

LAWS OF DOMINICA

MILK ACT

CHAPTER 82:04

**Act
7 of 1922**

Current Authorised Pages

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 82:04

MILK ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 82:04

MILK ACT

1961 Ed.
Cap. 82.
7 of 1922.

AN ACT relating to the sale and adulteration of milk.

Commencement.

[8th July 1922]

Short title.

1. This Act may be cited as the –

MILK ACT.

Interpretation.

2. In this Act –

“analyst” means any person for the time being discharging the duties of chemist or his assistant or any Government chemist;

“huckster” means any person in charge of, or conveying, milk for sale by retail;

“vendor” means any person who sells milk, or supplies milk for use or sale;

“impure,” or “unwholesome” or “adulterated” in relation to milk means–

- (a) milk containing less than 3 per cent of milk fat;
- (b) milk containing less than 8.5 per cent of milk solids other than milk fat;
- (c) milk in any stage of putrefaction or having any abnormal colour, consistency or smell;
- (d) milk which has been diluted with water or other fluid, or to which any foreign substance whatsoever has been added;
- (e) milk drawn from any cows within twenty days before or ten days after parturition;
- (f) milk drawn from any diseased cow, the owner of which has been previously notified by a police officer that it is diseased;
- (g) milk which has been produced under insanitary conditions or which has become contaminated by contact with any unclean substance or by being handled by any sick or unclean person.

3. Any person who sells, exposes for sale, or attempts to sell any impure, unwholesome or adulterated milk is guilty of an offence against this Act. Person selling impure milk guilty of offence.
4. Any person who has milk in any receptacle in any shop shall be deemed to expose the said milk for sale. Milk exposed in shop deemed exposed for sale.
5. Any person who refuses to sell milk exposed for sale is guilty of an offence against this Act. Person refusing to sell milk exposed for sale guilty of offence.
6. Every vendor, huckster, or the agent or servant of any vendor or huckster, found with milk in his possession shall be presumed to hold or convey the milk for the purpose of sale and the burden of proof shall be upon him to show that the milk is not for sale. Milk found with vendor, etc., deemed milk for sale.
Burden of proof.
7. Any police or other constable may take possession of any milk which is being or has been sold or is exposed or conveyed for sale for the purpose of having the same tested. Lawful for constable to seize milk for sale.
8. The constable seizing the milk shall forthwith pour a sample thereof into a clean and suitable receptacle and seal the same in the presence of the person from whom it is taken and write the person's name thereon. Constable to pour sample of milk in receptacle and seal same.
9. All samples of milk seized under section 8 shall be delivered without delay to the analyst and in his absence from the State transmitted to him through the post as a registered parcel. All samples of milk to be tested by analyst.
10. On the hearing of any complaint under this Act the production of a certificate signed by the analyst shall be sufficient evidence of the facts therein stated unless the defendant requires that the analyst be called as a witness and the defendant may if he thinks fit tender himself and his wife to be examined on his behalf, and he or she shall, if he so desires, be examined accordingly. Analyst's certificate - evidence.
11. Any person guilty of an offence against this Act is liable to a fine of five hundred dollars or in default of payment to imprisonment for three months. Penalty.

Magistrate
empowered to
give part of fine
to person
supplying
information
leading to
conviction.

12. The convicting Magistrate may order any portion of any fine not exceeding a moiety thereof to be paid to any person or persons supplying the information leading to a conviction under this Act.
