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REPUBLIC OF THE GAMBIA

NUTRITION ACT, 2024

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THE GAMBIA

NO. 07 OF 2024

Assented to by The President,

this 03rd day of February, 2025.

Adama Barrow
President

L S

NUTRITION ACT, 2024

AN ACT to establish the National Nutrition Agency and its Board of Directors to provide for nutrition security, labelling, packaging and fortification of food, and to establish the National Nutrition Fund and for connected matters.

[ ]

ENACTED by the President and the National Assembly.

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Nutrition Act, 2024.

2. Interpretation

In this Act –

"advertisement" includes a representation, written, pictorial, visual and any other medium use for the purpose of promoting directly or indirectly, the sale or display of any food or any substance represented as food;

"Agency" means the National Nutrition Agency established under section 7;

"Board" means the Board of Directors of the Agency established under section 9;

"bio fortification" means development of micronutrient-dense foods using best traditional breeding practices and modern biotechnology;

"committee" means the committee of the Board of the Agency;

"court" means a Court of competent jurisdiction;

"Council" means the National Nutrition Council which is an Inter-Ministerial body established under section 4 to provide policy guidance on nutrition;

"food vehicle" means food stuff that is selected to carry selected micronutrients;

"food fortification" means the addition of one or more micronutrients by means of a fortificant or fortification mix to a foodstuff, whether or not it is normally contained in a foodstuff, for the purpose of preventing or correcting a demonstrated deficiency of one or more micronutrients in the general population or specific population group;

"fortificant" means the prescribed compound which provides the specified micronutrient;

"fortification mix" means a premixed blend of fortificants and diluents formulated to provide specified and determinable amounts of micronutrients;

"Fund" means the National Nutrition Fund established under section 42;

"import" means to bring into The Gambia either by air, land or sea, and importation has a corresponding meaning;

"importer" includes a person who, whether as owner, consignor, consignee, agent or broker, is in possession of, or is in any way entitled to the custody or control of, any food being imported into The Gambia;

"label" means any tag, legend, brand, mark, pictorial or other descriptive matter written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food or its package, and when used as a verb;

"micronutrient" are vitamins and minerals needed by the human body in small quantities for proper growth, development and wellbeing;

"manufacture" includes production, preparation, processing, preservation, packaging and any other manufacturing process involved in making food ready for consumption;

"Nutrition Security" means a situation when secured access to an appropriate nutritious diet is coupled with sanitary environment,

adequate health services and care, in order to ensure a healthy and active life for all household members;

"Nutrition Technical Advisory Committee" means the multi-sectoral group composed of heads of technical institutions, relevant agencies, non-governmental organizations, civil society organisations and private sector organisations established under the Agency to facilitate coordination, exchange of ideas and experiences, and the sharing of information;

"National standard" means a standard produced or adopted by The Gambia Standard Bureau for use in The Gambia;

"owner" includes the person who, for the relevant period, is in control or possession of a food business;

"package" includes anything in which food is wholly or partly placed or packaged, and includes a basket, pail, tray, or receptacle of any kind, whether open or closed;

"premises" include –

(a) a building, tent or any other structure, permanent or otherwise, together with the land on which it is situated, and any adjourning land used in connection with the building, tent or structure;

(b) a street, an open space and a place of public resort; and

(c) a bicycle and any other vehicle used for the sale, packaging, preparation, preservation, transportation or storage of an article.

"preparation" includes the manufacture and any other form of treatment of food, and prepare shall be construed accordingly;

"prohibited substance" means a substance so defined by an enactment or regulations made pursuant to the Act.

"sealed package" means an unopened package, which cannot be opened without breaking or damaging the package or seal, adhesive label or other part of or attachment to the package;

"Secretary" means the Agency's Board Secretary;

"sell" includes to offer, advertise, display, transmit, consign, convey or deliver for sale, to exchange, and to dispose of to a person in any manner, whether for a consideration or otherwise;

"substance" includes any solid, liquid and gaseous material;

"Supplementation" means food supplement or nutritional supplement, that is prepared with the intention to supplement the diet and provide nutrients, such as vitamins, minerals, fiber, fatty acids, or amino acids, that may be missing or may not be consumed in sufficient quantities in a person's diet; and

"Vice-President" means the Vice President of the Republic of The Gambia who shall be responsible for the administration of the Act.

PART II – ESTABLISHMENT OF THE NATIONAL NUTRITION AGENCY, ITS GOVERNING BODIES AND THEIR FUNCTIONS

3. Administration

(1) The administration of the Act shall be under the overall direction and control of the Vice President of The Gambia.

(2) The Vice President may direct any Minister serving as a member of the National Nutrition Council to exercise or perform any power, duty or function under the Act that may be relevant to the Ministry assigned to that Minister.

(3) For the guidance of Ministries, Departments and Agencies, the Vice President in consultation with the relevant Minister may issue codes of recommended practices as regards the execution and enforcement of the Act, and of regulations and orders made under it, to the extent that they are relevant to that Minister's responsibilities.

4. Establishment of the National Nutrition Council

There is established by this Act, the National Nutrition Council consist of –

(a) the Vice President who shall be the Chairperson;

(b) Minister responsible for Health;

(c) Minister responsible for Gender, Children and Social Welfare;

(d) Minister responsible for Fisheries, Water Resources and National Assembly Matters;

(e) Minister responsible for Agriculture;

(f) Minister responsible for Basic and Secondary Education;

(g) Minister responsible for Finance and Economic Affairs;

(h) Minister responsible for Trade, Industry, Employment and Regional Integration;

(i) Minister responsible for Lands and Regional Governance;

(j) Minister responsible for Higher Education, Research, Science and Technology;

(k) Minister responsible for Youth and Sports;

(l) Minister responsible for Information;

(m) Minister responsible for Environment, Climate Change and Natural Resources;

(n) the Chairperson of the National Nutrition Agency Board; and

(o) the Director General of the National Nutrition Agency who shall act as Secretary of the Council.

5. Functions of the National Nutrition Council

The Council is responsible for –

(a) ensuring commitment and prioritization of nutrition in national development;

(b) ensuring cross sectoral coherence;

(c) advocating for increased support for nutrition; and

(d) providing policy guidance to the Agency

6. Meetings of the National Nutrition Council

(1) The Council shall meet at least twice a year and the Chairperson shall preside at every meeting of the Council and in his or her absence, the members present shall appoint one of their members to preside over the meeting.

(2) The minutes of the meeting of the Council shall be recorded in writing and signed by the Secretary and the person who presided over that meeting after confirmation by the Council.

(3) The Council may at any time co-opt any competent Agency, institution or person to participate in its meetings and such person shall not have a voting right.

7. Establishment of the National Nutrition Agency

(1) There is established by this Act, the National Nutrition Agency.

(2) The Agency is a body corporate with perpetual succession and a common seal.

(3) The Agency may –

(a) sue and be sued in its corporate name;

(b) enter into contracts and acquire, hold and dispose of property; and

(c) exercise the rights, powers and privileges, and incur the liabilities and obligations of a natural person of full age and capacity.

(4) The application of the common seal of the Agency shall be authenticated by the signature of the Director General or such other person as the Agency may authorise to sign on its behalf in writing.

(5) A document bearing the imprint of the seal of the Agency is to be taken to be properly sealed unless the contrary is proved.

8. Functions of the Agency

The functions of the Agency are to –

(a) co-ordinate all nutrition and related activities in The Gambia;

(b) co-ordinate inter-sectoral action towards the implementation of the National Nutrition Policy and the Act;

(c) co-ordinate the review, strengthening, harmonising and development of legislations relevant to nutrition;

(d) undertake policy analysis and review to anticipate opportunities or potentially adverse nutrition outcome of development policies, and recommend appropriate protective mechanisms and strategies;

(e) define and develop norms, principles, guidelines and protocols for effective nutrition programme and service delivery, for use by relevant implementing agencies;

(f) develop and strengthen the capacities of stakeholders to enable them fulfill their role and mandate in nutrition policy and related programmes and interventions;

(g) increase national awareness on nutrition issues in general, and the nutrition policy and plan of action, in particular, and the strategies and activities for its implementation, through an

advocacy and social and behavior change communication strategy;

(h) be a national center of excellence on nutrition issuesin The Gambia;

(i) mobilise technical, material and financial resources to support a coordinated response to The Gambia's nutrition problems, and co-ordinate donor support and private sector investment for nutrition activities in The Gambia;

(j) support stakeholders in the integration of nutrition objectives into their development strategies and plans;

(k) monitor and evaluate nutrition policy and programme implementation and advise the Council, periodically;

(l) promote the respect for the right to adequate nutrition and the protection, development and attainment of nutrition security;

(m) monitor, investigate, research, educate, lobby, advise and report on issues concerning adequate nutrition such as –

(i) monitoring and evaluating policies and practices of organs of State, statutory corporations, civil society, private companies and businesses, and other stakeholders as they relate to nutrition;

(ii) evaluating Acts of the National Assembly, customary laws or

any other law relating to, or affecting nutrition;

(iii) recommending to the Vice President the adoption of new legislation that would promote the right to food and nutrition security;

(iv) investigating any other nutrition–related issues; and

(n) enlist services of non-state actors including traditional leaders, non-governmental organisations, women's groups, consumer associations and the youth in disseminating information, and in the conduct of any other activities connected with the programmes on nutrition;

(o) develop and pilot intervention strategies before their adoption for implementation;

(p) implement nutrition intervention programmes;

(q) participate in activities relating to standards and technical regulations for nutrition at national, regional and international levels;

(r) promote food fortification and bio-fortification;

(s) develop guidelines for food fortification;

(t) capacity building and research;

(u) conduct regular inspection of hospitals and other healthcare institutions, prisons, schools and other institutional establishments; or

(v) perform all other duties assigned to it under the Act.

9. Establishment and composition of Board of Directors of the Agency

(1) There is established by this Act, the Board of Directors of the Agency which shall manage the affairs of the Agency.

(2) The Board shall comprise of the –

(a) Chairperson;

(b) Permanent Secretary at the Office of the Vice President, or his or her designated representative, not below the rank of a Deputy Permanent Secretary;

(c) Permanent Secretary of the Ministry responsible for Finance and Economic Affairs, or his or her designated representative, not below the rank of a Deputy Permanent Secretary;

(d) Director General of the Agency; and

(e) two other persons to represent public interest, one of whom shall be a youth and the other a woman.

(3) The Chairperson and other members of the Board, other than ex-officio members, shall be appointed by the President, after consultation with the Public Service Commission.

(4) The Chairperson shall be a private person with proven knowledge or experience in matters of agriculture, food science, nutrition, public health, medicine, pharmacology, or veterinary science.

(5) A person shall not be qualified to be a member or continue as a member of the Board if –

(a) the individual has been, or is found to be guilty of a misconduct; is an undischarged bankrupt, or has been convicted of an offence involving dishonesty;

(b) the individual has an infirmity of body or mind rendering inability perform the functions of the office or otherwise cease to be a member under section 11 (2) of the Act.

(6) Persons appointed into the Board shall have valid interest in food and nutrition with an appropriate range of expertise and experience.

(7) The members of the Board shall elect one of their member to be the Vice Chairperson of the Board of Directors.

(8) The Board of Directors may invite other individuals of recognized academic, scientific and technical competence to assist the Board. Such individual shall be entitled to remuneration that the Board members may have.

10. Functions of the Board of Directors

The functions of the Board shall be to –

(a) determine the overall policy and strategy of the Agency with particular regards to the financial, operational, organisational and administrative programmes and to ensure the implementation of the policy and the Act;

(b) control the management, property, business and funds of the Agency and other matters relating to the Agency;

(c) review and approve annual work programme and budget of the Agency;

(d) support the Agency in its resource mobilisation strategy;

(e) monitor the performance of the Agency based on established performance indicators;

(f) obtain relevant information and or reports it considers necessary from the Director General;

(g) carry out other functions imposed on it under the Act or any other legislation;

(h) ensure that the Agency carries out its functions and performs the tasks assigned to it under the Act;

(i) ensure that work programmes of the Agency are consistent with the Government's legislative and policy priorities in the area of nutrition; and

(j) adopt before 30th June of each year the general report of the Agency's activities of the previous year.

11. Tenure and vacancy

(1) A person appointed to the Board, other than an ex-officio member, shall hold office as a member of the Board for a period of three years and may be eligible for reappointment for a further term.

(2) A vacancy in the office of an appointed member shall occur, if the member-

(a) dies;

(b) is adjudged bankrupt;

(c) has physical or mental incapacity;

(d) is sentenced under any written law to a term of imprisonment without an option of a fine;

(e) ceases to possess the qualification necessary as a prerequisite for appointment;

(f) is absent without permission from three consecutive meetings of the Board, of which he or she has had notice; or

(g) resigns in accordance with subsection (3).

(3) An appointed member may, at any time, resign his or her office by written notice to the President.

(4) A vacancy in the membership of the Board shall be filled, for the remainder of the term of the member whose vacancy has occurred, by the appointment of a new member.

provided that, if the remaining period is less than six months, the vacancy may not be filled until the expiry of the period.

12. Appointment of Board Secretary

The Board shall appoint, from among the staff of the Agency, a Secretary to the Board who shall be responsible for –

(a) arranging the business of the Board's meeting;

(b) keeping a record of the proceedings of the Board; and

(c) such other duties as the Board or the Director General may direct.

13. Meetings of the Board

(1) The Board shall meet to discharge of its business, at least once in every three months, at such time and place, as the Chairperson shall appoint.

(2) The Chairperson shall, at the written request of the Director General, or not less than four members of the Board,

convene a special meeting of the Board to transact any extraordinary business, on a date specified in the request.

(3) A written notice of a special meeting of the Board shall –

(a) be sent to each member, not later than twenty-four hours before the meeting; and

(b) specify the business for which the meeting is being convened.

(4) Where a request under subsection (2) is made by members, or the Director General, the request shall be transmitted to the Director General or Secretary stating the business to be transacted, at least two working days before the date specified in the request.

(5) The quorum of the Board at any meeting shall be four, members including the Chairperson or Vice Chairman and the Director General or the Deputy Director General.

(6) The Board shall take decisions by a simple majority of the votes of members present and, where there is an equality of votes, the person pressing shall have the casting vote.

(7) The Chairperson shall preside at every meeting of the Board at when present, and where absent the Vice Chairperson shall preside. In the absence of both the Chairperson and Vice Chairperson, members present shall appoint one of the members to preside at the meeting.

(8) The minutes of every meeting of the Board shall be recorded and signed by the Secretary, and the person who presided at the meeting, after confirmation by the Board.

(9) The Board may at any time, co-opt any person to act as an adviser at the meetings, but such person, shall not be entitled to vote at any such meetings, and may be paid allowance where the Vice President approves.

(10) The validity of any proceeding of the Board shall not be affected by-

(a) vacancy in its membership; or

(b) a defect in the appointment of any of its members.

(11) The Board shall regulate its own procedure.

14. Unlawful Interference

The Board shall be independent from the interference of any organ or its members or employees of the Government and nor any person or body any Committee of the Board, any member of the Board or any person duly authorised to act in the service of the Board in the exercise of its, or his or her powers, or the performance of its, his or her duties and functions as guided by this Act.

15. Disclosure of Interest

(1) A member of the Board who has an interest in a company or an undertaking with which the Agency proposes to enter into a contract or any conflict of interest shall –

(a) disclose the nature of his or her interest to the Board; and

(b) not participate in any deliberation and voting of the Board, in respect of the contract.

(2) A member who contravenes the provisions of subsection (1) may be sanctioned or removed from the Board by the President, on the recommendation of the Vice-President.

16. Transaction of business without meeting

A resolution is a valid resolution of the Board –

(a) if it is signed or assented to by a majority of the members;

(b) if proper notice of the proposed resolution was given to each member and to the Director General; and

(c) notwithstanding, that it was not passed at a meeting of the Board.

17. Indemnity of Members

An action, suit, prosecution or other proceedings shall not be brought or instituted against a member of the Board, personally, in respect of anything done in pursuance, execution or intended execution of any of the provisions of the Act.

18. Allowances of Members of the Board

Members of the Board shall be paid such allowances as may be determine by the Vice President after consultation with the Minister of Finance.

PART III – STAFF OF THE AGENCY

19. Director General

(1) There is established by this Act, the office of the Director General of the Agency who shall be the Chief Executive Officer of the Agency.

(2) The Director General shall be appointed by the President after consultation with the Board and Public Service Commission.

(3) The Director General shall be appointed on such terms and conditions as may be specified in the letter of appointment.

(4) The Director General shall be a person who has a qualification in food science, nutrition and public health and has practised within the profession of food, nutrition and public health for at least ten years.

20. Duties of the Director General

(1) Subject to the directions of the Board, the Director General shall be responsible for the strategic management and the day-to- day administration of the Agency and shall exercise executive and administrative control over the staff of the Agency.

(2) The Director General shall at the request of the Board, designate, any officer of the Agency to attend meetings of the Board, or committee to address or assist on any matter the Board or committee may address regarding the Agency.

Provided that a person presiding at any meeting referred to in subsection (2) may, for good reason, require the Director General, or the officer referred to in subsection (2) to withdraw from the meeting.

(3) The Director General shall be responsible for –

(a) writing a proposal for the Agency's work programme;

(b) ensuring that the Agency carries out its tasks in accordance with the requirements of the Act;

(c) preparing of the statement of revenue and expenditure and the execution of the budget of the Agency;

(d) ensuring that the Agency is adequately staffed for the performance of its functions;

(e) developing and maintaining contact with all relevant stakeholders in the area of nutrition;

(f) prepare and present a Scheme of Service and Service Rule of the Agency to the Board of Directors for approval

(g) presenting annually to the Board of Directors for approval –

(i) a draft annual report covering all the activities of the Agency in the previous year;

(ii) a draft annual account for the previous year;

(iii) a draft programme of work for the next year; and

(iv) a draft budget for the next year.

21. Removal of Director General

(1) The President acting on the advice of the Board and the Public Service Commission shall remove the Director General from office, on the grounds of –

(a) gross misconduct;

(b) incompetence;

(c) physical or mental incapacity subject to the recommendation of the Medical Board;

(d) corruption and financial misconduct;

(e) bankruptcy; or

(f) where he or she is otherwise unable or unfit, to discharge the functions of the office.

(2) The Director General shall only be removed from office after being given a reasonable opportunity to be heard by the Board.

22. Other Staff of the Agency

(1) The Board may, from time to time, on the advice of the Director General, appoint such other persons as a member of staff of the Agency, as may be necessary to assist the Agency in the performance of its functions.

(2) The members of staff of the Agency appointed under subsection (1) of this section shall be appointed on such terms and conditions of service in accordance with the Agency's Scheme of Services and shall be bound by the Agency's Service Rules.

(3) The Board may by directions in writing, delegate to the Director General, the appointment of support staff of the Agency in accordance with the Scheme of Service.

(4) The Director General shall report to the Board at its regular meetings or as the Board may request, every appointment made pursuant to subsection (3).

(5) The staff of the Agency shall be appointed on such terms as to remuneration or otherwise, in accordance with the Agency's Pay Scale.

(6) The Board shall adopt suitable policies in respect of the recruitment and conditions of service of staff which shall be in accordance with approved Government policy.

(7) The members of staff of the Agency shall be public officers as defined in the Constitution of The Gambia.

(8) Upon the enactment of this Act, staff appointed under the Food Act, 2005 shall transition as staff of the Agency.

[Cap.40:07]

PART IV – NUTRITION COORDINATION MECHANISM

23. Nutrition Coordination Mechanism

(1) There is established by this Act, the Nutrition Technical Advisory Committee which shall have structures at the central, regional and community levels.

(2) At the central level, the Nutrition Technical Advisory Committee shall be composed of heads of technical institutions, organisations or their representatives, relevant agencies, non-governmental organisations, civil society organisation and private sector representatives to facilitate coordination, exchange of ideas and experiences and the sharing of information.

(3) The Nutrition Technical Advisory Committee shall meet at least two times in a year and shall –

(a) provide a forum for dialogue and information sharing among partners;

(b) review national and sectoral policies, strategic plans and technical proposals;

(c) provide technical support and guidance in the implementation of activities and capacity building initiatives;

(d) coordinate and lead in thematic reviews, studies and development of national guidelines;

(e) address emerging issues in various thematic areas;

(f) identify and disseminating best practices;

(g) network with other Technical Working Groups.

(4) At the regional level, the Regional Technical Advisory Committee established by the Local Government Act 2002 shall be used for effective coordination and monitoring of nutrition and nutrition related interventions.

(5) At the community level, the Nutrition Technical Advisory Committee shall work through and with existing local government and community based structures such as Multi-Disciplinary Facilitation Teams, Village Development Committees, Village Support Groups and Traditional Communicators to implement programmes.

PART V – NUTRITION SECURITY

24. Nutrition Security

The Government shall, in collaboration with the Agency –

(a) develop, adopt and implement policy and measures to-

(i) prevent and control the most common nutrition disorders among women, men, children and persons with disability in The Gambia;

(ii) increase access to timely and effective management of the most common nutrition disorders among vulnerable groups including women, children and the elderly in The Gambia;

(iii) create an enabling environment for the effective implementation of nutrition services and programmes;

(iv) promote the broadening of food and nutrition security by encouraging dietary diversity through Social and Behavioural Change Communication; and

(v) enhance and institutionalize nutrition aid programmes.

(b) undertake social protection of vulnerable groups to improve their access to nutrition security;

(c) ensure that precautionary measures are taken to mitigate the effects of emergencies in relation to the unavailability of food and adequate nutrition;

(d) promote nutrition education through the development and adoption of nutrition responsive curricula for schools and other educational training establishments; and

(e) promote scientific research, technological advances and training in nutrition.

25. Primary responsibility of Government and Non-State Actors

(1) The Government of The Gambia has the primary responsibility to ensure the realisation of adequate food and nutrition.

(2) All non-state actors including individuals, families, local communities, non-governmental organisations, civil society organisations, consumer associations and the private sector, shall respect the right of every person to food and nutrition security.

PART VI – FOOD FORTIFICATION

26. Fortification of Food

(1) A person may manufacture, import, or sell foodstuffs identified as fortified food to supply nutrients which are insufficient in the population in accordance with National Standards and Regulations.

(2) A person shall not manufacture, import or sell foodstuffs identified as fortified foodstuffs unless the foodstuffs have been fortified in accordance with the National Standards and Regulations.

(3) The foodstuffs referred to in subsection (2) shall be fortified at a specific stage of production to levels specified by the prescribed National Standards where applicable to ensure that the minimum level of the prescribed nutrients are maintained at the time of supply of the foodstuff to the consumer.

27. Food to be fortified

Food may before sold or distributed to the public, or used in the manufacture or processing of other food for human consumption, be fortified with such fortificants as prescribed by National Standards and Regulations.

28. Food to be mandatorily fortified

Food, such as rice, salt, wheat flour, sugar, vegetable oil, meal replacements, nutritional supplements, and those listed in the National Standards or Regulations to require mandatory fortification are to be mandatorily fortified in accordance with the National Standards or Regulations.

Foods that may be voluntarily fortified shall be those for voluntary fortification listed in the National Standards.

29. Mineral and Vitamin Fortification

The levels of potassium iodate, iron, folic acid and Vitamin A for mandatory fortification shall be as specified in the National Standards or Regulations.

30. Labelling of fortified goods

In addition to the provisions governing Advertising and Labelling of Fortified Foodstuffs made under the Act or the Food Safety and Quality Act 2011, all food vehicles shall be labelled as follows –

(a) the claim **"enriched with"** or **"enriched"** may only be used in addition to the word "fortified" on one label in cases where a micronutrient other than the specified fortificants is added to a food vehicle or in cases where at least 15% more than the prescribed amounts of fortificants are added to a food vehicle;

(b) the claim **"Fortified for improved nutrition"** and the official fortification logo to that effect as indicated in the National Standards are reserved only for food vehicles, that have been identified in the Act or any other regulations made under the Act and may be displayed on the label or in an advertising material;

(c) any person who uses the official logo referred to in the regulations on labels or in advertising material for foodstuffs other than in accordance with the Act or any other regulations made in furtherance of the Act, shall be guilty of an offence;

(d) a logo indicated in Regulations may be displayed on the label or at the point of sale on a notice displayed in the direct vicinity of where

the foodstuff referred to is displayed on shelf and within clear sight of the consumer;

(e) minerals of the fortification mix shall –

(i) in the list of ingredients be identified individually by their compound names (electrolytic iron, zinc oxide); and

(ii) indicate the elemental mineral in the table with nutritional information;

(f) the nutritional information relating to labelling and advertisements of foodstuff shall be printed by the manufacturer on the back or side panel of food vehicles and those foodstuffs manufactured with fortified foodstuff in letters at least 1mm in height for lower case letters, or a bigger letter size in the case of woven polypropylene packaging material, provided the information is easily legible;

(g) the nutritional information declaration referred to in paragraph (f) as well as nutritional information relevant to the fortification specifications shall be declared per daily serving and per 100g, provided that in the case of dry, uncooked wheat flour and dry, uncooked rice as purchased, the daily serving may be regarded as 100g;

(h) Wherever the official logo is used, it shall be used in the format provided in the Regulations and shall be printed in a prominent position on the main panel in bold print against a contrasting or clear background on all types of packaging material. The logo shall be clearly visible, easily legible and indelible.

31. Fortification Mix for Food

The fortification mix for food shall be as prescribed in the National Standards and Regulations.

32. Packaging

Pre-packaged food fortified with vitamin and mineral nutrients shall be-

(a) packaged and distributed in container that shall safeguard the hygienic, nutritional, organoleptic and other qualities of the product;

(b) the container, including packaging material, shall be made of substances, which are safe and suitable for their intended use;

(c) all fortified food shall be packaged in a manner that takes into consideration the nature of the fortificant added and its effect on the shelf life of such food.

33. Advertisement of foods to which no Vitamin or Mineral has been added

A person shall, in advertising a food to which no vitamin or mineral content has been added or on a label of such food, state that the –

(a) food is **"a source" or "a dietary source"** of any of the vitamins and mineral nutrient referred to in the Act, if reference intake of that food by such person is not less than the level as specified in the National Standards or in any Regulations made under the Act.

(b) food is **"a good source"** of any of the vitamins and minerals nutrient referred to in the Act, if reference intake of that food by a person would result in the daily intake by such person of not less than the amount as specified

in the National Standards or in any Regulations made under the Act.

(c) food is an **"excellent source"** or a **"excellent dietary source"** or "excellent dietary source" of any of the vitamins and mineral nutrient referred to in the National Standards, if reference intake of that food by a person would result in daily intake by such person of not less than: the amount as specified in the National Standards or in any Regulations made under of the Act.

34. Storage and transportation of fortified foods

A person manufacturing, importing, selling or distributing fortified foodstuffs shall ensure that the foodstuffs are –

(a) stored in a cool, well ventilated and dry place which does not at any stage expose it to direct sunlight or excessive humidity;

(b) not exposed to any form of contamination;

(c) properly stocked and a stock register with lot numbers and a date of receipt is maintained; and

(d) transported, kept or stored for sale in the package in which they were originally packaged.

35. Statement on Mineral Content

Where the amount of a mineral nutrient referred to in the Act and that is contained in a food is not less than the amount mentioned in National Standards or in any Regulations made under the Act shall in advertising that food or on a label of that food, state –

(a) in the case of calcium or phosphorous, that it is a factor in the normal development and maintenance of bones and teeth, especially in infants and children;

(b) in the case of calcium, phosphorous or iron that it is a factor in the maintenance of good health.

PART VII – NUTRIENT SUPPLEMENTATION

36. Nutrient Supplementation

(1) Where appropriate, feasible and recommended mineral and/or vitamin supplementation shall be provided to vulnerable groups;

(2) All supplements shall be in line with the recommended and accepted national principle, guidelines and protocols.

PART VIII – NUTRITION IN SCHOOLS, PRISONS, HOSPITALS, OTHER HEALTH CARE INSTITUTIONS AND OTHER RELEVANT INSTITUTIONAL ESTABLISHMENTS

37. Nutrition in Schools

(1) The head of a school or learning institution which provides food for learners in attendance at the school or learning institution shall ensure that the food and beverages provided on the premises and is allowed to be provided on the premises, comply with the nutritional requirements specified in the National Standards.

(2) Schools shall designate someone as a nutrition focal person to provide dietary advice.

38. Nutrition in Prisons

(1) The Government shall ensure that every prison or detention center that provides food and water to its inmates or detainees comply with the nutritional requirements specified in National Standards.

(2) Every prison shall designate a person knowledgeable on nutrition to provide dietary advice.

39. Nutrition in Hospitals, Other Healthcare Institutions and Other Institutional Establishments

(1) Every hospital, healthcare institutions or care home shall have a dietitian or a competent person to advice on the nutritional requirements of patients or residents.

(2) The nutritional requirements for solid or liquid specified in the National Standards shall be complied with by every hospital, healthcare centers and care homes where food and beverages are prepared and served to patients or residents.

(3) Free advice shall be made available to any person on nutritional requirements of the person who is a patient and is treated for any ailment including an ailment associated with malnutrition.

40. Nutrition in Orphanages and Homes for the Elderly

(1) Every orphanage or home for the elderly shall have a dietitian or a competent person to advice on the nutritional requirements of patients or residents.

(2) The nutritional requirements for solid or liquid specified in the National Standards shall be complied with by every orphanage or home for the elderly where food and beverages are prepared and served to patients or residents.

(3) Free advice shall be made available to any person on nutritional requirements of a person who is an orphan or an elderly and is being treated for any ailment including an ailment associated with malnutrition.

41. Inspection of Hospitals, Other Healthcare Institutions, Schools, Prisons and Other Relevant Institutional Establishments

The Agency shall have the power to visit hospitals, healthcare institutions, schools, care homes, prisons and other relevant institutional establishments to ensure that the nutritional needs of persons in those institutions are met in accordance with the Act.

PART IX – FINANCIAL PROVISIONS

42. Funds of the Agency

The funds of the Agency include –

(a) such monies as may be appropriated to it by the National Assembly;

(b) loans granted to the Agency;

(c) monies accruing to the Agency as proceeds from investments;

(d) grants and gifts provided that the terms and conditions attached to a grant or gift are not inconsistent with the policies of the Agency;

(e) resources mobilised or received from donor agencies, and

(f) such other monies as may accrue to the Agency under the Act.

43. Budgets, Accounts and Audit

(1) The Agency shall within three months before the end of each financial year, make and submit to the Office of The Vice President for approval estimates of the income and expenditure of the Agency for the ensuing year.

(2) The Agency shall keep proper records and accounts of its income and expenditure.

(3) The Agency shall prepare a statement of accounts in respect of each financial year.

(4) The Agency shall, within three months of the end of each financial year, submit to the Auditor-General for auditing its statement of accounts for the preceding year.

(5) The audited account of the Agency and the Auditor-General's report on those accounts shall form part of the Auditor- General's overall annual report to the National Assembly.

44. Annual Activity and Financial Report

(1) The Agency shall, not later than six months after the end of each year submit to the Vice-President through its Board, in respect of the year an annual report on the activities of the Agency.

(2) The report under subsection (1) shall include –

(a) information with regard to the operation and performance of the Agency; and

(b) such other information as the Vice President may request in writing.

(3) The Vice President shall not later than six months after the end of the financial year, cause the Activity Report and Audited Financial Statements to be laid before the National Assembly.

(4) The Director General shall from time to time provide the Vice President with such information relating to the affairs of the Agency as may be request in writing.

45. Establishment of the National Nutrition Fund

There is established by this Act, the National Nutrition Fund which shall comprise of –

(a) sums appropriated by the National Assembly for the purposes of the Fund;

(b) advances made to the Fund under section 47;

(c) a levy created under section 51;

(d) money or other assets received for the purposes of the Fund by way of voluntary contributions or donations; and

(e) monies realised from any services provided by the Agency.

46. Objects of the National Nutrition Fund

The Fund shall be for the advancement of nutrition security in The Gambia.

47. Advances to the Fund

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

48. Application of the Fund

Without derogation from the generality of section 47, the Fund may be applied for –

(a) defraying the administrative expenses of the Board and the Agency in the execution of their duties and responsibilities;

(b) meeting any expenses arising from the establishment and maintenance of the Fund;

(c) any purpose which the Board considers to be in the interest of the objects of the Act; and

(d) investments for the advancement of nutrition and the effective and efficient functioning of the Agency.

49. Management of the Fund

(1) There is established by this Act, the National Nutrition Fund Committee which shall manage the Fund.

(2) The fund Committee shall comprise of a representative of the Agency Board, a representative of the Agency Senior Management Team and three (3) other stakeholders

(3) The fund Committee shall select from amongst themselves a Chairperson and a Secretary

(4) All sums received for the purposes of the Fund shall be paid into a bank account held at the Central Bank and

(5) No amount shall be withdrawn National Nutrition Fund Committee from except by means of cheques or bank transfers signed by an authorized person.

50. Surplus Funds

Any part of the Fund not immediately required for the purposes of the Agency may, on the approval of the National Nutrition Fund Committee, be invested in such manner as the Committee may determine.

51. Levy

The Vice President in consultation with the Minister responsible for Finance and Economic Affairs may from time to time, upon the recommendation of the Board by order published in the Gazette, impose a national nutrition levy on such products and at such rates, as the Vice President may from time to time determine.

52. Regulations

The Vice President may make Regulations for the better carrying into effect of the provisions of this Act.

PART X – MISCELLANEOUS

53. Repeal and saving

(1) The Food Act, 2005 is repealed.

[Cap. 40:07]

(2) Notwithstanding the repeal –

(a) an employee in the employment of the National Nutrition Agency established under the Food Act immediately before come into force of this Act shall continue to be employed by the National Nutrition Agency established under section 7 of this Act;

[Cap. 40:07]

(b) a subsidiary legislation made or issued under the Food Act shall remain in force so far as it is not inconsistent with this Act, or until it has been revoked or repealed by a subsidiary legislation made under the provisions of this Act;

[Cap. 40:07]

(c) all assets, funds, resources or other moveable property which immediately before the commencement of this Act was vested in the National Nutrition Agency established under the Food Act shall be vested in the National Nutrition Agency established under section 7 of this Act; and

[Cap. 40:07]

(d) all rights, interests, obligations or liabilities of the National Nutrition Agency established under the Food Act shall be transferred to the National Nutrition Agency established under section 7 of this Act.

[Cap. 40:07]

PASSED in the National Assembly this 23rd day of December, in the year of Our Lord Twenty Twenty Four.

Mr. Kalipha M.M. Mbye
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.

Mr. Kalipha M.M. Mbye
Clerk of the National Assembly.

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