement to food security.

(2) In circumstances where the State is not able to immediately fulfil the right to adequate food, it shall undertake all measures necessary to ensure that every person enjoys the right to freedom from hunger.

Enforceability of the right to food

4. Pursuant to section 3, the right to food enshrined in this Act shall be respected and upheld, and fulfilled by the executive, legislature and judiciary, and shall bind all organs of the State, natural and legal persons.

Access to justice

5. (1) Any person whose right to food has been violated shall have access to effective judicial or other appropriate remedies permitted under the laws of Malawi.

(2) Without prejudice to the generality of the remedies under subsection (1), all victims of violations shall be entitled to adequate remedies, which may take the form of restitution, compensation, satisfaction or guarantee of non-repetition.

**PART III: DISCHARGE OF THE STATE'S
OBLIGATIONS AND RESPONSIBILITIES**

The right to food

6. In fulfilling its obligations under section 3, the State shall, depending on the availability of resources, available within and outside Malawi, including through international cooperation and assistance, take necessary measures to progressively realize the right to food.

Specific obligations in relation to the right to food

7. (1) The State, working alone or through international or local collaboration, shall undertake all necessary measures by making sufficient budgetary allocation to the Ministry every financial year.

(2) Pursuant to subsection (1) above, the State shall-

(a) adopt and implement safety net mechanisms which may include-

(i) the enhancement of agricultural credit facilities;

(ii) the regular reform or revision of policy and legislation on land tenure and employment;

(iii) the enhancement and institutionalization of food aid programmes, including school feeding programmes; and

(iv) the broadening of the food base by encouraging dietary diversity.

- (b) raising public awareness on –
 - (i) indigenous nutritious food crops that are underutilized;
 - (ii) traditional or staple foods in the form of leafy vegetables, grain legumes and fruits that are nutritious and necessary for the maintenance of good health; and
 - (iii) food literacy and dietary diversity and healthy eating habits necessary to eradicate hunger.
- (c) facilitate access to local and international markets to diversity in available or accessible food;
- (d) promote access to advanced technological advances in food production that advocate the use of the most effective seed varieties, fertilizers, pesticides and other agricultural inputs that are sustainable and environmentally friendly;
- (e) promote good plant and animal husbandry methods that use the most up to date technological practices possible on land use and famine early warning systems;
- (f) target vulnerable groups through institutionalised input subsidy programmes aimed at increasing access to means of food production;
- (g) ensure that precautionary measures are taken to mitigate emergencies in relation the unavailability of food; and
- (h) promote scientific research, technological advances and training in food security.

Competition and fair trading

8. The Competition and Fair Trading Act shall apply with respect to the regulation of activities that adversely affect local competition concerning the prices of food, food products or the means for food production.

PART IV: OBLIGATIONS AND RESPONSIBILITIES OF NON-STATE ACTORS

Responsibilities of non-state actors

9. (1) Notwithstanding that the State has the primary responsibility to ensure the realization of the right to food, non-state actors, including individuals, families, local communities, non-governmental organizations and other entities in the private sector shall respect the right of every person to food as set out in this Act.

PART V- FOOD EMERGENCIES AND AID

Food disaster response

10. The Minister shall respond to disasters with speed and efficiency in order to minimize their impact on food security.

Strategic food reserves and storage facilities

11. The Minister shall maintain adequate levels of strategic food reserves and promote the modernization of food storage facilities and the diversification of stored food to satisfy the food and dietary needs of the country at all times.

Beneficiaries of food aid

12. The Minister shall determine the beneficiaries of food aid solely on the basis of need, and shall be guided by the principles of equality, impartiality and fairness.

PART VI- THE NATIONAL FOOD SECURITY COUNCIL

Establishment of the National Food Security Council

13. There is hereby established a Council to be known as the National Food Security Council (in this Act otherwise referred to as the "Council") which shall exercise its powers and functions independently of the direction or interference of any body or authority.

Composition and appointment of the Council

14. (1) The Council shall consist of –

(a) the Chairperson who shall be nominated by the Minister and appointed by the President;

(b) twelve members, who shall be nominated

by the Minister and appointed by the President, at least half of whom shall be women, from each of the following sectors–

- (i) six members from either the food and nutrition industry or from academia and research institutions;
- (ii) two members from farmers associations;
- (iii) two members who are human rights experts; and
- (iv) two members who are gender experts.

(c) the following *ex officio* members -

- (i) the Secretary for Agriculture and Irrigation or his designated alternate;
- (ii) the Secretary for HIV/AIDS and Nutrition or his designated alternate;
- (iii) the Secretary for Land or his designated alternate;
- (iv) the Secretary for Health and Population or his designated alternate;
- (v) the Secretary for Natural Resources and Environmental Affairs or his designated alternate;
- (vi) the Solicitor General and Secretary for Justice;
- (vii) the Executive Secretary of the Malawi Human Rights Commission.
- (viii) the Executive Director of the Council for Non-Governmental Organizations (CONGOMA) established under the Non-Governmental Organisations Act.

(2) The persons to be appointed under subsection (1) (b) shall be selected on the basis of their knowledge and experience of national, regional and international issues relating to the right to food, food security, food safety, land and agrarian reform, agriculture and other essential attributes relating to the food sector qualifying them as fit and proper persons for

such appointment.

(3) A representative of an *ex officio* member referred to in subsection (1) (c) shall be designated by, or on behalf of, the member by a notice in writing to the Council to attend the meetings of the Council, and upon such designation such representative shall not designate another person to represent him without the written approval of the Council.

(4) The first appointment of members of the Council as provided for in sub-section (1) shall be made within twenty-eight (28) days of the coming into force of this Act.

(5) The Minister shall cause to be published the names of all members of the Council as first constituted and every change of membership of the Council shall be published in the *Gazette*.

(6) In appointing members of the Council under subsection (1), the President shall have regard to the need for continuity of service on the Council so that at least half of the members of the Council appointed thereunder shall be reappointed for the next term of office.

(7) Any person who-

(a) is a Member of Parliament;

(b) is a Minister or Deputy Minister

(c) has, in the last seven (7) years, been convicted of an offence under this Act, or an offence involving fraud or dishonesty by a competent court in Malawi or elsewhere; or

(d) is in a position where there is a material conflict of interest between the interest of the member as member of the Council and the business interest of that member,

shall not be eligible for appointment as a member of the Council.

Vice-Chairperson of the Council

15. (1) There shall be a Vice-Chairperson of the Council who shall be elected by the Council from

Ex-officio members of the Council

Tenure of office and vacancy

among its members.

16. An *ex-officio* member shall not be eligible for appointment as Chairperson or election as Vice-Chairperson of then Council.

17. (1) A member, other than an *ex officio* member, shall hold office for a period of three (3) years and shall be eligible for re-appointment.

(2) The office of any member of the Council shall be become vacant if-

- (a) he resigns by giving one (1) month notice in writing to the Council;
- (b) he dies;
- (c) he or she knowingly fails to declare a conflict of interest relating to any matter under consideration by the Council;
- (d) he is absent without valid excuse from three (3) consecutive meetings of the Council of which he has had notice;
- (e) he becomes an undischarged bankrupt;
- (f) he is elected Member of Parliament;
- (g) he is appointed Minister or Deputy Minister;
- (h) he is convicted of an offence involving dishonesty or moral turpitude;
- (i) he becomes of unsound mind; or
- (j) he participates, directly or indirectly, in an activity which is in contravention of this Act.

(2) A vacancy in the Council shall be filled by the appointment of another member in accordance with the provisions of section 14(1)(b)

under which the former member was appointed.

(3) Where the remaining period is less than six months, the President may decide not to have the vacancy filled until the expiry of the period.

Functions and powers
of the Council

18. (1) The functions of the Council shall be to advise the Minister and other stakeholders on all matters relating to the right to food.

(2) Without prejudice to the generality of subsection (1), the Council shall –

- (a) raise public awareness on the right to food;
- (b) appraise, review, monitor and undertake priority research and development programmes, plans and projects of research and development institutions;
- (c) chart out national direction and establish national priorities on matters of food security in relation to socio-economic development needs;
- (d) conduct impact assessments and any inquiry into any matter relating to the right to food;
- (e) disseminate and ensure the full use of technical and scientific knowledge on improved food production and good crop husbandry;
- (f) prepare, every two (2) years, a National Food Security Status Report for presentation to the National Assembly in accordance with **section 40** of this Act;
- (h) submit to the President or the National Assembly on an advisory basis, either at the request of the President and National Assembly or on its own volition to any government authority, its opinions, recommendations or proposals on any matter concerning the protection and promotion of the right to food and food security;
- (i) comment publicly or as it sees fit on any general or specific situation of violation of the right to food or non compliance with the provisions of this Act and to

- recommend initiatives or measures to put an end to such situation;
- (j) recommend the ratification by the State of any relevant international instruments regarding the right to food and food security;
- (k) recommend the harmonization of national legislation, policies and practices with international instruments relating to the right to food and food security to which Malawi is party and to promote and monitor their effective implementation;
- (l) scrutinise and comment on the reports which Malawi submits or is required to submit pursuant to treaty obligations and, where necessary, express its opinions on the subject matter to relevant treaty bodies.
- (m) co-operate with agencies of the United Nations, in particular the Food and Agriculture Organization (FAO), the World Food Programme (WFP); and other multilateral or regional institutions and national institutions of other countries which are involved in the advancement of the right to food and food security; or
- (n) any such acts as may incidental or conducive to the proper functioning of this Act.

Allowances and expenses of members

19. (1) Members or members of a committee of the Council other than *ex officio* members shall be paid such honoraria and other allowances as the Council shall determine from time to time subject to approval by the Public Appointments Committee of the National Assembly.

(2) The Council may make provision for reimbursement of any reasonable expenses incurred by a member or a member of a committee of the Council in connection with the business of the Council or the committee.

Proceedings of the Council

20. (1) The Council shall regulate its own procedures.

(2) The Council shall meet for the transaction of business at least once every three (3) months at such places and at such times as the Chairperson may determine.

(3) An extraordinary meeting of the Council may be called by the Chairperson upon written notice of not less than seven (7) days received from any member and shall be called if at least four members so request in writing;

(4) However, if the urgency of any particular matter does not permit the giving of such notice, an extraordinary meeting may be called upon giving a shorter notice.

(5) Half of the voting members shall form the quorum of any meeting of the Council.

(6) The Chairperson of the Council shall convene and preside over meetings of the Council which shall, in the absence of the Chairperson, be replaced by the Vice-Chairperson.

(7) In the event that both the Chairperson and the Vice Chairperson are absent, the meeting of the Council shall be presided by such member as the members present and forming a quorum may elect from among their number for the purpose of presiding over the meeting.

(8) The decision of the Council on any matter before any meeting shall be that of the majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding shall have a casting vote.

(9) A member, other than an *ex officio*, shall not attend to the business of his office by representation and where a member is unable to attend any meeting of the Council, he may request that his apologies for failure to attend be recorded.

Minutes of meetings

21. The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of a committee of the Council.

Committees of the

22. (1) The Council may appoint committees consisting of as many members of the Council and

Council

employees of the Council as may be deemed necessary to perform such functions or exercise such powers of the Council as the Council may perform or exercise under this Act and may at any time dissolve or reconstitute such committees, and the Chairperson of any such committee shall be a member of the Council, but so however that the Council is not divested of any function or power conferred upon a committee under this subsection.

(2) Subject to any specific or general directions of the Council, a committee may regulate its own procedure.

(3) Any decision of a committee performing a function or exercising a power of the Council shall be tabled at a meeting of the Council and may be withdrawn or amended by the Council or referred back to such committee and shall, until it has been so withdrawn or amended, be deemed to be the decision of the Council.

Invited persons

23. (1) The Council may in its discretion at any time and for any period invite any person to attend any meeting of the Council or of any of its committees and take part in the deliberations of the meeting, but such person or officer shall not be entitled to vote at the meeting.

(2) Sections 20 and 22 shall apply, with necessary modifications, to a person or an officer attending a meeting of the Council or committee pursuant to subsection (1).

Disclosure of interest by members of the Council

24. (1) A member, committee member, invited person, employ of the Council, any consultant or adviser of the Council shall disclose to the Council any interest he has, whether in private or professional capacity, in any matter that is under consideration by the Council and shall not attend any meeting of the Council or of any committee of the Council while any question touching such matter is being discussed.

(2) Any disclosure of interest made in pursuance of this Act shall be recorded in the

minutes of the meeting at which it is made.

PART VII- ADMINISTRATION

Executive Secretary of
the Council

25. The Council shall appoint an Executive Secretary who shall be the chief administrative officer of the Secretariat for the Council and shall perform such duties as the assign to him in order to ensure the effective implementation and administration of this Act.

Duties and functions of
the Executive Secretary

26. (1) Without prejudice to the generality of section 25, the duties and functions of the Executive Secretary are –

(a) to provide technical and administrative backup services to the meetings and other functions of the Council;

(b) to prepare and present to the Council, programmes on the right to food, for approval;

(c) to manage food security funds in accordance with general and specific directions of the Council;

(d) to maintain liaison with national and international agencies that provide financial and technical support for the implementation policies on the right to food;

(e) to coordinate all right to related issues being considered by the Council;

(f) to prepare annual progress reports for consideration by the Council;

(g) to act as secretary to the Council and attend all meetings of the Council and any of its committees,

	<p>Provided that the Executive Secretary may, for good reason, designate any Senior Officer of the Secretariat to represent him, but the Executive Secretary or his designated alternate shall not be entitled to vote on any matter and that any person presiding at any such meeting may, for good cause, require the Executive Secretary to withdraw from such meeting.</p> <p>(h) to perform such other functions as may be assigned to him by the Council from time to time.</p>
<p>Other staff of the Secretariat</p>	<p>27. (1) The Council shall establish its own Secretariat and may appoint such staff, subordinate to the Executive Secretary, as the Council deems necessary.</p> <p>(2) The Council may delegate to the Executive Secretary the appointment of staff of such ranks as the Council may specify.</p> <p>(3) The Council may pay to persons in its employ, or provide them with such remuneration, pension and employment benefits as the Council may, after having obtained such professional advice as it may deem fit, consider as being competitive in the employment market in Malawi.</p>
<p>Disclosure of interest by members of staff</p>	<p>28. (1) The Executive Secretary and members of staff shall disclose to the Council any interest he may have or expect to have, whether in a private or personal capacity, on any matter that is under consideration by the Council and shall not attend any meeting of the Council or of any committee of the Council while any question touching upon such a matter is being discussed.</p>
<p>Duties and functions of the secretariat</p>	<p>29. The secretariat of the Council shall perform such functions and duties as shall be prescribed from time to time by the Council in guidelines to be adopted by Council but shall not be limited to-</p> <p>(a) providing technical support to the</p>

Council in the administration of this Act;

- (b) undertaking educational and public awareness programmes on the right to food and food security; and
- (c) any other duties and responsibilities as may be assigned by the Council from time to time.

PART VIII: ESTABLISHMENT OF THE FOOD SECURITY FUND

Establishment of the Fund

30. There is hereby established a Fund to be known as the Food Security Fund (in this Act otherwise referred to as the “Fund”) which shall comprise of-

- (a) such sums as shall be appropriated by Parliament for the purposes of the Fund;
- (b) advances made to the Fund under section 32;
- (c) all fines and penalties payable or imposed under this Act;
- (d) the levy imposed under section 37;
- (e) such sums or other assets as may be received for the purposes of the Fund by way of voluntary contributions or donations; or
- (f) such sums realized from any services provided by the Council.

The Fund to vest in the Minister

31. The Fund shall be vested in the Minister and, pursuant to this Act and the Finance and Audit Act, shall be administered in accordance with his directions.

Advances to the Fund

32. If in any financial year, the income of the Fund together with any surplus income brought forward from a previous year is insufficient to meet the actual or estimated liabilities of the Fund, the Minister responsible for Finance may make advances to the Fund in order to meet the deficiency or any part thereof and such advances shall be made on such terms and conditions, whether as to

	<p>repayment or otherwise, as the Minister responsible for Finance may determine.</p>
Objects of the Fund	<p>33. The objects for which the Fund is established shall be the advancement of the right to food and food security in Malawi.</p>
Application of the Fund	<p>34. Without derogation from the generality of section 33, the fund may be applied for the purposes of-</p> <ul style="list-style-type: none"> (a) the administrative expenses of the Council, the secretariat and the Malawi Human Rights Commission in the discharge of its duties and responsibilities under this Act; and (b) meeting any expenses arising from the establishment and maintenance of the Fund; and (c) any purpose which the Council considers to be in the interest of the objects of this Act.
Holdings of the fund	<p>35. All sums received for the purposes of the Fund shall be paid into a bank account held by the Council and no amount shall be withdrawn therefrom except by means of cheques signed by such persons as are authorized in that behalf by the Council.</p>
Surplus funds to be invested	<p>36. Any part of the Fund not immediately required for the purposes of the Fund may, on the recommendation of the Council be invested in such manner as the Council may determine, after consulting with the Minister responsible for Finance.</p>
Levy	<p>37. The Minister may, from time to time, upon the recommendation of the Council and approval of the National Assembly, by order published in the <i>Gazette</i>, impose a national food levy on such products, and at such rates, as the Minister may from time to time determine.</p>
<p>PART IX- ACCOUNTS AND AUDIT</p>	

Books and other records of account

38. (1) The Council shall cause to be kept proper books and other records of account in respect of receipts and expenditure of the Fund.

(2) The accounts of the Fund shall be audited by the Auditor General, who shall have all the powers conferred upon him by the Finance and Audit Act.

(3) The Minister shall cause to be prepared, as soon as practicable, but not later than six months after the end of the financial year, an annual report on all the financial transactions of the Fund.

(4) The report under subsection (3) shall include a balance sheet, an income and expenditure account and the annual report of the Auditor General and shall be laid by the Minister before the National Assembly.

Financial year

39. (1) The financial year of the fund shall be the period of twelve months ending on 30th June, in each year or on such other date as the Minister may specify by order published in the Gazette.

(2) However, the financial year of the fund may be a period shorter or longer than twelve months as the Minister shall determine, but in any case not longer than eighteen months.

PART X – OVERSIGHT

National Food Security Status Report

40. (1) The Council shall lay before the National Assembly the National Food Security Report within fourteen (14) days before the next meeting of Parliament.

(2) The National Assembly shall assign responsibility for scrutiny of the Report to the Parliamentary Committee responsible for Agriculture.

(3) The Parliamentary Committee responsible for Agriculture shall, without compromising the independence of the Council, , evaluate the contents of the Report and, where necessary, refer back the

Report to the Council in order to address specific issues relating to the right to food and food security that the Parliamentary Committee deems fit.

PART XI- COMPLAINTS AND REMEDIES

Mandate of the Human Rights Commission

41. (1) The Council shall refer any complaints that it might receive with regard to any violation of the right to food that it may receive to the Human Rights Commission.

(2) The institution of any proceeding with regard to any violation of the right to food by the Human Rights Commission is not a bar to the institution of any civil or criminal proceedings arising from the same facts or any other facts.

Complaints handling procedure

42. The provisions of the Human Rights Commission Act on the institution of a complaint over a human right violation shall apply with regard to the violations of the right to food under this Act.

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PART XI: OFFENCES AND PENALTIES

Discrimination

43. Any person who discriminates against another in distributing, accessing food or the means for procurement on grounds of race, colour, sex, language, ethnic or regional origin, age, region, political or other opinion, national or social origin, property, birth or other status commits an offence and shall be liable upon conviction to a fine of K5, 000, 000 and to imprisonment for five (5) years.

Obstructing access to food

44. Any person, manufacturer, supplier or trader of food, food products and inputs for food production, either by himself or herself or in association with others directly or indirectly carry out any activity or omits to carries out any activity, which obstructs, prevents or otherwise makes it difficult or impossible for any person to have access to food or the means of its production commits an offence and shall be liable upon conviction to a fine of K5, 000, 000 and to imprisonment for five (5) years.

Misleading and unfair trade practice	<p>45. Any person who trades in a way that - :</p> <p>(a) makes a false representation as to the actual standard, quality, nutritional content or composition of food; or</p> <p>(b) takes advantage of a vulnerable person by exerting undue pressure or undue influence on such person to enter into a transaction related to food production, marketing, storage, supply, processing or consumption;</p> <p>commits an offence and shall be liable upon conviction to a fine of K5, 000, 000 and to imprisonment to (5) for five years.</p>
Coercion for political gain	<p>46. Any person, who uses –</p> <p>(i) agricultural inputs for food production; or</p> <p>(ii) food aid,</p> <p>for the purpose of inducing a change of political affiliation in the beneficiary commits an offence and shall be liable upon conviction to a fine of K10, 000, 000 and to imprisonment for ten (10) years.</p>
Pyramid selling and betting	<p>47. Any person, who engages, causes or coerces another person to engage in pyramid selling or in placing bets on food, commits an offence and shall be liable upon conviction to a fine of K3, 000, 000 and to imprisonment for (3) three years.</p>
Bribes and favours	<p>48. Any person who demands or receives a bribe or any favour from a beneficiary of food aid, or any other person for the purpose of distributing food aid to that beneficiary or any other person, commits an offence and shall be liable upon conviction to a fine of K500,000 and to imprisonment for (3) three years.</p>
Non-disclosure of interest	<p>49. Any person required to disclose interest pursuant to this Act who fails to disclose his interest commits an offence and liable upon</p>

conviction to a fine of K10, 000, 000 and forfeiture of the financial gain generated by the offence and to imprisonment for ten (10) years.

Other offences

50. (1) Any person who-

(a) contravenes or fails to comply with any provision of this Act, or any directive or order by the Council pursuant to this Act, ; or

(b) omits or refuses –

(i) to furnish any information when required by the Council to do so; or

(ii) to produce any document when required to do so by a notice sent by the Chairperson of the Council; or

(iii) knowingly furnishes any false information to the Council.

commits an offence and shall be liable upon conviction to a fine of K3, 000, 000 and to imprisonment for (3) three years.

PART XII – MISCELLANEOUS

Oath of secrecy

51. Every –

(a) member of the Council;

(b) member of a committee of the Council;

(c) employee of the secretariat;

(d) person invited to a meeting of the Council or committee; or

(e) consultant engaged by or on behalf of the Council,

shall upon assumption of office, take such oath of secrecy as may be prescribed by the Council.

<p>Secrecy to be observed</p>	<p>52. (1) A member of the Council or a member of a committee and every person employed under this Act shall not disclose to any person, except in the performance of his duties under this Act or when required to do so by any written law, any information which he may have acquired in the course of his duties in relation to the financial or business affairs of any person, undertaking or business.</p> <p>(2) Any person who contravenes subsection (1) shall be guilty of an offence and forfeit the financial gain generated by the offence and be liable to imprisonment for two (2) years.</p>
<p>Protection of members and employees</p>	<p>53. No action, suit or other proceedings shall be brought or instituted personally against any member or a member of a committee or an employee of the Council in respect of any act done in good faith in the course of carrying out the provisions of this Act.</p>
<p>Power to make regulations</p>	<p>54. The Minister may, on the advice of the Council, make regulations for the better carrying into effect the purposes of this Act.</p> <p>Passed in Parliament this day of, two thousand and Ten</p>