

2021-06-03

Government of Barbados

Draft Food Safety and Quality Bill, 2021

OBJECTS AND REASONS

This Bill would provide for

- (a) the revision of the law governing food safety and food quality in Barbados by establishing an integrated regulatory approach to food safety from farm to fork;
- (b) a framework for the trade in safe food; and
- (c) related matters.

Arrangement of Sections

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Scope of the Act

PART II

ADMINISTRATION

4. Establishment of Food Safety Service
5. Functions of the Food Safety Service
6. Director of Food Safety
7. Chief Medical Officer
8. Delegation of functions of Food Safety Service
9. Establishment of the Food Safety Committee
10. Resignation or removal of members of Food Safety Committee
11. Functions of the Food Safety Committee

12. Establishment of the National Codex Committee
13. Functions of the National Codex Committee
14. Official laboratories
15. Reference laboratories
16. Appointment of food inspectors
17. Identification of food inspectors
18. Food analyst
19. Manuals
20. Co-ordination of other government entities with a role in food safety
21. Service-level agreements
22. Review and audit
23. Powers of the Minister

PART III

FOOD STANDARDS AND CONTROL

24. Principles of food safety measures
25. Food safety requirements and standards
26. Limiting or banning substances or processes in food
27. Labelling and packaging

- 28. Traceability
- 29. Recall of food products
- 30. Recall responsibilities and procedures involving an importer or exporter

PART IV

EMERGENCY PREPAREDNESS AND RESPONSE

- 31. Emergency preparedness and response plan and early warning system
- 32. Emergency measures

PART V

FOOD BUSINESS OPERATORS LICENCE AND FOOD HANDLERS
CERTIFICATE

- 33. Food business operators licence
- 34. Conditions of food business operators license
- 35. Amendment of food business operator's licence
- 36. Renewal of food business operators licence
- 37. Suspension of food business operators licence
- 38. Revocation of food business operators licence
- 39. Voluntary surrender of food business operator's licence
- 40. Procedure for the suspension or revocation of food business operators licence

- 41. Food handlers certificate
- 42. Suspension or cancellation of food handlers certificate

PART VI

RESPONSIBILITIES OF FOOD BUSINESS OPERATORS

- 43. Responsibilities of food business operator
- 44. Prohibition from selling food unsafe or unfit for human consumption
- 45. Monitoring of medical conditions
- 46. Medical practitioners' duty to report

PART VII

IMPORT AND EXPORT OF FOOD

- 47. Import requirements
- 48. Import inspections
- 49. Relabelling and reconditioning
- 50. Luggage exemption
- 51. Export certification
- 52. Report on activities
- 53. Control of waste from international transport vehicles

PART VIII
ENFORCEMENT

- 54. Objects of inspection
- 55. Enforcement approach
- 56. Food hazard on premises
- 57. Powers of a food inspector
- 58. Powers to enter dwelling places
- 59. Written notices
- 60. Inspection and seizure of suspected food
- 61. Duty not to disclose information
- 62. Food unfit for human consumption
- 63. Improvement notice
- 64. Hygiene emergency prohibition notices
- 65. Appeals

PART IX
OFFENCES AND PENALTIES

- 66. Offences and penalties
- 67. Offences by officials and penalties

- 68.** Procedure for offences
- 69.** Presumption
- 70.** Evidence
- 71.** Forfeiture
- 72.** Limitation on liability
- 73.** Good faith defence
- 74.** Fixed penalty notice for prescribed offences
- 75.** Administrative penalty
- 76.** Unpaid administrative fine or fixed penalty to constitute a debt to the Crown
- 77.** Powers of the Director in administrative proceedings

PART X

MISCELLANEOUS

- 78.** Charging of fees
- 79.** Documents
- 80.** Assistance and co-operation from other authorities
- 81.** Information to be provided to public
- 82.** Regulations

- 83.** Amendment of Schedule
- 84.** Repeal and savings
- 85.** Act to bind the Crown
- 86.** Commencement

SCHEDULE

*List of Government Agencies and Departments***A. Government Agencies**

BARBADOS

A Bill entitled

An Act to revise the law governing food safety and food quality in Barbados by establishing an integrated regulatory approach to food safety from farm to fork, to provide a framework for the trade in safe food, and for related matters.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Food Safety and Quality Act, 2021*.

Interpretation

2. In this Act,

“additive”

- (a) includes any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food is for a technological, including organoleptic purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result, directly or indirectly in it or its by-products becoming a component of, or otherwise affecting, the characteristics of such foods;
- (b) does not include contaminants or substances added to food for maintaining or improving nutritional qualities.

“advertisement” includes any representation, whether written, pictorial, visual or otherwise made for the purpose of promoting directly or indirectly the sale or disposal of any food or any substance represented as food;

“batch or lot number” where used in relation to

- (a) goods, means a reference number assigned by a food business operator to a series of similar goods, or goods produced under similar conditions; or
- (b) crops, means the crop harvesting date, as determined by the date on which the harvesting of the crop commences;

- “Codex” means the Codex Alimentarius Commission, the international standard-setting body for food safety;
- “contaminant” means any substance not intentionally added to food, which is present in food as a result of the production, including operations carried out in crop husbandry, animal husbandry or veterinary medicine, manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination;
- “conveyance” means any vessel, aircraft, vehicle, cart, container, or other thing that can convey commodity from one place to another;
- “Director” means the Director of Food Safety appointed under section 6;
- “export” means to send outside Barbados to another country any commodity by means of a conveyance;
- “exporter” includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of or in any way entitled to the custody or control of any food exported from Barbados;
- “food” means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of food but does not include cosmetics or tobacco or substances used only as drugs;
- “food analyst” means a person or institution qualified and appointed as a food analyst under section 18;
- “foodborne disease” means an infectious, toxic or other disease caused by agents that enter the body through the ingestion of food;
- “food business” means any business where food is produced, imported, manufactured, prepared, treated, processed, packed, packaged, transported, handled, served, stored or sold, whether for profit or consideration, or otherwise;

- “food business operator” means a person licensed under section 33 to operate a food business or where expressly provided, a person issued with a food handling certificate under section 41;
- “food chain” means all stages of production from primary production of food to food handling and food sale, including the import and export of food;
- “food handler” means a person who, in a food business, handles food, food equipment and utensils or food contact surfaces;
- “food hygiene” refers to conditions and measures necessary for the production, processing, storage and distribution of food designed to ensure a safe, sound, wholesome product fit for human consumption;
- “food inspector” means an inspector qualified and appointed under to section 16;
- “food safety” means assurance that food will not harm the consumer when prepared and eaten according to its intended use;
- “Food Safety Committee” means the committee established under section 9;
- “Food Safety Service” means the Service established under section 4;
- “government agency” means a government agency responsible for carrying out food safety control functions set out in the *Schedule*;
- “government department” means a government department responsible for carrying out food safety control functions set out in the *Schedule*;
- “hazard” means a biological, radiological, chemical or physical agent in or condition of food with the potential to cause an adverse health effect in the absence of its control;
- “import” means to bring into Barbados from another country any food by means of a conveyance;
- “importer” means a person who, whether as owner, consignor, consignee, agent, broker or otherwise, is in possession of or in any way is entitled to the custody or control of any food that is landed or is likely to be landed in Barbados from a country outside Barbados;

“ingredient” means any substance, including a food additive, used in the manufacture or preparation of food and present in the final product in a modified or unmodified form;

“inspection” means the examination, by any person authorized under this Act, of food or systems put in place for the control of raw materials, processing or distribution of food, and includes processed and finished product testing to verify the conformity to the requirements of this Act or any other enactment;

“International Health Regulations” means the regulations adopted by the World Health Assembly on the 23rd May, 2005 which entered into force on the 15th June, 2007 to which Barbados is a party;

“label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to, a container of food;

“labelling” includes any written, printed or graphic matter that, is present on the label, accompanies the food or is displayed near the food for the purpose of promoting its sale or disposal;

“Minister” means the Minister responsible for Health;

“owner” means a person having for the time being the possession, custody or control of food;

“personal consumption” refers to food being consumed or intended for consumption which is not prepared, produced, processed, manufactured, handled, sold, distributed, imported, transited or exported in connection with, or in furtherance of a food business, and does not exceed a threshold prescribed by the Food Safety Service;

“port of entry” means an airport or seaport;

“port of exit” means an airport or seaport;

“premises” includes any building, tent or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land

used in connection therewith, and includes any street, open space or place of public resort, or vehicle used for the sale, packaging, preparation, preservation, transportation or storage of any food;

“recall” means the action to remove food from the market at any stage of the food chain, including food that is in the possession of a consumer;

“reconditioning” means the treatment of food or any ingredient in it, intended for reuse by means designed to reduce or eliminate microbiological, chemical and physical contaminants, according to its intended use;

“risk analysis” means a process composed of risk assessment, risk management and risk communication in accordance with internationally accepted procedures and standards;

“risk assessment” means a scientifically based process consisting of hazard identification, hazard characterization, exposure assessment, and risk characterization;

“sell” includes to offer, advertise, keep, store, display, transmit, consign, convey or deliver for sale, or to exchange or dispose of to any person in any manner whether for consideration or otherwise;

“SPS Agreement” means the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, to which Barbados is a party;

“street food” means ready-to-eat food or drink prepared or sold along streets and other similar public places;

“street food vending” means the operation of a food station that sells street food either from

(a) a vehicle; or

(b) a tray, container or other article used to move food from one place to another;

“traceability” means the ability to follow the movement of a food through specified stages of production, processing and distribution;

“traceable item” means any item that is subject to the obligation of traceability under this Act encompassing food, food ingredients, feed, raw materials used in food production, and any other substance entering, within, or exiting from an operation or intended to be incorporated into a food through all stages of processing and distribution, as well as packaging materials intended to be in direct contact with food;

“vehicle” means any vessel, aircraft, conveyance, cart, container, motor vehicle other thing used to transport food from one place to another.

Scope of the Act

3.(1) The provisions of this Act shall apply to the safety and quality of food at all stages in the food chain including:

- (a) the production, processing, manufacturing or other preparation of food;
- (b) the handling, sale and distribution of food;
- (c) the import, transit and export of food;
- (d) the transport, packaging and storage of food;
- (e) any other activity related to the activities mentioned in paragraph (a) to (d) whether such food is prepared in a permanent or temporary structure and whether on land, air or at sea; and
- (f) all food, including fish and aquaculture products, foods from plant or animal origin both processed and unprocessed.

(2) Notwithstanding subsection (1), this Act shall not apply to food that is produced, prepared, imported or exported for personal consumption.

PART II

ADMINISTRATION

Establishment of Food Safety Service

4.(1) There is established a Food Safety Service within the Ministry responsible for Health, which shall be the competent authority for Barbados on food safety and food quality matters.

Functions of the Food Safety Service

5.(1) The functions of the Food Safety Service are as follows:

- (a) to develop the requirements and measures for food safety and food quality for all aspects of the food chain;
- (b) to carry out risk assessments based on available scientific evidence in an independent, objective and transparent manner;
- (c) to issue guidelines for risk assessment methodologies;
- (d) to ensure that all food produced, distributed or marketed whether for domestic consumption or export, and regardless of its origin, meets food safety standards and requirements;
- (e) to carry out inspections for the purpose of preventing food safety risks;
- (f) to develop and sustain effective foodborne disease surveillance;
- (g) to develop and co-ordinate a food safety early warning and emergency preparedness and response system;
- (h) to develop, implement and monitor food traceability systems and co-ordinate that system with the animal and plant registration traceability systems;

- (i) to conduct informational or training sessions on the requirements under the traceability system for capacity building for food business operators, regulatory officials and the public;
- (j) to issue supplementary guidelines and record keeping requirements for particular food sectors when appropriate, to ensure the effectiveness of the food traceability system;
- (k) to regulate, prohibit or set limits for, and monitor food additives, pesticides and veterinary drugs residues, contaminants, including heavy metals, and irradiation of food and such other substances and food processing methods, according to international standards and as may be prescribed by regulations;
- (l) to issue, suspend or cancel a food business operators licence;
- (m) to certify or set certification requirements for a food business operator according to Good Hygiene Practices, Good Manufacturing Practices or other relevant standards;
- (n) to maintain separately updated registers of food business operators and street food vendors that include the name and current contact information for each food business operator and street food vendor respectively;
- (o) to assign to each food business operator and street food vendor an identification number or other means of identifying and distinguishing a food business operator and street food vendor;
- (p) to assign all of the locations from which a food business operator grows or distributes its food and assign to each location an identifier or another means of identifying and distinguishing that location;
- (q) to co-ordinate and provide advice, information or assistance to any government entity with responsibility for any aspect of food safety and food trade;

- (r) to develop requirements and procedures for the import and export of food;
- (s) to evaluate the equivalence of phytosanitary measures applied a by trading partner;
- (t) to provide justification to other countries concerning phytosanitary measures applied;
- (u) to provide information regarding import requirements for food at the request of an international, regional or local food safety organization or person;
- (v) to develop and facilitate the delivery of training programmes for
 - (i) inspectors in the monitoring, inspection and control of food safety systems;
 - (ii) food safety and food quality systems;
 - (iii) analytical methods and laboratory quality assurance;
 - (iv) street food vendors and other food handlers;
 - (v) the conducting of risk-based inspection and verifying quality control systems for food businesses;
 - (vi) the requirements of a traceability system for capacity building for street food vendors;
- (w) to develop and deliver training programmes and manuals, in consultation with relevant stakeholders, for the guidance of government entities that have a role in food safety with respect to the execution and enforcement of food safety standards or requirements;
- (x) to carry out such other activities as may be expedient to ensure compliance in all matters and activities deemed necessary to achieve the objectives of this Act.

- (2) The Food Safety Service may, in consultation with the Minister,
- (a) negotiate and enter into agreements with other government entities; and
 - (b) negotiate and enter into any other transaction or operation,
- which in the opinion of the Food Safety Service is necessary for the discharge of its responsibilities.

Director of Food Safety

6. There shall be a Director of Food Safety who shall be responsible for providing technical and administrative direction to the Food Safety Service.

Chief Medical Officer

7. The Chief Medical Officer shall
- (a) be responsible for the general administration of this Act; and
 - (b) report to the Minister.

Delegation of functions of Food Safety Service

8.(1) The Director may, by instrument in writing, with the approval of the Minister and subject to such terms and conditions as the Minister thinks fit, delegate to an agency, organization, company or person subject to subsection (3), such of the functions of the Food Safety Service as the Director considers necessary.

- (2) The terms and conditions of the instrument of delegation under subsection (1) shall include the following:
- (a) the scope of any delegated functions to be performed, and the duration;
 - (b) the remuneration arrangements;
 - (c) the means of supervision by the Food Safety Service;

- (d) the minimum qualifications required to perform the delegated function, if any; and
 - (e) the conditions of withdrawal of delegations.
- (3) The Director shall not delegate any of the following functions:
 - (a) official liaison duties with other ministries, foreign authorities or any other responsibilities relating to notifications to trading partners; or
 - (b) the approval of standards, requirements or phytosanitary measures.
- (4) The Director may, by instrument in writing, delegate to a food inspector, any power or duty imposed on the Director by this Act but not the power of delegation.

Establishment of the Food Safety Committee

- 9.(1)** The Minister shall appoint a Food Safety Committee for the purposes of exercising and performing the functions under sections 5.
- (2) The Food Safety Committee shall consist of **xx** members selected from among persons qualified and representative of a broad range of relevant expertise in matters relating to food safety and shall include persons from each of the following:
- (a) the Ministry responsible for agriculture;
 - (b) the Ministry responsible for commerce;
 - (c) the Ministry responsible for consumer affairs;
 - (d) the Ministry responsible for health;
 - (e) the Ministry responsible for legal affairs;
 - (f) the Ministry responsible for trade;
 - (g) The Barbados National Standards Institution.
- (3) The members of the Food Safety Committee shall serve for a period not exceeding 3 years and be eligible for reappointment.

- (4) The Committee shall elect a Chairman at its first meeting, which shall take place within 3 months from the date of commencement of this Act.
- (5) Except as provided in subsection (1) to (4), the Committee shall regulate its own procedure.

Resignation or removal of members of Food Safety Committee

10.(1) The Chairman or a member of the Food Safety Committee may at any time resign his office by instrument in writing addressed to the Minister and from the date of receipt of the instrument that person shall cease to be a member of the Committee.

(2) The Minister may terminate the appointment of the Chairman or any other member of the Committee.

Functions of the Food Safety Committee

11.(1) The functions of the Food Safety Committee are as follows:

- (a) to develop food standards for Barbados and propose those food standards to the Barbados National Standards Institution for approval;
- (b) to advise the Food Safety Service on food safety matters, including those related to the production, manufacture, import, export, labelling and sale of food;
- (c) to advise the Food Safety Service on food-consumers protection and on emerging food safety and quality issues, including those related to street food vending;
- (d) to provide assistance and advice to the Food Safety Service on the formulation, review and implementation of food safety and quality policies and regulations, including procedures for emergency response;
- (e) to encourage consumer education regarding food safety and quality as well as other aspects of risk communication;

- (f) on its own initiative, to discuss any matter connected with food in Barbados, and report the issues arising from those discussions to the Food Safety Service; and
 - (g) to carry out such other function as may be required by the Food Safety Service.
- (2) The Food Safety Committee may, where necessary, appoint *ad-hoc* or permanent sub-committees, to provide advice to the Committee or to fulfil specific functions under this section.
- (3) Food safety requirements and standards shall be developed in an open and transparent manner and shall involve public consultation

Establishment of the National Codex Committee

12.(1) The Minister shall appoint a National Codex Committee for the purposes of xx.

(2) The National Codex Committee shall consist of xx members selected from among persons qualified and representative of a broad range of relevant expertise from the public service and private sector in matters relating to food safety and shall include persons as follows:

- (a) from the public service, xx nominee from each of the following:
 - (i) the Ministry responsible for agriculture;
 - (ii) the Ministry responsible for commerce;
 - (iii) the Ministry responsible for consumer affairs;
 - (iv) the Ministry responsible for health;
 - (v) the Ministry responsible for legal affairs;
 - (vi) the Ministry responsible for trade;
- (b) from the private sector, xx nominee from each of the following:
 - (i) the food manufacturing sector;

- (ii) the food import and export sector;
- (iii) the food retail sector; and
- (iv) consumer affairs.

Functions of the National Codex Committee

- 13.** The functions of the National Codex Committee are as follows:
- (a) to co-ordinate Barbados' input into Codex international standards;
 - (b) to co-ordinate the development of food standards across the entire food chain from production to consumption;
 - (c) to advise the Government of Barbados on the implications of food standardization, food quality and food safety issues;
 - (d) to analyse data issued by Codex and commission studies analysing Barbados' interests in food standards and Codex; and
 - (e) to carry out such other function as may be required by the Food Safety Service.

Official laboratories

- 14.(1)** The Minister shall, on the recommendation of the Director, by Order published in the *Official Gazette*, designate any laboratory or testing facility as an official laboratory for the purposes of testing, analysis and other purposes as required under this Act.
- (2) The laboratory or testing facility designated under subsection (1) may
- (a) be within or outside Barbados; or
 - (b) be public or private.
- (3) The Minister shall publish in the Order referred to in subsection (1),
- (a) the names and addresses of any laboratories designated under subsection (1); and

- (b) the tests or testing procedures which may be performed by an official laboratory under this Act.
- (4) The Minister may prescribe criteria and standards required for official laboratories in Regulations.

Reference laboratories

15.(1) The Minister shall, on the recommendation of the Director by Order published in the *Official Gazette*, designate at least one laboratory to be a reference laboratory for the purposes of this Act.

- (2) The laboratory or testing facility designated under subsection (1) may be
- (a) within or outside Barbados;
 - (b) a public or private testing facility; or
 - (c) an official laboratory designated under section 14.
- (3) The Minister shall publish in the Order referred to in subsection (1),
- (a) the names and addresses of any laboratories designated under subsection (1); and
 - (b) the tests or testing procedures which may be performed by an official laboratory under this Act.
- (4) A laboratory designated under subsection (1) shall meet the requirements prescribed in regulations, **including the requirements of impartiality and independence.**
- (5) The functions of a reference laboratory shall be to
- (a) conduct comparative testing in the case of conflicting or contested results, or for quality monitoring purposes and to ensure an appropriate follow-up of such comparative testing;
 - (b) collaborate with official laboratories in their area of competence;

- (c) ensure the dissemination to official laboratories of information relating to testing procedures in relation to food safety;
- (d) provide scientific and technical assistance to the Food Safety Service for the implementation of this Act; and
- (e) carry out such other duties as may be set out in regulations.

Appointment of food inspectors

16.(1) The Minister may, on the advice of the Director by instrument in writing, appoint an officer of the Food Safety Service who meets the prescribed qualifications, to be an inspector for the purposes of this Act.

(2) The Minister shall, on the advice of the Director, prescribe the technical qualifications and experience required to function as an inspector for the purposes of this Act.

(3) Where an officer is appointed as a food inspector he shall on appointment submit to the Director a declaration of interest in the prescribed form, specifying whether he has any material, financial or other interest in, or stands to benefit materially from any business activity relating to any food or food business to which this Act applies.

(4) A food inspector shall avoid any act which may give rise to a conflict between his private interests and his duties and responsibilities under this Act, or in which his private interests could improperly influence the performance of his duties and responsibilities under this Act.

(5) A food inspector shall as soon as may be practicable, notify the Director of any situation or circumstance in relation to which he stands to benefit materially under subsection (3) or which may give rise to a conflict of interest under subsection (4).

(6) A declaration of interest under subsection (3) and notification under subsection (5) shall, in the case of the Director be submitted to the Minister.

(7) The failure of a food inspector to comply with subsection (3) or (5) shall constitute misconduct within the meaning of the *Public Service Act*, Cap. 29

Identification of food inspectors

17.(1) The Director shall issue an identification card to each person appointed as a food inspector under section 16.

(2) A food inspector shall have in his possession at all times the identification card issued under subsection (1) and in the course of performing an enforcement action under this Act shall produce that identification card at the request of a member of the public.

Food analyst

18.(1) The Minister may, on the recommendation of the Director and subject to subsection (2), by instrument in writing, appoint a qualified person or institution as a food analyst to conduct inspections and tests for the purposes of this Act.

(2) A person or institution appointed as a food analyst under subsection (1) shall

- (a) in the case of a person, possess such qualifications and experience; and
- (b) in the case of an institution satisfy such criteria

as may be prescribed by the Food Safety Service in regulations.

(3) An owner, director, partner or employee of a food business who has any actual or reasonably perceived interest in a matter or other action to be taken by the Food Safety Service, shall not be appointed as a food analyst.

(4) The Minister shall, by Notice in the *Official Gazette*, publish the list of food analysts who are appointed for the purposes of this Act.

Manuals

19.(1) The Food Safety Service, in consultation with relevant stakeholders and subject to the approval of the Minister, may develop manuals to guide a food inspector or any government entity with a role in food safety, in the execution and enforcement of food safety requirements under this Act.

- (2) Any government entity referred to in subsection (1), shall
- (a) have regard to any relevant provision of any such manual; and
 - (b) comply with any direction given by the Minister, on the advice of the Director, which may require them to take any specified steps in order to comply with such a manual.

Co-ordination of other government entities with a role in food safety

20.(1) The Food Safety Service shall co-ordinate the government agencies and government departments set out in the *Schedule*, that have a role in food safety.

(2) The Food Safety Service shall, with the collaboration of the Department for the Coordination of Agricultural Health and Food Control, enter into agreements with all government entities with a role in food safety.

- (3) The agreements referred to in subsection (2) shall set out
- (a) the annual work plan;
 - (b) the food safety control plan; and
 - (c) the implementation and information-sharing obligations relating to paragraphs (a) and (b).

(4) The Director shall cause to be prepared an annual progress report on the implementation of the work plan referred to in subsection (3) and shall submit that report to the ministers responsible for each government entity with a role in food safety.

Service-level agreements

21.(1) The Food Safety Service shall enter into a service-level agreement with one or more government entity.

- (2) The purpose of the agreement referred to in subsection (1) shall be
- (b) to clarify the respective legal functions of each government entity;
 - (d) to provide generally for the co-ordination and co-operation between or amongst the government entities;
 - (e) to specify the duties, powers and functions on such terms and conditions that one party may exercise, carry out and perform for another party; and
 - (f) to agree on the obligations and responsibilities of each government entity in the drafting, approval, update and implementation of the food safety control plans referred to in section 20;

Review and audit

22.(1) The Food Safety Service shall monitor the implementation of the food safety control plans referred to in section 20.

(2) The Food Safety Service shall further arrange for its own performance to be subject to review, evaluation and audit by an external body or shall carry out a self-audit according to parameters prescribed in guidelines.

(3) The Food Safety Service shall, in collaboration with the Department for the Co-ordination of Agricultural Health and Food Control

- (a) monitor and evaluate the implementation and enforcement of this Act; and
- (b) set out the conclusions of the review in a report.

(4) The report referred to under in paragraph (b) of subsection (3) shall be published within 5 years after the commencement of this Act and thereafter at intervals not exceeding 3 years.

Powers of the Minister

- 23.** The Minister shall designate
- (a) the ports of entry and the ports of exit for food subject to the provisions of any customs enactment.
 - (b) official and reference laboratories.

PART III

FOOD STANDARDS AND CONTROL

Principles of food safety measures

24.(1) The Food Safety Service shall develop and implement food safety measures for Barbados which shall

- (a) protect public health and enable confidence among food consumers;
- (b) be harmonized with international standards relating to food safety including standards from Codex and the International Health Regulations;
- (c) be technically justified through risk assessments and science-based decisions; and
- (d) be based on the principles of least-trade restrictiveness, necessity, and proportionality to risk.

(2) Where the relevant scientific evidence is insufficient, the Food Safety Service shall develop and implement food safety measures for a prescribed period of time, which are based on relevant information which is available at that time, including information from relevant international organizations.

(3) Where a temporary food safety measure has been developed and implemented in accordance with subsection (2), the Food Safety Service shall revise those measures when new information is available.

Food safety requirements and standards

25. No person shall produce, process, manufacture, distribute, supply, sell, import into or export from Barbados any food which does not comply with

- (a) the food safety and quality requirements developed by the Food Safety Service; and
- (b) the food safety and quality standards developed by Food Safety Committee.

Limiting or banning substances or processes in food

26. The Food Safety Service may establish food requirements with respect to

- (a) the presence of additives, biological, radiological or chemical contaminants, veterinary medicines, fertilizers, pesticides and other residues based on a risk-based approach or international standards; and
- (b) the types of processes used in the manufacture of food to ensure that food safety.

Labelling and packaging

27.(1) Where food is intended to be sold in a package,

- (a) the materials used in the package, shall be in accordance with the food safety requirements developed by the Food Safety Service; and
- (b) there shall be a label
 - (i) on the package;
 - (ii) on the point-of-purchase sign; or

- (iii) on both the package and the point-of-purchase sign.
- (2) Every label referred to in subsection (1) shall be
 - (a) written in English;
 - (b) permit its traceability; and
 - (c) include any other particulars as may be prescribed in regulations.
- (3) Where food intended to be sold is not contained in a package it shall be labelled as may be prescribed in regulations.
- (4) Notwithstanding subsections (1), (2) and (3), the Food Safety Service shall prescribe labelling requirements relating to nutritional value, best-by dates and food quality parameters in regulations.

Traceability

- 28.(1) The Food Safety Service shall establish a traceability system to
 - (a) trace back through all stages of processing to the supplier, the ingredients, raw material and primary packaging materials, including transportation, storage and distribution;
 - (b) trace forward from the supplier to sale to the customer, the ingredients, raw material and primary packaging materials through all stages of processing, including transportation, storage and distribution; and
 - (c) enable the identification of all traceable items throughout the food chain.
- (2) A food business operator shall
 - (a) establish and maintain records to identify the immediate
 - (i) previous source of a traceable item as well as the traceable item itself; and
 - (ii) subsequent recipient of a traceable item as well as the traceable item itself;

- (b) assign an identification number and a batch or lot number to any food which it has processed; and
 - (c) make the records referred to in paragraph (a) and any identification numbers referred to in paragraph (b) available on request to the Food Safety Service in accordance with procedures prescribed by regulations.
- (3) Under this section, the Food Safety Service shall have regard to the characteristics, scales, and capacities of a food business and may establish different criteria, requirements and other provisions for different classes of food business.

Recall of food products

- 29.(1)** The Food Safety Service shall develop a classification system for food recalls and related processes, according to the risk to public health.
- (2) The Food Safety Service shall issue a recall order to a food business operator where a food presents a food safety risk or does not otherwise comply with the food safety requirements developed by the Food Safety Service.
- (3) Where a food business operator fails to comply with his obligations related to a recall under subsection (2), the Food Safety Service shall
- (a) initiate a recall action;
 - (b) dispose of the traceable item in accordance with prescribed procedures; and
 - (c) recover the costs of a recall action from the food business operator.
- (4) The Food Safety Service may, in the case of an emergency, take a recall action without giving prior notice to the responsible food business operator and may recover the costs of the enforcement of that recall action from the food business operator.
- (5) Where a food business operator knows or reasonably believes that a traceable item which he has imported, produced, processed, manufactured, held

or distributed presents a food safety risk or is not otherwise in compliance with food safety requirements developed by the Food Safety Service, the food business operator shall immediately take the necessary measures to

- (a) stop the distribution of the traceable item;
 - (b) notify the Food Safety Service, providing detailed information on the actions taken to recall the traceable item and the information provided to consumers;
 - (c) notify the public, consumers and relevant parties of the reason for the recall of the traceable item and its withdrawal in accordance with the procedure established by the Food Safety Service;
 - (d) withdraw from the market any product that may create a food safety risk or potentially mislead consumers; and
 - (e) recall from consumers and other relevant parties the traceable item already purchased when other measures are not sufficient to guarantee food safety.
- (6) Notwithstanding subsection (1), a food business operator may initiate recall actions on his own initiative where there is a deficiency relating solely to the quality of food, food labelling or packaging which does not create a food safety risk.
- (7) Where a food business operator receives a recall notice from his supplier, he shall
- (a) immediately inform the Food Safety Service of the food safety risk and initiate a recall of the food product for it to be disposed;
 - (b) inform the Food Safety Service of actions taken to protect the consumer;
 - (c) comply with all directives issued by the Director; and
 - (d) liaise with the supplier from whom the food product was imported or to whom the product was exported.

Recall responsibilities and procedures involving an importer or exporter

30.(1) Where an importer

- (a) has reason to believe that a food that he has imported does not comply with the food safety requirements developed by the Food Safety Service;
- (b) receives a recall notice from a supplier;
- (c) receives a recall order from the Food Safety Service

he shall implement the procedures set out in subsection (2).

(2) Subject to subsection (1), an importer shall

- (a) carry out a recall;
- (b) provide the consignees with any information necessary to locate the product in its distribution system;
- (c) inform the Food Safety Service of where and how far into the supply chain the food has gone and whether any of the targeted product has reached consumers; and
- (d) notify the public, trading partners and consignees of a recall, as prescribed in regulations.

(3) Where an exporter has reason to believe that a food that he has exported does not comply with the food safety requirements of the importing country,

- (a) the Food Safety Service shall, at the request of the exporter or on its own initiative, inform the competent authority for food safety in the importing country; and
- (b) the food exporter shall inform his trading partner in the importing country,

of the grounds for the recall.

PART IV

EMERGENCY PREPAREDNESS AND RESPONSE

Emergency preparedness and response plan and early warning system

31.(1) The Food Safety Service and the departments responsible for surveillance and epidemiology in the Ministry shall establish the mechanisms for an early warning system for foodborne diseases, foodborne incidents and foodborne emergencies,

(2) The Chief Medical Officer, on the recommendation of the Food Safety Service, shall develop a food safety emergency preparedness and response plan to facilitate an effective and rapid response to foodborne diseases, foodborne incidents and foodborne emergencies.

(3) The food safety emergency preparedness and response plan developed under subsection (2) shall be implemented by a multisectoral and multidisciplinary team of persons, co-ordinated by the Food Safety Service, based on the nature of the emergency and shall include:

(a) the command structure for mounting a response;

(b)

Emergency measures

32.(1) Where the Food Safety Service suspects that an outbreak of a foodborne disease exists or is likely to exist on the basis of a risk-based approach, the Food Safety Service may apply any emergency response measure it considers necessary to minimize or eliminate the risk to public health and safety including:

(a) declaring a food safety emergency using all reasonable media platforms;

(b) prohibiting or stipulating conditions on the production, processing, handling or sale of the food suspected to be hazardous;

(c) causing any food to be tested or examined as prescribed;

- (d) recalling food that has been distributed for sale or consumption;
 - (e) causing any food to be held or isolated in any place, and prohibiting the removal of food from that place for such time as shall be prescribed;
 - (f) ordering and monitoring the destruction of the food that is suspected to be hazardous;
 - (g) requiring the disposal of food, food products or the treatment of premises, in order to prevent the further spread of the hazard or disease; and
 - (h) communicating with the public periodically on the risks relating to the food emergency and any additional precautionary and other measures that can be taken by the public.
- (2) Where the Food Safety Service applies any of the measures referred to in subsection (1), the food business operator shall bear the costs.

PART V

FOOD BUSINESS OPERATORS LICENCE AND FOOD HANDLERS CERTIFICATE

Food business operators licence

- 33.(1)** A person who intends to operate a food business shall require a food business operators licence issued by the Food Safety Service.
- (2) A person who intends to operate a food business shall apply to the Food Safety Service in the prescribed manner and may be issued a food business operators licence on the payment of the prescribed fee.
- (3) The Food Safety Service shall consider an application submitted in accordance with subsection (2) within the prescribed time.

(4) For the purpose of evaluating an application submitted under subsection (2), the Food Safety Service shall inspect the premises on which the business is to operate and consider the prescribed requirements to determine whether a food business operators licence should be issued and the conditions, if any, under which it should be issued.

(5) Where the Food Safety Service determines that the prescribed requirements are met, the Food Safety Service shall issue a food business operators licence, subject to such terms and conditions as the Food Safety Service may impose.

(6) Where the Food Safety Service determines that the prescribed requirements for a food business operators licence are not met, the Food Safety Service shall not issue a food business operators licence and provide reasons in writing.

(7) As a condition of the issue of a food business operators licence, the Food Safety Service may include requirements for mandatory training and other continuing development activities.

Conditions of food business operators licence

34.(1) A food business operators licence shall

- (a) not be transferred without the consent of the Food Safety Service; and
- (b) unless cancelled, continue in force from the date on which it is issued until such period as may be prescribed or specified in the licence.

(2) The Food Safety Service shall, in every licence granted to operate a food business, specify

- (a) the period for which the licence is valid;
- (b) the rights, duties and obligations of the food business operator;
- (c) the location of the food business;
- (d) the approved building and site plan;

- (e) the processes or other operations permitted to be carried on in the food business;
 - (f) the goods and materials authorized to be stored in the premises of the food business; and
 - (g) such other conditions as may be required by the Director.
- (3) The Food Safety Service may, in relation to a licence, specify
- (b) the types and nature of imported and other goods permitted to be used;
 - (d) the conditions, if any, subject to which the processes or other operations may be carried on in the food business; and
 - (e) the standard input-output norms, wherever considered necessary, for the raw materials and the finished food.

Amendment of food business operator's licence

35. The Food Safety Service may, on the application of a food business operator or on its own initiative, amend a licence issued under this Part,

- (a) to change any restriction or condition specified in the licence regarding the goods authorised to be stored on the premises of the food business;
- (b) to add or remove specific locations of the food business or its activities;
or
- (c) to specify such restrictions and conditions as the Food Safety Service may consider necessary.

Renewal of food business operators licence

36.(1) A food business operator who intends to renew a food business operators licence shall apply to the Food Safety Service in the prescribed form not later than 60 days before the date of expiry of the licence, for the food business operators licence to be renewed.

- (2) For the purpose of evaluating an application submitted under subsection (1), the Food Safety Service shall inspect the premises on which the business is to operate and consider the prescribed requirements to determine whether a food business operators licence should be renewed and the conditions, if any, under which it should be renewed.
- (3) Where the Food Safety Service determines that the prescribed requirements are met, the Food Safety Service shall renew the food business operators licence, on the payment of the prescribed fee, subject to such terms and conditions as the Food Safety Service may impose.
- (4) Where the Food Safety Service determines that the prescribed requirements for a food business operators licence are not met, the Food Safety Service shall not renew the food business operators licence and provide reasons in writing.
- (5) As a condition of the renewal of a food business operators licence, the Food Safety Service may include requirements for mandatory training and other continuing development activities.

Suspension of food business operators licence

37. The Food Safety Service may suspend a food business operators licence where the Food Safety Service has reason to believe that the food business operator has breached a condition of the licence or acted in a manner contrary to the provisions of this Act.

Revocation of food business operators licence

38.(1) The Food Safety Service may revoke a food business operators licence where the food business operator has repeatedly

- (a) breached a condition of the food business operators licence;
- (b) created a risk to public health through his food business; or
- (c) acted in a manner contrary to the provisions of this Act.

(2) Where the Food Safety Service intends to revoke a food business operator's licence the Food Safety Service shall, not later than 60 days before the proposed date of revocation give written notice to the holder of the licence of the Food Safety Service's intention to revoke.

(3) Notwithstanding subsection (2), the Food Safety Service shall without delay revoke a food business operators licence where the risk to public health requires immediate action.

Voluntary surrender of food business operator's licence

39.(1) A food business operator may apply to the Food Safety Service in the prescribed form to surrender his food business operators licence.

(2) Where the Food Safety Service approves the application submitted in accordance with subsection (1), the food business operators licence shall be revoked and the revocation shall be effective 2 months from the date of the receipt of the application.

Procedure for the suspension or revocation of food business operators licence

40.(1) Where the Food Safety Service determines that a food business operators licence is to be suspended or revoked, the Food Safety Service shall, as soon as may be practicable following the decision, give written notice to the food business operator of the decision and the reasons for the decision.

(2) The Food Safety Service shall cause a seal to be placed on the premises of the food business together with such notices as the circumstances may require where the circumstances that gave rise to the revocation or suspension of a food business operators licence involve a risk to the public if the food business did not immediately cease operation.

(3) Where the Food Safety Service revokes a food business operators licence under section 38, the Food Safety Service may recommend to the Ministry responsible for industry and commerce, that the business licence be revoked.

Food handlers certificate

41.(1) A person who intends to operate as a food handler shall require a food handlers certificate issued by the Food Safety Service.

(2) A person who intends to operate as a food handler shall apply to the Food Safety Service in the prescribed manner and may be issued a certificate

(a) on the payment of the prescribed fee; and

(b) on the successful completion of any food safety and food hygiene practices training carried out by, or authorized by the Food Safety Service.

(3) The Food Safety Service shall consider an application submitted in accordance with subsection (2) within the prescribed time.

(4) Where the Food Safety Service determines that the prescribed requirements are met, the Food Safety Service shall issue a food handler's certificate, subject to such terms and conditions as the Food Safety Service may impose.

(5) Where the Food Safety Service determines that the prescribed requirements for a food handlers certificate are not met, the Food Safety Service shall not issue a food handlers certificate and provide reasons in writing.

Suspension or cancellation of food handlers certificate

42.(1) The Food Safety Service, having regard to the gravity of the circumstances, may suspend or cancel a food handlers certificate issued under section 41 for any of the following reasons:

(a) the food handler is found, on medical examination, to be suffering from a communicable disease that can be transmitted by handling food;

(b) the information provided by the food handler in relation to the application is found to be false in any material particular;

- (c) the food handler has contravened the provisions of the Act or regulations made thereunder;
 - (d) there are reasonable grounds to believe that the food handler poses a risk to food safety; or
 - (e) the holder requests its suspension or cancellation.
- (2) Where the Food Safety Service determines that a food handlers certificate is to be suspended or cancelled, the Food Safety Service shall, as soon as may be practicable following the decision, give written notice to the food handler of the decision and the reasons for the decision.

PART VI

RESPONSIBILITIES OF FOOD BUSINESS OPERATORS

Responsibilities of food business operator

- 43.(1)** A food business operator shall
- (a) have primary responsibility for ensuring the safety of food that is the subject of his food business;
 - (b) take a preventive approach to food safety risks in the operations of the business;
 - (c) be responsible for all expenses for the operation, maintenance, security, safety and repair of the food business and for expense for services provided by the Food Safety Service;
 - (d) not make any alteration or addition to the premises of the food business without first obtaining the written permission of the Food Safety Service;
 - (e) facilitate all requests made by the Food Safety Service for the inspection of the premises and records;

- (f) ensure that adequate procedures are in place to maintain the security and safety of the premises and operational processes.
- (2) A food business operator shall, in accordance with food safety standards and requirements established and developed by the Food Safety Service,
 - (a) clearly identify the activities which are critical to the safety of food; and
 - (b) ensure that appropriate food safety procedures are identified, implemented, maintained and reviewed by
 - (i) identifying the points in the operation of the food business where food hazards may occur and determining the points which are critical to ensuring food safety;
 - (ii) analysing the potential food hazards in the operations of the food business;
 - (iii) implementing effective control and monitoring procedures at the critical points; and
 - (iv) periodically reviewing the analysis of food hazards, **the critical points**, control and monitoring procedures whenever the operations of the food business change.
- (3) A food business operator shall ensure that every employee who is engaged in the handling of food
 - (a) is the holder of a valid food handlers certificate issued in accordance with section 41;
 - (b) is appropriately supervised and instructed commensurate with their work activities;
 - (c) practices good personal hygiene; and
 - (d) complies with prescribed food handling requirements and conditions.

(4) A food business operator shall keep records of the food business operations conducted under this Act and shall make available for inspection by the Food Safety Service the prescribed information and records.

Prohibition from selling food unsafe or unfit for human consumption

44.(1) A food business operator shall not sell for human consumption any food which is

- (a) unsafe; or
- (b) unfit for human consumption in accordance with section 62.

(2) For the purposes of this Part, food is unsafe if

- (a) it has been rendered injurious to health by means of adulteration or other means;
- (b) it has passed its expiration date for human consumption;
- (c) it shows signs of spoilage or is so contaminated, whether by extraneous matter or otherwise, that it would not be reasonable to expect it to be used for human consumption in that state; or
- (d) it should not be consumed due to its long-term effects on health.

(3) Where any unsafe food is part of a batch, lot or consignment of food of the same class or description, it shall be presumed for the purposes of this section, until the contrary is proved, that all of the food in that batch, lot or consignment is unsafe.

(4) In determining whether any food is unsafe or shall be deemed to be unsafe, regard shall be had to

- (a) the normal conditions
 - (i) at each stage of production, processing, storage and distribution of the food; and
 - (ii) of use of the food by the consumer; and

- (b) the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods.
- (5) In determining whether any food is injurious to health, regard shall be had to
- (a) the probable immediate, short-term or long-term effects of the food on the health of a consumer and subsequent generations of the consumer;
 - (b) the probable cumulative toxic effects of the food; or
 - (c) any particular health sensitivities of a specific category of consumers if the food is intended for that category of consumers.
- (6) In determining whether any food is unfit for human consumption, regard shall be had to whether the food is unacceptable for human consumption according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise, or through putrefaction, deterioration or decay.

Monitoring of medical conditions

- 45.(1)** A food handler who knows or suspects that he
- (a) is suffering from or is a carrier of an infectious or communicable disease transmissible through food; or
 - (b) is afflicted with an infected wound, a skin infection, sores, diarrhoea or with any analogous medical condition, or circumstance where there is any likelihood of him directly or indirectly contaminating food with pathogenic micro-organisms

shall report that knowledge, suspicion or affliction to the operator of the food business at which he works and shall immediately cease work until he receives a medical certificate in accordance with subsection (2).

- (2) Where a food business operator suspects or is informed that paragraph (a) or (b) applies to one of his employees, the food business operator shall

immediately instruct that employee to visit a medical practitioner and shall not permit the food handler concerned to commence or to continue employment as a food handler until a medical practitioner certifies that the person is free from any infectious or communicable disease that is likely to contaminate food.

(3) Where the results of any medical examination indicates that a food handler is suffering from a disease that is likely to contaminate food, the Food Safety Service may, for the purpose of safeguarding the public health, by notice in writing

- (a) prohibit that employee from continuing that employment; or
- (b) suspend or cancel that employee's food handlers certificate.

Medical practitioners' duty to report

46. It shall be the duty of a medical practitioner to report every food-related illness to the Food Safety Service, and the Director shall inform the Chief Medical Officer.

PART VII

IMPORT AND EXPORT OF FOOD

Import requirements

47.(1) A person who intends to import food into Barbados shall require **xx**.

(2) Where a person who intends to import food requires an import permit, he shall apply to the Food Safety Service in the prescribed manner and may be granted an import permit on the payment of the prescribed fee.

(3) An application for an import permit under subsection (2) shall be accompanied by

- (a) where required, a prescribed certificate of analysis, certificate of conformity or any other certificate required from the exporting country

which indicates that the applicable food safety import requirements and food safety standards for Barbados have been met;

- (b) an agreement or contract between the importer and trading partner in the exporting country which indicates that food which is subsequently found to be unsafe or not meeting the food safety requirements established by the Food Safety Service shall be
 - (i) re-shipped to the country of origin or to such other place as the Food Safety Service may approve; or
 - (ii) destroyed.
- (4) In evaluating an application for an import permit under subsection (3), the Food Safety Service shall to determine whether
 - (a) the importer has complied with the food safety requirements;
 - (b) a physical inspection or sampling of the food imported is required by the Food Safety Service at the port of entry; or
 - (c) the food imported may be released to the importer without being subject to physical inspection or sampling.

Import inspections

48.(1) Where a decision is made by the Food Safety Service to physically inspect or sample food that is to be imported, that decision shall be based on a risk assessment, with consideration given to

- (a) the nature of the food;
- (b) the country of origin;
- (c) any arrangements in place with the country of origin;
- (d) the past history of the commodity or the importer; and
- (e) any other matter that the Food Safety Service considers important to determine risk.

- (2) The Food Safety Service shall keep the prescribed records relating to import inspections.
- (3) Where the Food Safety Service determines that a physical inspection is required
 - (a) the food shall not be released pending an inspection; or
 - (b) where necessary, a sample of the food shall be collected and sent to an official laboratory for analysis.
- (4) The containers, packaging material, labelling and ingredients of food imported into Barbados may be subject to physical inspection and sampling.
- (5) Where the taking of a sample of food from a consignment is not required, on completion of a documentary inspection or physical inspection where it is required, and it is found that the food meets the import requirements of Barbados, the Food Safety Service shall release the food shipment to the Comptroller of Customs for clearance.
- (6) Where the taking of a sample of food from a consignment is required and the Food Safety Service finds that the sample
 - (a) complies with the food safety requirements, the Food Safety Service shall authorize the release of the consignment to the Comptroller of Customs and shall submit a written notice to the Comptroller of Customs and to the importer to that effect; or
 - (b) does not comply with the food safety requirements, the Food Safety Service may
 - (i) detain the consignment and issue a written notice of detention to the Comptroller of Customs and to the importer; or
 - (ii) issue a written notice ordering the immediate destruction of the food.

- (7) An inspection under this Part shall be conducted
 - (a) at the designated point of entry during the normal business hours of the Food Safety Service or at any other reasonable time agreed to by the Food Safety Service; or
 - (b) at the final destination, in consideration of the perishability of the food, subject to the prior written approval of the Food Safety Service.
- (8) The Food Safety Service may enter into bilateral or other agreements
 - (a) for arrangements relating to pre-shipment inspections in the country of origin;
 - (b) for the evaluation, and where feasible, the acceptance of alternative food safety measures proposed by the competent authority of an exporting as being equivalent to the food safety measures required by the Food Safety Service.

Relabelling and reconditioning

49.(1) Where a person intends to import food into Barbados but, if imported and sold would constitute a contravention of this Act, the Director may permit that the food to be imported only for the purpose of relabelling and reconditioning, where relabelling and reconditioning would bring that food into compliance with this Act.

(2) Where a food is not relabelled or reconditioned in accordance with subsection (1) within the prescribed time, the Director shall cause the importer to re-ship or destroy the food.

(3) Any costs incurred under this section shall be borne by the importer.

Luggage exemption

50. This Part shall not apply to person who arrives in Barbados at a designated port of entry and has in his possession any processed food for personal consumption that

- (a) is not for sale; and
- (b) does not exceed the amount prescribed.

Export certification

51.(1) Where a person who intends to export food from Barbados requires an export permit, he shall apply to the Food Safety Service in the prescribed manner and may be granted an export permit on the payment of the prescribed fee.

(2) Where a decision is made by the Food Safety Service to inspect or sample food that is to be exported, that decision shall be based on a risk assessment, with consideration being given to

- (a) the nature of the food;
- (b) the importing country;
- (c) any arrangements in place with the importing country;
- (d) the past history of the commodity or the exported; and
- (e) any other matter that the Food Safety Service considers important to determine risk.

(3) Following an inspection of the food, food business premises, records and any other aspect relating to the food as may be required, and taking into consideration the requirements of the importing country, the Food Safety Service shall

- (a) issue any required certificate or other documentation, where the food meets the requirements of the importing country; or

- (b) deny the issuance of a certificate or other documentation and provide the reasons in a written notice to the exporter, including where relevant, any remedial action or treatment that may be taken.
- (4) Where the exporter undertakes the remedial action or treatment referred to in paragraph (b) of subsection (2), the exporter may apply for the food to be re-inspected by the Food Safety Service.

Report on activities

52.(1) An importer and an exporter shall prepare a report not later than 45 days after the end of each calendar year relating to

- (a) the types and quantities of food imported or exported;
 - (b) the prescribed data concerning shipments of food;
 - (c) a list of any food found by an importing country not to be in compliance with the statutory requirements of that country;
 - (d) a list of any food that was intended to be imported but was rejected and destroyed or detained;
 - (e) a summary of any incidents or accidents that may have occurred and any action taken regarding food found not to be safe for export; and
 - (f) such other information as may be prescribed by Regulations.
- (2) The first report prepared under this section shall be published no later one year after the commencement of this Act and thereafter shall be published **annually**.

Control of waste from international transport vehicles

53. The Food Safety Service shall prescribe the requirements for the handling and disposal of waste from international transport vehicles in regulations.

PART VIII

ENFORCEMENT

Objects of inspection

- 54.** A food inspector under this Act may inspect the following:
- (a) raw or processed food products, including import or export consignments of food;
 - (b) food ingredients, additives, disinfectants and any substances or processes used in the production, manufacturing, handling or packaging of food;
 - (c) the premises from which food businesses are or may be conducted and their surroundings and installations, as well as the means of transportation, equipment and materials;
 - (d) personnel employed at the food business;
 - (e) packaging material;
 - (f) cleaning, disinfecting and maintenance at the food business;
 - (g) food labels;
 - (h) all records and documents related to the food chain; and
 - (i) such other objects as may be prescribed by regulations.

Enforcement approach

55. Where the Food Safety Service has reason to believe that there is no evidence that indicates a significant risk to food safety, a food inspector shall adopt an educative approach as a first step towards ensuring that a food business operator complies with the food safety standards and requirements established by the Food Safety Service by discussing the requirements of this Act that relate to food safety risks, food hazard analysis, supervision, instruction and training.

Food hazard on premises

56. Where the Food Safety Service has reason to believe that a food hazard or the threat of a food-borne disease exists in respect of any premises, the Food Safety Service shall apply any of the measures set out in sections 62, 63 and 64 based on the gravity of the case.

Powers of a food inspector

57.(1) Subject to section 58, a food inspector may, without warrant but on the presentation of his identification card issued under section 17

- (a) enter any premises in which food is being, or is suspected of being, produced, manufactured, treated, graded, packed, packaged, labelled, stored, handled, prepared, served or sold, or in which any other operation or activity in connection with food is being, or suspected of being, carried out, and may, for the purpose of determining whether the provisions of this Act are being contravened,
 - (i) inspect or search such premises, and examine any food, appliance, product, material, object or substance which is being, or is suspected of being, used or destined for use in connection with the production, manufacture, treatment, grading, packing, packaging, labelling, storage, handling, preparing, serving or sale of any food;
 - (ii) request any information, records, or documents regarding the food business;
 - (iii) weigh, count, measure, mark, open, collect and take samples in the prescribed manner of any food, product, material, object or substance, its package or container or lock, secure, seal or close any door giving access to it;
 - (iv) examine, make copies of or take extracts from any book, statement or other document found at such premises which

- refers to or is suspected of referring to such food, and demand from the owner or any person in charge of the premises an explanation of any entry in it and where such record or document is kept by means of computer, to have access to it or any associated apparatus or material;
- (v) inspect any operation, record, document or process carried out on the premises, and request any information regarding such operation or process from the owner of the premises or from any person carrying out such operation or process;
 - (vi) read any values recorded by measuring instruments installed on the premises or by instruments in the possession of the food inspector;
 - (vii) take any photographs or video recordings relating to the food business; and
 - (viii) seize any food, appliance, product, material, object, substance, book, statement or document which appears to provide proof of a contravention of any provision of this Act, providing a signed receipt in the prescribed form detailing the reasons for such action, which shall be countersigned immediately by the of such premises, food or object;
- (b) inspect any vehicle in which food is being or is suspected of being transported, produced, manufactured, treated, graded, packed, packaged, stored, handled, prepared, served, sold or in which any other operation or activity in connection with food is being, or is suspected of being, carried out; and
- (c) stop the distribution or sale of food products which the food inspector has reason to believe is contaminated or unfit for human consumption for a prescribed period.

Powers to enter dwelling places

58.(1) The Director or any person authorised in writing by the Director or by the Minister may enter any premises at all reasonable times, if necessary using such force as may reasonably be required, for the purpose of

- (a) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Act or any regulations;
 - (b) ascertaining whether circumstances exist which would authorise or require the Minister to take any action under this Act or any regulations;
 - (c) taking any action or executing any work authorised or required to be taken or executed under this Act or any regulations;
 - (d) performing any function conferred on the Minister or on any such officer or authorised person under this Act or any regulations; or
 - (e) generally examining and inspecting the premises.
- (2) An officer or person authorised to enter any premises under subsection (1), on leaving any unoccupied premises which he has entered pursuant to that subsection, shall leave such premises as effectually secured against trespassers as he found them.
- (3) Where any power of entry conferred under subsection (1) is to be exercised by a person authorised by the Minister, or the Director, the person claiming the right to enter shall produce the document authorising him to enter.
- (4) For the purposes of this Act, any dwelling house from which a food business is operated shall be deemed not to be a dwelling house and shall be considered a food business.

Written notices

59.(1) Where a food inspector takes an action under subsection (1) of section 58, he shall prepare a written notice and provide a copy to the owner of the food or premises as prescribed by regulations.

(2) Where a food inspector has reasonable grounds to believe that an owner or person in charge of a food or food business has failed to comply with this Act, he may serve a written notice on that owner or person in charge

- (a) stating the grounds on which he believes that the provisions of the Act have not been contravened;
- (b) specifying the measures that the owner or person in charge shall take in order to remedy the failures referred to in paragraph (a);
- (c) requiring the owner or person in charge to implement those measures, or measures which are at least equivalent within the time period specified in the notice.

(3) Where no person is in actual occupation of any premises, or where the occupier or owner cannot be located, service of any notice under this Act shall be made by affixing the notice to a conspicuous place on the premises and such affixing shall be considered as good service of the notice.

Inspection and seizure of suspected food

60.(1) A food inspector may at all times inspect any food which

- (a) has been sold or is offered or exposed for sale; or
- (b) is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale.

- (2) Where a food inspector has reasonable grounds to believe that food does not comply with food safety requirements, he may
- (a) give notice to the person in charge of the food that, until the notice is withdrawn, the food or any specified portion of it
 - (i) is not to be used for human consumption; and
 - (ii) is not to be removed or is not to be removed except to some place specified in the notice;
 - (b) seize the food; or
 - (c) destroy or dispose of the food.
- (3) Where a food inspector exercises the powers conferred by paragraph (a) or (b) of subsection (2) he shall, as soon as is reasonably practicable and in any event within 14 days, determine whether he is satisfied that the food complies with food safety requirements and
- (a) if he is so satisfied, shall forthwith withdraw the notice; or
 - (b) if he is not so satisfied, shall destroy or dispose of the food.
- (4) Where food is destroyed or disposed under this section, the owner of the food shall bear any costs incurred in connection with that destruction or disposal.

Duty not to disclose information

61.(1) A food inspector or food analyst shall not disclose any information to a third party acquired in the performance of his duties unless otherwise ordered to do so in writing by the Director, the Minister or by a court.

(2) Where a food inspector obtains information from a person who asserts that the information provided to the food inspector should be treated as a trade secret or as confidential business information, the food inspector, Director, or any other person or entity to whom or to which the information is disclosed shall treat that information as confidential.

Food unfit for human consumption

62. Notwithstanding the responsibility of a food business operator to recall products under this Act, where a food inspector finds that any food is unfit for human consumption or is likely to cause harm to human health, and that the food business operator fails to withdraw the product from the market, he shall

- (a) seize and seal such food, and issue a written condemnation notice to the owner or the person in charge of the food business or the premises from which the food business operates that the food or any specified portion of it is temporarily not to be sold, removed, manipulated, tampered with or otherwise altered without the authorisation of the food inspector;
- (b) take actions to destroy the food; and
- (c) notify, immediately, the Food Safety Service and the Director shall take action to notify other relevant government and non-government entities so that all measures necessary to ensure public safety and the protection of consumers, including public warnings, recall orders, marketing restrictions, marketing bans or other appropriate measures, may be adopted where appropriate.

Improvement notice

63.(1) Where a food inspector has reasonable grounds for suspecting that a food business operator fails or neglects to comply with food safety requirements, or the terms of any licence or other authorisation issued pursuant to this Act, the food inspector may serve on the food business operator an improvement notice in accordance with subsection (2).

- (2) An improvement notice issued under subsection (1) shall specify
 - (a) the grounds on which the food inspector believes that the food business operator is failing to comply with the food safety requirements;

- (b) the matters which constitute the food business operator's failure to comply;
 - (c) the measures which the food business operator should apply to prevent, decrease, control or eliminate a food safety risk that has resulted from or is likely to result from anything that the food business operator has done or not done and to ensure compliance; or
 - (d) any measures that are equivalent to the measures specified in paragraph (c);
 - (e) the period within which, the measures referred to in paragraph (c) shall be taken;
 - (f) the time within which the food business operator should report to the food inspector any measures taken; and
 - (g) that the food business operator to whom it is directed has the right to request a hearing by the Food Safety Service.
- (3) A food business operator who is served with an improvement notice under this section shall comply within the period of time specified in the improvement notice.

Hygiene emergency prohibition notices

64.(1) Where a food inspector is satisfied that there is an unacceptable risk to human health present at a food business, the food inspector may, by a notice served on the relevant food business operator, impose a hygiene emergency prohibition.

- (2) There is an unacceptable risk to health under subsection (1) if any of the following involves an imminent risk of injury to health:
- (a) the use for the purposes of the business of any process or treatment;
 - (b) the construction of any premises used for the purposes of the business, or the use for those purposes of any equipment; and

- (c) the state or condition of any premises or equipment used for the purposes of the business.
- (3) The criteria for determining a health risk condition that serves as a ground for a hygiene emergency prohibition notice in subsection (1) and the hygiene emergency prohibition notices that may be imposed shall be prescribed by regulations.
- (4) Where a hygiene emergency prohibition notice has been served under subsection (1), an authorised officer shall as soon as practicable after the service of the notice, affix a copy of the notice in a conspicuous place on such premises used for the purposes of the food business as the officer considers appropriate, and any person who knowingly contravenes such a notice commits an offence and shall be liable to xx.
- (5) Without prejudice to the jurisdiction of any court, the Director or the Minister to reverse or vary any decision to impose a hygiene emergency prohibition notice, a hygiene emergency prohibition notice ceases to have effect on the issue by the Director of a certificate to the effect that the Food Safety Service is satisfied that the food business operator has taken sufficient measures to ensure that the health risk condition no longer exists with respect to the food business.
- (6) Any person to whom a hygiene emergency prohibition has been issued shall comply immediately with the requirements stipulated therein.

Appeals

- 65.(1)** Any person who is aggrieved by an action or decision
- (a) of an inspector;
 - (b) of an official analyst;
 - (c) relating to the grant of a licence or certificate
- may, within 7 days, appeal in writing to the Director.

(2) The Director shall give a final decision within 14 days on technical matters but that technical decision shall not prejudice the right of an aggrieved party to appeal to a Judge in Chambers on a matter of law.

(3) Notwithstanding subsection (1) and (2), the Director shall act in a timely manner where there is a risk to human health.

PART IX

OFFENCES AND PENALTIES

Offences and penalties

66. A person who either personally or indirectly through an employee or agent

- (a) places in the market, food which is not in compliance with the standards;
- (b) imports or exports food in contravention of this Act;
- (c) fails to ensure that all personnel of a food business follow prescribed procedures;
- (d) operates a food business without a food business operator's licence or other authorization required by this Act;
- (e) operates as food handler without a food handlers certificate;
- (f) fails to submit a report under this Act;
- (g) fails to provide access, samples or information to a food inspector on request;
- (h) tampers with any samples taken under this Act or breaks any seal or alters any markings made by a food inspector without permission;
- (i) alters, forges, defaces, or destroys any document issued under this Act;

- (j) knowingly or recklessly provides information which is false, for the purpose of obtaining any document under this Act;
- (k) assaults, obstructs, resists, delays, refuses access or boarding to premises, intimidates or fails to ensure the safety of or otherwise interferes with a food inspector in the performance of his duties;
- (l) impersonates or falsely represents himself to be a food inspector;
- (m) fails to comply with any order, direction or permit lawfully made or granted under this Act;
- (n) sells or distributes unsafe or misbranded foods;
- (o) manufactures for sale, stores or import any article of food for human consumption which is misbranded.
- (p) falsely describes food; or
- (q) otherwise contravenes a provision of this Act,

is guilty of an offence and shall be liable on summary conviction to a fine not exceeding [], or to imprisonment for a term not exceeding [], or to both fine and imprisonment.

Offences by officials and penalties

67.(1) A food inspector, food analyst or employee of the Food Safety Service who

- (a) seizes food for any reason other than those prescribed in this Act;
- (b) discloses any information acquired in the course of exercising his official functions under this Act, except where required to do so by his supervisor or by a court;
- (c) directly or indirectly procures any monetary or other benefit from a person affected by the exercise of official powers under this Act;

- (d) agrees to or abstains from doing, permitting, concealing, or conniving in doing, any act contrary to the proper execution of his official duties under this Act; or
- (e) otherwise abuses or acts outside the scope of his duties,

is guilty of an offence.

(2) A food inspector who fails to declare any material, financial or other interest or that he stands to benefit materially from any activity relating to food or a food business is guilty of an offence and shall be liable on summary conviction to a fine of [], and any interest or benefit acquired as a result of such conflict of interest shall be forfeited.

(3) A person who contravenes subsection (1)

- (a) may be ineligible for reappointment to the office held;
- (b) shall be liable to dismissal;
- (c) shall be subject to such other penalty as is applicable to a public officer under the *Public Service Act*, Cap. 29; or
- (d) in the case of a food inspector, shall cease to function as a food inspector;

Procedure for offences

68.(1) Where a food inspector reasonably believes that a person has contravened any of the provisions of this Act, he shall provide that information to the Director.

- (2) The Director shall determine whether the matter shall be subject
 - (a) to criminal prosecution;
 - (b) to an administrative penalty; or
 - (c) to both criminal prosecution and administrative penalty.

Presumption

69.(1) Any food, food ingredient or food additive commonly used for human consumption shall, if

- (a) offered for sale
- (b) distributed for the purposes of sale
- (c) found on premises used for the preparation, storage or sale,

of that food shall be presumed, unless the contrary is proved, to be intended for human consumption.

(2)

Evidence

70. In any proceedings under this Act, the production by one of the parties of a document

- (a) purporting to be a certificate given by a food analyst; or
- (b) supplied to him by the other party as being a copy of a certificate given by a food analyst,

shall be sufficient evidence of the facts stated therein unless, in a case falling within paragraph (a), the other party requires that the food analyst be called as a witness.

Forfeiture

71.(1) Where a person is convicted of an offence under this Act the Court may, on its own motion or at the request of any party to the proceedings, in addition to any penalty imposed, order that any food or other thing by means of or in relation to which the offence was committed or any proceeds realized from its disposition, be forfeited to the Crown.

(2) Where the owner of a food, or other thing to which a conviction relates, is convicted of an offence under this Act and a fine is imposed, the food or other thing

(a) may be detained until the fine is paid; or

(b) may be sold in satisfaction of the fine.

(3) The owner or other person notified under subsection (2) may appear before the Court at the hearing of the application and show cause why the food or other thing to which the conviction relates should not be forfeited.

(4) Where the Court does not order the forfeiture of the food or other thing, that food or other thing shall be returned to the owner.

(5) Any property, food or other thing ordered to be forfeited under this Act may be destroyed, sold, leased or donated to a charitable organization if an appeal is not lodged within the prescribed time.

(6) The proceeds of any sale of any item forfeited in accordance with this section shall be paid into the Consolidated Fund.

Limitation on liability

72. The Crown shall bear no liability for loss resulting from the destruction or disposal of any food carried out in accordance with the provisions of this Act.

Good faith defence

73.(1) An employee of the Food Safety Service, food inspector, food analyst, official or reference laboratory or any other government entity with a role in food safety shall not be liable to a civil suit or to criminal prosecution in respect of anything done in good faith in the performance of any official functions under this Act.

(2) Subsection (1) shall not apply to civil or criminal liability for personal injury or death.

Fixed penalty notice for prescribed offences

74.(1) This section shall apply to any offence prescribed by regulations as a fixed penalty offence.

(2) For the purposes of this Act a fixed penalty offence is any offence for which the maximum penalty, excluding any additional fines if the offence is a continuing one, does not exceed [redacted].

(3) Where on any occasion an inspector finds a person who he has reason to believe is committing, or has committed, a fixed penalty offence, he may on the spot, issue that person a fixed penalty notice, and shall inform the person

- (a) to appear before the magistrate on the date specified; or
- (b) pay the fixed penalty, *in lieu* of appearance before a magistrate.

(4) Where a person is issued a fixed penalty notice in respect of a fixed penalty offence and

- (a) pays the fine within the time prescribed in the fixed penalty notice, no proceedings shall be instituted for that offence and he shall be treated for all purposes in law as a person who has not committed, been charged with, prosecuted for, convicted of or sentenced for the offence in respect of which the payment was made; or
- (b) does not pay the fine within the time prescribed in the fixed penalty notice, the Food Safety Service shall decide whether to
 - (i) increase the fine to be paid through written notice, specifying a new time period for payment; or
 - (ii) take other action as established under this Act.

(5) A fixed penalty notice shall

- (a) be in the form set out in regulations;
- (b) give such reasonable particulars of the circumstances alleged to constitute the offence to which the notice relates; and

- (c) state
 - (i) the amount of the fixed penalty, which shall not exceed 20 per cent of the maximum amount of any fine that is specified under this Act in respect of the offences to which the fixed penalty notice relates;
 - (ii) the period for paying the fixed penalty, which shall not exceed 21 days upon receipt of the fixed penalty notice; and
 - (iii) the person to whom, and the address at which
 - (A) the fixed penalty may be paid;
 - (B) any correspondence relating to the fixed penalty notice may be sent;
 - (C) the method or methods by which payment may be made; and
 - (D) the consequences of not making a payment within the period for paying the fixed penalty.
- (6) The Chief Veterinary Officer may extend the period for paying the fixed penalty in any particular case where he considers it appropriate to do so by sending notice to the person to whom the fixed penalty notice was given.
- (7) The admission of guilt and the fixed penalty paid under this section shall be dealt with by the magistrate in the same manner as adjudication in court of an offence punishable on summary conviction and for which no conviction is recorded.

Administrative penalty

75.(1) The Food Safety Service may issue an administrative penalty notice in the prescribed form to any person where it is satisfied that that person has committed an act which does not warrant criminal prosecution.

- (2) The Food Safety Service may
 - (a) suspend or revoke any permit or other authorization;

- (b) suspend or close the operations at an establishment; or
 - (c) issue a fine or any other administrative penalty
- (3) An administrative penalty notice issued under subsection (1) shall specify the nature of the act constituting the contravention and the penalty to be paid, and shall require the person to whom it is addressed to pay the administrative penalty within a period of 14 days from the date of the notice.
- (4) A person who is in receipt of an administrative penalty notice issued under subsection (1) shall, in the manner prescribed subject to section 68, pay the amount of the administrative penalty and comply with any additional requirement contained in the notice on or before the date specified in the notice.
- (5) A person to whom an administrative penalty notice is addressed and who wishes to challenge the alleged contravention may instead of paying the amount of the administrative penalty, follow the appeals process set out in section 78.
- (6) In cases of serious or repeated violations of this Act, a licence or other authorisation issued by the Food Safety Service, the Food Safety Service shall recommend to the ministry responsible for industry and commerce, the revocation of the business operating license.
- (7) The Ministry responsible for industry and commerce shall suspend or revoke the business license within 7 days of receiving the recommendation referred to subsection (6).

Unpaid administrative fine or fixed penalty to constitute a debt to the Crown

- 76.(1)** The amount of an outstanding administrative fine constitutes a debt due to the Crown and is recoverable by legal action at the suit of the Director on behalf of the Crown.
- (2) The debt in respect of an administrative penalty is incurred from the day immediately following the last day on which an application could be made under section 77 or, if an application is made under that section and the administrative penalty is affirmed by the Director, 7 days after the date of such affirmation.

Powers of the Director in administrative proceedings

77. Where a matter is to be dealt with administratively by the Director, the Director may in writing

- (a) stay the proceedings in order to facilitate any food that was forfeited in accordance with section 71 to be condemned;
- (b) restore any thing that was seized under this Act, subject to conditions, where necessary;
- (c) impose, reinstate or revoke a penalty or fine as the case may be, in respect of a breach that does not warrant criminal prosecution but is the subject of an administrative penalty;
- (d) seize food or other goods; or
- (e) mitigate or remit any fine or penalty imposed.

PART X

MISCELLANEOUS

Charging of fees

78.(1) The Food Safety Service shall charge fees for services performed under this Act.

- (2) The fees charged under this Act shall be based on the cost of the service only and shall be prescribed in regulations.
- (3) All fees shall be payable only as permitted by the relevant requirements under the *Public Finance Management Act* (Act 2019-1).

Documents

79.(1) A document required to be furnished to the Minister or an inspector under this Act or any regulations or order made thereunder may be furnished in electronic form.

(2) Where a document referred to in subsection (1) is furnished in electronic form, an original hard copy of the document must be furnished to the Minister or an inspector within a reasonable period after the documents are furnished in electronic form.

Assistance and co-operation from other authorities

80. The Food Safety Service may request from public officers, ministries and departments of Government, statutory bodies and private organizations the provision of such facilities and services to assist food inspectors in the performance of their functions and the exercise of their powers under this Act.

Information to be provided to public

81.(1) A food inspector or any person who becomes aware of any situation in which any food is likely to harm or has caused harm to human health shall immediately notify the Director.

(2) Where the Director has been informed in accordance with subsection (1), of any situation in which any food is likely to harm or cause harm to human health he shall notify the relevant government and non-government entities and request that measures be taken to ensure the protection of consumers.

(3) The measures referred to in subsection (2) may include public warnings, recall orders, marketing restrictions, marketing bans and any other appropriate measures.

(4) The Food Safety Service shall, where it is appropriate to do so, provide and disseminate information, relating to food safety matters in such form as is considered expedient, including

- (a) annual progress reports on the implementation of the Act by the food industry, including information on levels of compliance and non-compliance by food businesses;
- (b) information material and guidance to food business operators on food safety requirements, standards and best practices;
- (c) advice to consumers on food safety matters.

(5) The Food Safety Service shall cause information to be disseminated to the general public where it suspects that there are circumstances where food may create a danger to health or where there is a gross deception of the consumer.

(6) The Food Safety Service shall ensure that the means used to disseminate information relating to the following:

- (a) laws, standards and other requirements concerning food safety;
- (b) policies, plans and programmes concerning food safety;
- (c) reports produced pursuant to subsection (4); and
- (d) such other information, whether for the general public or persons connected to the food sector, which will promote the achievement of the objectives of this Act,

are adequate to achieve wide circulation among persons most affected.

Regulations

82.(1) The Minister may, on the advice of the Food Safety Service, make regulations to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of subsection (1), regulations made under subsection (1) may provide for all or any of the following matters

- (a) the procedures, criteria for approval and required forms for the issuance of permits, licenses and other authorisations required by the Food Safety Service, including the expiry, renewal, suspension and revocation and conditions attached thereto;
- (b) the procedures to be followed by food inspectors, food analysts and official laboratories in the exercise of their functions;
- (c) the procedures relating to auditing of the Food Safety Service and governmental entities with a role in food safety control;
- (d) the production, manufacture, storage, transport, packing, packaging, labelling and sale of all types of food;
- (e) the preparation, handling and serving of food, including technical requirements, standards or procedures for good hygiene practices;
- (f) the requirements and obligations of food business operators;
- (g) the location, design, construction, alteration, operation, including hours of operation and maintenance, of premises, facilities, equipment and conveyances used in any food business;
- (h) traceability and recall systems;
- (i) the control of street food;
- (j) procedures and conditions for the issuance of export certificates;
- (k) the requirement for the designation of official and reference laboratories;
- (l) the establishment, operation and maintenance of laboratories or laboratory activities;

- (m) the use or prohibition of chemicals, chemical compounds, hormones or additives in the production, harvesting, handling and processing of food;
- (n) the import and export of foods, including any documentation, procedures and inspections required;
- (o) the treatment, destruction and disposal of any food unfit for human consumption;
- (p) the qualifications, education, training and certification of a food inspector, food analyst or any other staff of the Food Safety Service
- (q) the forms to be used for the purposes of this Act;
- (r) the fees payable under this Act; and
- (s) any other matter required to be prescribed under this Act or for the better carrying out of the provisions of this Act.

Amendment of Schedule

83. The Minister may by Order amend the *Schedule*.

Repeal and savings

84.(1) The *Health Services (Food Hygiene) Regulations* (S.I. 1969 No. 232) are repealed.

(2) The following enactments shall remain in force in so far as they are not inconsistent with the provision of this Act, until repealed or revoked.

- (a) *Consumer Protection Act*, Cap. 326D;
- (b) *Food and Drugs (Adulteration) Act*, Cap. 327;
- (c) *Health Services Act*, Cap. 44;
- (d) *Health Services (Assignment of Public Health Inspectors to Private Businesses) Regulations* (S.I. 1986 No. 143);

- (e) *Health Services (Bakeries) Regulations* (S.I. 1970 No. 111);
- (f) *Health Services (Communicable and Notifiable Diseases) Regulations* (S.I. 1969 No. 179)
- (g) *Health Services (Offensive Trades) Regulations* (S.I. 1969 No. 158);
- (h) *Health Services (Pathological Laboratories) Regulations* (S.I. 1976 No. 105);
- (i) *Health Services (Restaurants) Regulations* (S.I. 1969 No. 234);
- (j) *Market and Slaughter-Houses Act*, Cap. 265;
- (k) *Market and Slaughter-Houses Regulations* (L.N. 1958 No. 73);
- (l) *Standards Act*, Cap. 326A.

(3) The Minister may by Order revoke or modify any permit or certificate granted under the *Health Services (Food Hygiene) Regulations* (S.I. 1969 No. 232).

Act to bind the Crown

85. This Act binds the Crown.

Commencement

86. This Act shall come into force..

SCHEDULE

(Section 2, 20 and 83)

List of Government Agencies and Departments

A. Government Agencies

1. Veterinary Authority under the *Animal Health and Veterinary Public Health Act* (Act 2021-)
2. National Plant Protection Organisation under the *Plant Protection Act* (Act 2021-)

B. Government Departments

1. Fisheries under the *Fisheries Act*, Cap. 391
2. Public Markets under the *Market and Slaughterhouses Act*, Cap. 265
3. Department of Commerce and Consumer Affairs under the *Standards Act*, Cap. 326A