

VETERINARY PUBLIC HEALTH ACT, 2013

Date of commencement: 1st January, 2014

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An Act to make provision for ensuring high level of consumer protection with regard to food safety and improving the quality of life for the public by facilitating advanced methods of primary production in the food chain of food of animal origin.

PART I

Short title and commencement.

1. (1) This Act may be cited as the Veterinary Public Health Act 2013.
(2) This Act shall come into force on a date to be appointed by the Minister and published in the *Gazette*.

Interpretation.

2. In this Act unless the context otherwise requires —
 - “animal” means stock in terms of the animal disease Act, 1965;
 - “animal product” means a product of animal origin edible and non edible;
 - “ante mortem inspection” means any procedure or test conducted by an officer or authorized person on live animals for the purpose of judgment of safety and suitability and disposition; before slaughter or processing;
 - “approved slaughter facility or establishment” means a slaughter facility or establishment in respect of which a certificate of approval by the competent authority; has been issued;

- “audit” means a systematic and independent examination to ascertain if determined activities and related results are in conformity with legislation, standards or guidelines and if these are enforced adequately;
- “authorised person” means a competent person who has the training, knowledge, skills and ability to perform an assigned task, and who is authorized by the competent authority to perform this task;
- “competent authority” means the Director of Veterinary Services or his or her representative in the Ministry of Agriculture in Eswatini, competent to ensure compliance with the requirements of this Act or any other authority to which the Director of Veterinary Services has delegated that competence;
- “consignment” means a quantity of animal products covered by relevant veterinary documents or other documents provided for by veterinary legislation, as and when applicable, conveyed by the same means of transport from one location to another;
- “contaminant” means any biological or chemical agent, foreign matter, or other substance not intentionally added to food that may compromise food safety or suitability;
- “control measures” means any action and activity that can be used to prevent or eliminate a food safety hazard or reduce it to an acceptable level;
- “cutting plant” means an establishment used for deboning or cutting up meat;
- “Director” means a Veterinary Officer designated as Director of Veterinary and Livestock Services;
- “dressing” means the progressive separation of the body of an animal into a carcass and other edible and inedible parts;
- “documentary check” means the examination of the veterinary health certificate(s) or veterinary document(s), or other document(s) accompanying a consignment;
- “eggs” means eggs in shell other than broken, incubated or cooked eggs -that are produced by farmed birds and are fit for direct human consumption or for the preparation of egg products;
- “establishment” means any premises other than a slaughter facility, and including among others cutting plants and milk production holding, that is approved or registered by the competent authority in which food of animal origin and their products -are prepared, handled, packed or stored;
- “feed” means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;
- “fish” means any of the coldblooded (ectothermic) aquatic vertebrates and includes, among others, crayfish, prawns and shellfish;

- “food” means food of animal origin including meat, milk, eggs, fish, honey and their products;
- “food hygiene”, means the measures and conditions necessary to control hazards and to ensure fitness for human consumption of a food of animal origin taking into account its intended use, hereinafter called “hygiene”;
- “food production” means all stages of production, processing and distribution of food of animal origin;
- “hazard” means a biological, chemical or allergen or physical agent in, or a condition of, an animal or animal product with the potential to cause an adverse health effect to animals or humans; means a mark indicating that, when it was applied, official controls had been carried out in accordance with this Act;
- “health mark” the official name of a symbol found on meat or milk products required by food safety standards;
- “humane killing” means the process of rendering an animal insensitive instantaneously and remaining insensitive to pain until there is complete loss of brain responsiveness due to bleeding;
- “killing” means any procedure which causes the death of an animal;
- “identity check” means a check by visual inspection for consistency between the documents or certificates and the animal products, and for the presence and conformity of the marks which must appear on the animal products;
- “inspection” means the examination of slaughter facilities or establishments, of animals and food, and the processing thereof, of food businesses, and their management and production systems, including documents, finished product testing and feeding practices, and of the origin and destination of production inputs and outputs, in order to verify compliance with the legal requirements in all cases;
- “Inspector” means a Veterinary Public Health Officer authorized or appointed by the competent Authority;
- “manager” in relation to a slaughter facility or establishment includes any person for the time being responsible for the management of the slaughter facility or establishment;
- “meat” means the edible part of the animals within the scope of this Act and includes edible offal and blood;
- “milk production holding” means an establishment where one or more farmed animals are kept to produce milk with a view to placing it on the market as food;
- “maladies” means malpractices or a disorder;
- “official control” means all types of control according to this Law made by the competent authority to verify the compliance with the rules and regulations on food products including animal health and animal welfare;

- “officer” means any Veterinary Officer or para-veterinarian that passed an approved training course employed with the Ministry of Agriculture;
- “official veterinarian” means a veterinarian qualified to act in that capacity appointed or authorized/delegated by the competent authority;
- “owner” in relation to an animal, slaughter facility or establishment means a person —
- (a) in whom the ownership of this animal or premises is vested; or
 - (b) in respect of which the right of general control is vested in a person other than the person in whom ownership thereof is vested, that other person;
- “para-veterinarian” means a person in the field of veterinary services who has undergone an approved special training programme, other than a fully qualified veterinarian, and includes qualified meat inspector;
- “Person” means a natural person or a legal person;
- “physical check” means a check on the animal product itself, which may include checks on packaging and temperature and also sampling and laboratory testing;
- “potable water” means water that is pure and wholesome at the point of usage in accordance with requirements contained in WHO publication guideline for drinking water quality;
- “post mortem inspection” means any procedure or test conducted by an officer or authorized person on all relevant parts of slaughtered/killed animals for the purpose of judgment of safety and suitability and disposition;
- “primary production” means those steps in the food chain up to and including harvesting, slaughter, milking, fishing, hunting, egg and honey collection as well as their processing, storage and preparation for wholesale;
- “processed food of animal origin” means food of animal origin after processing, it may contain ingredients that are necessary for manufacture purposes or to give some specific characteristics which are not detrimental to health of the consumer;
- “processing” means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes;
- “raw milk” means milk produced by the secretion of the mammary gland of farmed animals that has not been heated to more than 40°C or undergone any treatment that has an equivalent effect;
- “milk” means secretion from mammary gland of farmed animals;
- “regional veterinary officer” means a veterinary officer in charge of a region;
- “regulation” means a regulation made under this Act;

- “residues” means residues of veterinary drugs, pesticide residue and contaminants, as defined for the purpose of the Codex Alimentarius;
- “safe for human consumption” means a food of animal origin that has been produced by applying all food safety requirements appropriate to its intended end-use which meets risk-based performance and process criteria for specified hazards and does not contain hazards at levels that are harmful to human health;
- “sell” includes agree to sell or offer, advertise, keep, expose, transmit, send, convey or deliver for sale or to exchange or to dispose of in any way for any consideration;
- “senior veterinary officer - veterinary public health (SVOVPH)” means the senior veterinary officer responsible for the Division under this Act “slaughter” means any humane procedure which causes the death of an animal by bleeding;
- “slaughter” means any humane procedure which causes the death of an animal by bleeding;
- “slaughter animal” means an animal intended for slaughter within twenty four hours, under the control of the relevant authority;
- “slaughter facility” means any premises or place used for slaughtering and dressing animals, the meat of which is intended for human consumption, and that is approved or registered by the competent authority;
- “stunning” means any approved mechanical, electrical, chemical or other procedure which causes immediate loss of consciousness which lasts until death;
- “third country” means a country, other than Eswatini, which is trading with Eswatini;
- “this Act” includes any regulations and control measures hereunder;
- “unfit for human consumption” any food of animal origin which is —
- (1) unsafe, taking into account —
 - (a) the normal conditions of use of the food by the consumer and at each stage of production, processing and distribution, 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;
 - (2) Injurious to health, taking into account —
 - (a) not only the probable immediate and/or short-term and/or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;
 - (b) the probable cumulative toxic effects;

- (c) the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers.

“veterinary health certificate” means a certificate describing animal and public health requirements, which are fulfilled by the exported animal products, in accordance with international or national sanitary standards;

“Veterinary Officer” means a qualified Veterinarian appointed by the competent authority;

“Veterinary Public Health Division” means a unit under Animal Disease Act, 1969 harmonize it the Department of Veterinary Services of the Ministry of Agriculture in Eswatini responsible for hygiene supervision in primary production of food of animal origin as well as import and export of food of animal origin;

“VO - VPH” means a qualified veterinary officer responsible for veterinary public health;

“Veterinary public health officer” means an officer employed by the Ministry of Agriculture under the department of veterinary services authorized to carry out veterinary public health duties.

Application of this Act.

- 3. (1) This Act shall apply to unprocessed and processed animal products for human consumption at the level of primary production at national level and those imported from third countries.
- (2) This Act shall not apply in relation to —
 - (a) primary production for private domestic use;
 - (b) the domestic preparation, handling or storage of food for private domestic consumption; and
 - (c) traditional slaughter or ritual slaughter.
- (3) This Act shall apply without prejudice to —
 - (a) relevant animal and public health regulations;
 - (b) animal welfare requirements; and
 - (c) requirements concerning the identification of animals and the traceability of animal product.

PART II

Establishment of the Veterinary Public Health Unit.

- 4. (1) There is established in the Ministry of Agriculture a unit to be called the veterinary public health unit.
- (2) The unit shall be under the Director for Veterinary Services.

- (3) The unit shall have such departments as determined by the Director.

Functions of the Director.

5. (1) All applications shall be made to the Director, who may in his discretion, grant or refuse such an application.
- (2) The Director may when considering an application or request lodged —
- (a) require the applicant to provide such additional information as may be required;
 - (b) make any investigation or inquiry in connection therewith which may be deemed necessary;
- (3) Whenever a regulation, control measure or scheme specifies a period within which anything relating to the powers or duties of the Director is to be done or performed, the Director may on application extend the period concerned, either before or after such period has expired.
- (4) When an application or request is refused, the Director shall notify the applicant concerned in writing of the decision and of the grounds on which the refusal is based.
- (5) The Director shall issue a written permit, certificate, authority, consent or other proof of assent or approval to a person whose application or request has been approved.

Delegation of powers and assignments.

6. (1) The Director may delegate or assign any of his powers and duties —
- (a) to an officer under his subordination;
 - (b) to an authorised person;
- (2) The Director shall issue to each person referred to in subsection (1) a written authority stating that the person mentioned therein is authorised to exercise the power and perform the duties specified therein, either in general or in cases of a particular nature or in respect of specified slaughter facilities or establishments in a specified area.
- (3) Such officer or authorised person shall produce the authority concerned as proof of identity when requested to by a person who is affected by the exercise of the powers or the performances and duties vested in him.
- (4) The Director shall ensure that the person appointed in terms of subsection (1) has the knowledge, experience, qualifications, equipment and means which would be required for the execution of the duties.

Termination of appointment of authorized persons.

7. Where the Director is satisfied that the authorized person —
- (a) is negligent in carrying out assigned duties;
 - (b) did not comply with procedure or practice; or
 - (c) is involved in maladies;

the Director may —

- (a) terminate the appointment of the authorised person concerned;

- (b) determine the amount of fruitless expenditure of State money resulting from action concerned and recover it from the authorised person;
- (c) instruct the authorised person to reimburse the state in accordance with tariffs in existing laws or by an estimation of the Minister.

PART III

OFFICIAL CONTROLS IN RESPECT OF SLAUGHTER FACILITIES AND ESTABLISHMENTS

Approval of site designs and drawings in respect of slaughter facilities and establishments.

8. (1) Any person who intends to —
- (a) erect a slaughter facility or an establishment used for primary production of food of animal origin;
 - (b) alter the lay-out of a slaughter facility or establishment;
 - (c) demolish, replace or substantially alter any building, structure or permanent equipment forming part of a slaughter facility or establishment; or
 - (d) erect any building or structure or install any permanent equipment at such slaughter facility or establishment;

shall, in writing, submit an application accompanied with —

- (e) designs, drawings, plans or (sketches) in respect of which have been drawn up in accordance with the prescribed requirements to the Director for approval, before commencing with such erection, alteration, demolition, replacement or installation;
- (f) an approved environmental impact assessment;

(2) The Director shall not approve such an application unless the proposed erection, alteration, demolition, replacement or installation shall be carried out in accordance or in compliance with any conditions which the Director deems fit to impose.

(3) When considering the application for approval of site, designs and drawings the Director shall ensure that the facility or establishment shall —

- (a) comply with the requirements of an approved slaughter facility or establishment;
- (b) shall be fit to be approved as slaughter facility or establishment in terms of section 8.

Approval of slaughter facility or establishment.

9. (1) Upon completion of the erection of the new structure, or demolition of substantial alteration of the slaughter facility or establishment, the owner shall, in writing submit an application for approval of the slaughter facility or establishment and the application shall be accompanied by the relevant document from the local authority.

(2) Upon receiving the application for approval, the Director or his representative, shall make an on-site inspection of the slaughter facility or establishment.

(3) Notwithstanding any other law the Director shall issue a certificate of approval in respect of a slaughter facility or establishment used for primary production, if the Director is satisfied that the place to which the application concerned relates, has been erected or altered or that the demolition, replacement, alteration, installation or erection of any building, structure or permanent equipment at such premises, has been carried out in accordance with the design drawings, sketches or plans which were approved in terms of section 8.

(4) The Director may, in his discretion, give a provisional approval for a period not exceeding twelve months and the approval shall become definitive only after a new on-site inspection during which the slaughter facility or establishment complies with all the necessary requirements.

(5) When issuing a certificate of approval the Director shall, give each approved slaughter facility and establishment, including those with provisional approval, an approval number, to which codes may be added to indicate the types of products of animal origin produced.

(6) The Director or an officer shall re-examine the approval status of slaughter facilities or establishments during official control on a regular basis.

(7) The Director may —

- (a) withdraw the approval when requirements are no longer met and the owner is not able to guarantee adequately for future production; or
- (b) suspend the approval if the owner can not guarantee to overcome the problem and ensure that the lacking requirements are in place within a reasonable period of time.

(8) The Director shall maintain an updated list of approved slaughter facilities and establishments.

Transitional period.

10. (1) From the date of coming into force of this Act, a period of three years is established as a transitional period, during which an owner or manager of slaughter facilities or establishments shall comply with the rules concerning approval and hygiene of slaughter facilities or establishments referred in this Act and in guidelines provided by the competent authority.

(2) Any new slaughter facility or establishment constructed during the transitional period shall be in compliance with the requirements of this Act.

(3) During the transitional period slaughter facilities or establishments shall be registered by the competent authority and the authority shall maintain a list of registered slaughter facilities and establishments.

(4) A compliance plan shall be submitted by the owner or manager of the slaughter facility or establishment to the Director for approval, specifying the lapse of time needed for its implementation.

(5) Before approval of the registered slaughter facilities or establishments, the Director or an officer shall make an on-site visit to confirm that all requirements are met.

GENERAL POWERS FOR OFFICIAL CONTROLS IN RESPECT OF ALL
PRODUCTS OF ANIMAL ORIGIN FALLING WITHIN THE SCOPE OF THE
VETERINARY PUBLIC HEALTH ACT

Inspections.

11. (1) An officer or authorized person may, whenever it is deemed necessary for the exercise of the powers or the performances of the duties conferred upon the officer or authorised person by or under this Act —
- (a) enter upon any premises, slaughter facility, establishment or mechanical conveyance to search, inspect, ensure compliance;
 - (b) proceed over any land, premises in order to reach land, premises, a place, slaughter facility, establishment or a conveyance referred to in sub paragraph (a);
 - (c) stop any food production or mechanical conveyance at any time and any place within Eswatini and take control of such food production or conveyance.
- (2) When acting under subsection (1) the officer or authorised person may —
- (a) take along officers, assistants, conveyances, implements, equipment, instruments and other aids as may be required in order to exercise the powers concerned or perform the duties concerned;
 - (b) demand from the owner or person in charge of the land, place, premises, slaughter facility, establishment or, conveyance concerned —
 - (i) any live animal or animal product or other article, documents concerned, which is present;
 - (ii) all reasonable assistance and co -operation which is required to exercise or perform the powers or duties concerned in connection with that land, place, slaughter facility, establishment or conveyance or anything kept thereon or therein;
 - (c) search for any live animal, animal product or any other article to which this Act applies and if it is on reasonable grounds suspected to be present on or in such land, place, slaughter facility, establishment or conveyance require the owner or person in charge thereof to produce it;
 - (d) examine or cause to be examined any live animal, animal product or other article referred to in sub paragraph (c);
 - (e) that was in fact or is suspected of having been slaughtered, dressed, treated, prepared, graded, classified, packed, marked, labelled, kept, removed, transported, exhibited, sold or offered to sell there;
 - (f) inspect the operations or processes in connection with any action referred to in paragraph (e) and demand from the owner or person in charge of a live animal, animal product or other article or from the person supervising such operations or processes any information or explanation regarding that operation, process, live animal, animal product or other article;

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- (g) take samples of the relevant live animal, animal product or other article as may be deemed necessary and for this purpose, open any container in which a live animal, animal products or other articles are contained and test, examine or analyse such sample or cause it to be tested, examined or analysed;
 - (h) ascertain whether anything required to be done in terms of this Act has been or is being done;
 - (i) inspect or supervise the procedure of anything which a person is in terms of this Act required to do;
 - (j) examine any register, book or other document which the person concerned is in terms of this Act required to keep or have or which is on reasonable grounds suspected to relate to the matter regulated by this Act and make copies of or take extracts there from;
 - (k) demand from the owner or person in charge of such register, book or other document an explanation regarding any record or entry therein;
 - (l) make in or on such register, book or other document such notes as may be deemed expedient in respect of any entry appearing therein or which is required to appear therein or which in the opinion of an officer or authorised person is inaccurate or false; and
 - (m) carry out any other investigation connected with any matter which is regulated by or under this Act.
- (3) An Officer or authorised person may in any manner deemed to be appropriate without prior notice to any person —
- (a) seize any live animal, animal products or other article which —
 - (i) is concerned or is on reasonable grounds suspected of being concerned in the commission or suspected commission of any offence under this Act;
 - (ii) may afford evidence of the commission or suspected commission of any such offence;
 - (iii) is intended or is on reasonable grounds suspected to be intended for use in the commission of any such offence;
 - (b) seize any food which is or on reasonable grounds suspected of being unfit for human consumption and any live animal, animal product or other article, which is infected or on reasonable grounds suspected of being infected;
 - (c) seize any register, book, other document or records kept on a data storage device which may afford evidence of the commission or suspected commission of any offence under this Act;
 - (d) remove anything thus seized from the place, slaughter facility, establishment or conveyance where it has been seized or leave it thereon and if deemed necessary attach any identification mark or seal thereto or to the container thereof;
 - (e) seize any conveyance in or on which any live animal, animal product or other article referred to in paragraph (a) is found;
 - (f) in case of seizure, detention, condemnations, relevant certificates shall be issued by the authorized person attesting to the latter.

(4) Except where expressly provided otherwise in this section an officer or authorised person shall without delay deliver anything seized under subsection (3) to any by-product plant, incinerator, any place of safe disposal.

(5) inspectors or authorized officers may where necessary be assisted by the police when conducting their inspections up to the point when they dispose off the condemned or seized materials.

(6) The officer or authorized person shall ensure that the specimen mentioned in subparagraph (5) is stored safely under suitable conditions until the issue is disposed off.

(7) The officer or authorised person shall ensure that specimen from materials seized is taken in as evidence.

(8) The official controls of section (11) shall include —

(a) audits of good hygiene practices and hazard analysis and critical control point (HACCP) based procedures, when implemented;

(b) official control on fresh meat, meat products, milk and milk products, fish, honey and other products of animals origin as provided in the Guidelines on Official Control; which guidelines;

(c) official control on other products of animal origin as will be specified by the Director.

(9) Audits of good hygiene practices shall verify that in a slaughter facility or establishment, procedures are continuously and properly applied, which include —

(a) the design and maintenance of premises and equipment;

(b) pre-operational, operational and post-operational hygiene;

(c) personal hygiene;

(d) training in hygiene and work procedures;

(e) pest control;

(f) temperature control;

(g) elimination and proper disposal of specified risk materials, in case of fresh meat;

(h) controls on food entering and leaving the establishment and any accompanying documentation;

(i) health of meat handlers; and

(j) stock control.

(10) Audits on HACCP-based procedures, when implemented, shall verify that such procedures shall be applied continuously and properly, in accordance with procedures set out in the guidelines of the application of HACCP principles.

(11) When carrying out auditing tasks, the official veterinarian shall take samples for laboratory analysis as necessary.

(12) The Director may allow staff of a slaughter facility or establishment to assist with official controls by carrying out certain specific tasks, under the supervision of the official veterinarian, the staff carrying out such tasks shall —

(a) be qualified and undergo specific training, approved by the Director;

- (b) act independently from production staff;
- (c) report any deficiency to the official veterinarian.

Powers of Veterinary Public Health Officers (VPH).

12. (1) An Officer has the power to —
- (a) apply sanitation procedures;
 - (b) recommended restriction or suspend trade, import or export of animal products;
 - (c) withdraw or destroy animal products;
 - (e) temporary suspend or close production or close the slaughter facility or establishment;
 - (f) recommend withdrawal of the approval of the slaughter facility or establishment;
 - (g) confiscate, destroy or send back products for food of animal origin coming from third countries;
 - (h) carry out other measures deemed necessary by the Director.
- (2) In carrying out the mandate in subsection (1) the officer shall report promptly to the Director for conformation of the corrective measures.
- (3) The inspector shall, in writing, notify the owner or person in charge of the slaughter facility or establishment the reasons for taking any of the measures mentioned in subsection (1).
- (4) In case of imported food of animal origin, the Director shall notify in writing the competent authority of the third country of origin.

Food hygiene laboratory.

13. (1) The Director shall appoint reference food hygiene laboratories to support the examination and testing of food of animal origin and to perform official control.
- (2) The Director shall determine the tasks and duties of the reference food hygiene laboratory.
- (3) The Director may authorize other public or private laboratories, within or outside the slaughter facilities and establishments, to perform tests on food of animal origin.
- (4) The Director shall ensure the implementation of a national control program in order to protect the public against exposure to unwanted substances in food of animal origin.

PART IV

GENERAL AND SPECIFIC REQUIREMENTS

General requirements for animal health regulations.

14. (1) The competent authority shall adopt all control measures of primary production during the different stages of primary production to —
- (a) prevent the diffusion of animal diseases and zoonoses;

- (b) prevent the introduction and spread of contagious diseases transmissible to humans through food;
 - (c) take precautionary measures when new animals are introduced in a farm; and
 - (d) report all suspected outbreaks of animal diseases and zoonoses.
- (2) The competent authority shall —
- (a) control and monitor the prudent use of feed additives, veterinary drugs and medicinal substances,
 - (b) enforce the use of plus keeping of records concerning their use and withdrawal periods during production.
- (3) Animal products shall be obtained from animals complying with health rules laid down in the Animal Disease Act no. 7 of 1965 and with international sanitary standards.
- (4) The Director may by regulation issue guidelines to detail the procedures concerning general and specific animal health and hygiene requirements, covering sections from 15 to 21.

General obligations and hygiene provisions for primary production.

15. (1) The owner or person in charge of a slaughter facility or establishment shall ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in this Act.

(2) As far as possible, the owner or person in charge of a slaughter facility or establishment shall ensure that primary products are fit for human consumption and, in particular, protected against contamination arising from the air, soil, water, feed, fertilizers, veterinary drugs and medicinal substances, plant protection products and biocides and the storage, handling and disposal of waste.

- (3) The owner or person in charge of a slaughter facility or establishment shall —
- (a) keep any facility used in connection with primary production clean and, where necessary, disinfected;
 - (b) keep clean and, where necessary disinfect, equipment, containers, crates, vehicles;
 - (c) as far as possible ensure the cleanliness of animals going to slaughter, taking into account the measures included in the Animal Disease Act no. 7 of 1965;
 - (d) use potable water, or clean water;
 - (e) ensure that staff handling foodstuffs are in good health, and medically cleared by a qualified medical officer and have undergone appropriate training;
 - (f) ensure that all persons working in a food handling area shall maintain a high degree of personal hygiene and cleanliness, and wear suitable, clean protective clothing;
 - (g) ensure that a person suffering from, or being a carrier of a disease likely to be transmitted through food or afflicted, for example, with infected wounds, skin infections, sores or diarrhea shall not be permitted to handle food or enter any food handling area.
 - (h) prevent animals and pests from entering operational places or premises or causing their contamination;

- (i) store and handle waste so as to prevent contamination, in particular food waste, non-edible by-products and other refuse are to be deposited in closable containers, removed from rooms where food is present as quickly as possible, so as to avoid their accumulation, and eliminated in a hygienic and environmentally friendly way so that they do not constitute a direct or indirect source of contamination;

(4) The owner or person in charge of a slaughter facility or establishment shall use national guidelines on good hygiene practices or the application of HACCP to ensure the maintenance of the minimum hygiene standards nationally.

General requirements for slaughter facilities and establishments.

16. (1) Slaughter facilities and establishments shall be kept hygienically clean and maintained in good condition and state of repair.

(2) The owner or person in charge shall ensure that —

- (a) there is adequate maintenance, cleaning, disinfections, avoid or minimize contamination and provide adequate working space to allow for the hygienic performance of all operations;
- (b) there should be no slaughter without meat inspection;
- (c) there is provision of an adequate number of-appropriate lavatories and hand washbasins;
- (d) where necessary, adequate changing facilities for personnel is provided;
- (e) provision of cleaning agents, and disinfectants; and
- (f) hazardous substances shall be stored in areas where food is not handled.

Specific requirements for slaughter facilities and establishments.

17. (1) An owner or person in charge of a slaughter facility or establishment shall ensure that the facility or establishment complies with the following specific requirements —

- (a) floor surfaces should be maintained in a sound condition, be easy to clean and to disinfect as necessary, and allow adequate surface drainage;
- (b) wall surfaces shall be maintained in a good condition, be easy to clean and, to disinfect as necessary, and washable up to a height appropriate for the operations;
- (c) windows shall be fitted with insect-proof screens;
- (d) doors shall be self-closing, easy to clean and to disinfect; as necessary;
- (e) working surfaces, including surfaces of tables and equipment, in areas where food is handled shall be maintained in good condition be easy to clean and to disinfect.

Specific requirements for equipment.

18. All articles, fittings and equipment with which food comes into contact shall be —

- (a) effectively cleaned and, where necessary, disinfected;

- (b) so constructed, be of such materials and be kept in such good order, repair and condition as to minimise any risk of contamination; and
- (c) installed in such a manner as to allow adequate cleaning of the equipment and the surrounding areas.

Specific requirements for the wrapping and packaging of food.

19. (1) Materials used for wrapping and packaging shall not be a source of contamination.
- (2) Wrapping materials shall be stored in such a manner that they are not exposed to a risk of contamination.
- (3) Wrapping and packaging operations shall be carried out so as to avoid contamination of the products.
- (4) Wrapping and packaging material re-used for foodstuffs shall be easy to clean and, where necessary, to disinfect.

Specific requirements for transport.

20. (1) Conveyances or containers used for transporting food shall be kept clean and maintained in good condition and state of repair so as to protect food from contamination and where necessary, should be designed and constructed to permit adequate cleaning or disinfections.
- (2) Receptacles in vehicles or containers shall not be used for transporting anything other than food.
- (3) Where conveyances or containers are used for transporting anything in addition to food or for transporting different foods at the same time, there should be effective separation of products.
- (4) Bulk foodstuffs in liquid, granulate or powder form shall be transported in receptacles, containers or tankers reserved for the transport of such foodstuffs.
- (5) Containers used to transport liquid, granulate or powder shall be marked in a clearly visible and indelible fashion, to show that they are used for the transport of food, or are to be marked "for food only".
- (6) Where conveyances or containers have been used for transporting anything other than food or for transporting different foods, the container shall be thoroughly cleaned between loads to avoid the risk of contamination.
- (7) Foods in conveyances or containers shall be so placed and protected as to minimise the risk of contamination.
- (8) Where necessary, conveyances or containers used for transporting perishable foods shall be capable of maintaining foodstuffs at appropriate temperatures and allow such temperatures to be monitored accordingly.

Derogations.

21. The Director may in his discretion authorise derogations from the requisites referred from section 16 to 21 for purposes of —

- (a) enabling the continued use of traditional methods, at any of the stages of production, processing or distribution of food;
- (b) accommodating the needs of food businesses situated in regions that are subject to special geographical constraints.

PART V

IMPORT PROCEDURES

Conditions and application for importation.

22. (1) A person shall not import into Eswatini, for any purpose, any product of animal origin, except in compliance with the requirements of this Act.

(2) A person shall not import into Eswatini any animal product without a written permission from the Director.

(3) An application for a permit to import animal products shall be considered only if submitted to the Director, and for commercial purposes, such a permit can only be considered for local business operators.

(4) The applicant shall prove the availability of skill in the food business, necessary storage capacity or respective processing conditions in an approved food premises as far as food of animal origin is concerned.

(5) Where the need arises, the SVO -VPH inspect the receiving place before issuing a permit if the need arises.

(6) The applicant shall prove that he has the necessary means for transport and, as appropriate, quarantine or storage facilities.

(7) The Director may issue such permit subject to such conditions as may deem necessary to impose in accordance with sanitary standards and which shall be specified.

(8) The Director may refuse to issue an import permit if the conditions referred to in section 22 are not met, or if he deems it necessary to protect Eswatini from any other risk.

(9) Where appropriate, a further written permission should be issued by other relevant bodies of Eswatini, like the Eswatini Dairy Board according to Act, No. 8 of 1968, National Agriculture Marketing Board according to Act, No. 13 of 1985.

(10) Animal products shall originate from —

- (a) a third country without restriction to export such animal products due to animal disease, in accordance with the Animal Disease Act, No. 7 of 1965 and international sanitary standards;
- (b) a slaughter facility or establishment included in a list approved by the Director. The list shall specify which type of animal products are approved for import.

(11) Animal products shall be accompanied by a veterinary health certificate issued by the competent authority of the third country, in one of the official languages of Eswatini.

(12) The veterinary health certificate shall bear an official stamp on every sheet of the certificate if it consists of more than one page.

(13) The veterinary health certificates under subsection (1) shall bear a unique identifying number which shall appear on all pages.

(14) The veterinary health certificate shall be issued before the consignment to which it relates leaves the control of the competent authority of the third country of dispatch.

Inspection procedure for import.

23. (1) Animal products shall not be admitted into Eswatini unless —
- (a) the respective consignment enters Eswatini through the approved border inspection post;
 - (b) such consignment is accompanied by the import permit in its original and a veterinary health certificate issued by the country of origin, complying with requirements specified under section 22;
 - (c) the animal products are properly identified and marked;
 - (d) each consignment has undergone official veterinary checks in the border inspection post including, at least, a systematic documentary check, identity check and, as appropriate, a physical check.
- (2) An officer may take samples from each consignment presented for importation for further inspection or examination if necessary.
- (3) The owner of a consignment shall pay for sampling and testing.
- (4) A consignment submitted for inspection, which is found to comply with these regulations shall be passed by the inspecting officer and admitted into Eswatini.
- (5) A consignment submitted for inspection, which is found not to comply with this Act shall be sent back, or destroyed at the expense of the owner of the consignment.
- (6) The Director may issue guidelines to describe the procedures to be applied by the officers at the Border Inspection Posts.

Export procedures.

24. (1) Animal products exported or re-exported from Eswatini for placing on the market of a third country shall comply with the relevant laws, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country.
- (2) Each person intending to export animal products shall be made to the Director in writing for approval and shall prove that there has been competence with sanitary standards and conditions.
- (3) If the Director is satisfied that all the necessary requirements are met he shall issue a, which certificate may be made subject to such conditions as the Director may determine.
- (4) A person shall not export any meat or animal product intended for human consumption, unless such food has been derived from animals or produced in an approved export establishment and which have been inspected by the officer or authorised person, health marked and passed for human consumption.

(5) An establishment authorized to export but fails to comply with Sanitary standards and export conditions shall have its approval withdrawn or suspended.

(6) In each case the Director shall notify such establishment in writing about the reasons for suspension withdrawal and the necessary requirements for reinstatement of the export status.

(7) The Director may prohibit the exportation of a particular consignment of animal products if —

- (a) from a veterinary point of view the export would be detrimental to public health or animal health status of the importing country;
- (b) the product is unfit for human or animal consumption;
- (c) it is not possible to certify that the requirements specified in an import permit have been complied with.

Permission of imports and certification of exports for animal products.

25. (1) The Director may —

- (a) amend existing forms; or
- (b) design new ones, to ensure compliance with national or international sanitary standards.

(2) The Director may designate an authorized person to issue import permits or to sign veterinary health certificates for food of animal origin.

(3) An application for an import permit as well as a veterinary health certificate shall be lodged with a designated officer not later than 48 hours before the consignment concerned is imported or is to be shipped from Eswatini.

(4) The issuing authority shall keep records of the following documents, each one of which shall carry a registration number —

- (a) certificates of approval;
- (b) veterinary import permits;
- (c) veterinary health certificates; and
- (d) all documents as the Director may determine.

PART VI

MISCELLANEOUS

Confidentiality.

26. A person shall not disclose any information which relates to the business or affairs of a person that was acquired by him through the exercising of powers or the performing of duties in terms of this Act, except —

- (a) as far as it may be necessary for the proper application of the provisions of this Act;
- (b) for the purpose of any legal proceedings under this Act,
- (c) when required to do so by any competent court or authority; or
- (d) where the Minister authorises the disclosure.

Appeals.

27. (1) Any person who feels aggrieved by a decision, action or omission by an officer or authorised person may appeal against such decision, action or omission to the Director.

(2) Any person who feels aggrieved by a decision, action or omission by the Director may appeal against such decision, action or omission to the Minister.

(3) An appeal should be submitted in the prescribed manner within the prescribed period and the prescribed fee shall be payable in respect thereof.

(4) The Minister or the Director respectively may where necessary designate one or more officers or authorised persons other than the involved officers to investigate and report on an appeal.

(5) The Director, an appellant or an officer who was involved in the relevant decision, action or omission may request or be requested to appear at an investigation referred to in subsection (4) to be heard or questioned.

(6) The Minister or the Director respectively may, after consideration of a report and other documents relating to an appeal confirm, set aside or amend the relevant decision, action or omission or issue, subject to the provisions of this Act.

(7) Where the Minister or Director respectively sets aside a decision, action or omission which is the subject of an appeal or amends it in favour of an appellant the fee referred to in subsection (3) or such portion thereof as the Minister may determine shall be refunded to the appellant concerned.

Offences and penalties.

28. (1) Any person who contravenes any provision of this Act commits an offence and shall on conviction be liable to a fine not exceeding twenty five thousand emalangeneni or to a term of imprisonment not exceeding five years or to both.

(2) The Minister shall by notice in the *Gazette* increase the amount of the penalties under this Act.

Limitation of liability.

29. A person, including the Government, shall not be liable in respect of anything done or omitted in good faith in the exercise of a power or the performance of a duty under or by virtue of this Act.

Regulations.

30. The Minister may make regulations to carry out the purpose of this Act regarding —

(a) any matter which in terms of this Act is required or permitted to be prescribed in respect of primary production of food of animal origin;

(b) the payment of fees payable if an animal, meat, or any other animal product is examined by an officer or authorised person in terms of this Act;

- (c) the keeping of records and furnishing of returns in connection with any matter relating to registered slaughter facilities and establishments, animals brought to such facilities to be slaughtered there, the meat and animal products derived from such and other animals producing food and importation and exportation of animals and animal products;
- (d) the standards and procedures for examination of animals, animal products and other articles concerned in terms of this Act;
- (e) the taking of samples for the purpose of this Act and the testing, examination and analysis of such samples;
- (f) the presence and slaughter of animals of specified kind at a registered or approved slaughter facility;
- (g) the manner in which and periods within which specified applications shall be submitted, the documents which shall accompany such application and the fees which are payable in respect of such applications;
- (h) any fees which may be needed in the execution of this Act which may include but not limited to application fees, export fees;
- (i) matters pertaining to the importation and exportation of food; and
- (j) regarding any other matter which the Minister considers necessary or expedient to prescribe in order to achieve or promote the objects of this Act.

Precedence of this Act.

31. A person shall not, in the exercise of his authority under any law dealing with food hygiene applicable at the primary production of food of animal origin, deal with it under any such law, unless the person has fulfilled the requirements of this Act.
