

ARRANGEMENT OF CLAUSES**PART I****PRELIMINARY**

1. Short title and commencement
2. Interpretation
3. Extended meaning of sale
4. Application
5. Presumption that food is intended for human consumption
6. Food safety risk

PART II**ADMINISTRATION**

7. Establishment of Food Safety Authority
8. Functions of the Authority
9. Establishment of the National Food Safety Advisory Body

PART III**LICENCE, PERMIT AND REGISTRATION**

10. Licence to operate food business
11. Permit to engage in street food vending
12. Food handler's certificate
13. Renewal of licence, permit or certificate
14. Suspension or revocation of licence, permit or certificate
15. Appeal
16. Registration of premises
17. Inspection of food premises
18. Authority to keep register

PART IV**POWERS AND DUTIES OF THE AUTHORITY AND INSPECTORS**

20. Appointment of inspectors
21. Power to inspect
22. Duties of inspectors

- 23. Power of entry
- 24. Power to suspend licence
- 25. Food Analysts
- 26. Analysis of food
- 27. Responsibilities of medical practitioners
- 28. Accredited inspection and analysis bodies

PART V
ENFORCEMENT

- 29. Other duties and powers of the Authority
- 30. Other powers of inspectors
- 31. Emergency measures
- 32. Preventative measures
- 33. Disclosure of information
- 34. Notices

PART VI
DUTIES OF FOOD BUSINESS OPERATORS

- 35. General duties of food business operators and street food vendors
- 36. Duties of food business operators and street food vendors during an inspection
- 37. Food business operator or street food vendor suspects certain medical conditions
- 38. Traceability of food
- 39. Exemption
- 40. Terms of exemption
- 41. Revocation of exemption
- 42. Duration of exemption
- 43. Surrender of exemption
- 44. Minister to maintain register of exemption
- 45. Recalling of hazardous food

PART VII
IMPORT AND EXPORT OF FOOD

- 46. Requirements for importation and exportation
- 47. Review of notice to import or export

48. Obtaining sample of food
49. Compliance, non-compliance
50. Offence of import or export
51. Food to be inspected
52. Time for inspection
53. Imported food may be held pending inspection
54. Re-labeling and re-conditioning

PART VIII

OFFENCES AND PENALTIES

55. Offences generally
56. Selling food that is unfit for human consumption
57. Improperly influencing an inspector
58. Impersonating an inspector
59. Failure to grant access, provide samples
60. Offences by inspectors
61. Continuing offences
62. Offences by a body corporate
63. Obstruction and interference
64. General defences

PART IX

MISCELLANEOUS PROVISIONS

65. Food safety training and accreditation
66. Regulations
67. Transitional provisions

SCHEDULE – National Food Safety Advisory Body



GRENADA

ACT NO. 19 OF 2015

I assent,



24th June, 2015.

CÉCILE E. F. LA GRENADE
Governor-General.

AN ACT to provide for the establishment of a Food Safety Authority to regulate food safety and quality of food produced, sold, stored, distributed, imported into and exported from Grenada and to provide for the registration and licensing of food business.

[By Notice].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the Authority of the same as follows—

PART I**PRELIMINARY**

1. This Act may be cited as the

FOOD SAFETY ACT, 2015Short title and
commencement.

and shall come into operation on such date to be appointed by the Minister by Notice in the *Gazette*.

Interpretation.

2. In this Act—

“Advisory Body” means the National Food Safety Advisory Body established under section 9;

“analysis report” means a report provided by a food analyst upon conducting analysis of food;

“Authority” means the Food Safety Authority established under section 7;

“certificate” means a food handler’s certificate issued pursuant to section 12;

“equipment” includes plants, utensils, machinery, whether movable or immovable, whether manual or automated;

“exporter” means a person who, whether as owner, consignor, agent or broker, is in possession of or entitled to the custody or control of food exported from Grenada;

“food” means any substance whether processed, semi-processed or raw, which is intended for human consumption or otherwise taken into the body to sustain life and to provide energy, in liquid or solid form and includes any other substances used as ingredients in the preparation of food for any purpose but does not include cosmetics, tobacco or substances used only as drugs;

“food analyst” means a person certified as a food analyst for the purposes of this Act by the Minister pursuant to section 25;

“food-borne disease” means any illness resulting from the consumption of contaminated food;

“food business” means any activity involving or relating to the production of food intended for human consumption whether or not the activity is carried on for profit, but excludes street food vending;

“food business operator” means a person who owns or is in charge of a food business;

“food handler” means a person who—

- (a) directly handles, or assists in the handling of, packaged or unpackaged food, food equipment or food utensils, in the preparation, wrapping, packing, storage, transportation, exposure for sale, sale or delivery of food; or
- (b) in the performance of his or her duties, comes into direct contact with food-contact surfaces;

“food premises” means any premises at which a food business is conducted;

“governmental entity” includes government ministries or departments;

“HACCP” means Hazard Analysis and Critical Control Point Principles used as a systematic preventive approach to food safety;

“importer” means a person who, whether as owner, consignee, agent or broker, is in possession of or entitled to the custody or control of food imported into Grenada;

“inspection certificate” means a certificate issued by the Authority pursuant to section 24;

“inspector” means a food safety inspector appointed under section 20;

“licence” means a licence to operate a food business issued pursuant to section 10;

“Minister” means the minister having responsibility for Health;

“permit” means a permit to engage in street food vending issued pursuant to section 11;

“premises” means any place, vehicle, stall, land, buildings, parts of buildings and structures, tents, aircraft, watercraft, any structures, whether temporary or permanent, whether movable or immovable, and includes a private dwelling;

“production” means manufacturing, preparation, treatment, packing, packaging, transportation, importation, exportation, handling, serving, storage, sale or distribution, and “produce” shall be construed accordingly;

“registration certificate” means a registration certificate issued by the Authority upon registration of food premises pursuant to section 16;

“street food” means ready-to-eat food produced in the street or any other public place;

“street food premises” means any premises at which street food is produced;

“street food vending” means producing street food in a temporary structure, vehicle, watercraft, cart, tray or other similar device;

“street food vendor” means a person who engages in street food vending; and

“WTO” means World Trade Organization.

3.—(1) Reference in this Act to the sale of food shall be construed to include any activity where food is— Extended meaning of sale.

- (a) offered as a prize or reward or given away in connection with any entertainment to which the public is admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organization of the entertainment;
- (b) offered for the purpose of advertisement or in furtherance of any trade or business is offered as a prize or reward or given away, as if the food were, or had been exposed for sale by the person offering or giving away the food; and
- (c) exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in paragraph (a) and (b) as if the

food were or had been exposed for sale by the occupier of the premises.

(2) For the purposes of this section “entertainment” includes any social gathering, amusement, exhibition, game, sport or trial of skill.

Application.

4.—(1) This Act shall apply to—

- (a) the production, processing, manufacturing or other preparation of food;
- (b) the handling or sale of food;
- (c) the import or export of food;
- (d) any other activity related to the activities mentioned in paragraphs (a) to (c).

(2) Notwithstanding the generality of sub-section (1), this Act shall not apply to—

- (a) food produced, imported or exported for private consumption;
- (b) food that is brought into Grenada in a watercraft or aircraft stored and used for crew or passengers on board the watercraft or aircraft;
- (c) food that is transported through Grenada but not intended for sale or consumption in Grenada;
- (d) the raising, slaughter, ante mortem inspection or postmortem inspection of animals;
- (e) the import or export of animals, meat and meat products, live or frozen fish and dairy products;

- (f) activities related to the raising, slaughter or other preparation of animals regulated under the Animals (Diseases and Importation) Act Cap. 15;
- (g) the growing of plants or the import or export of fresh produce; and
- (h) the importing or exporting of veterinary biological products.

5.—(1) For the purposes of this Act, it is presumed that food is intended for human consumption if—

Presumption that food is intended for human consumption.

- (a) the food was sold, offered for sale or kept for sale on the food premises or street food premises; or
- (b) any ingredient of or article or substance relating to the food is found on food premises, or street food premises, used for production of the food.

(2) Unless the contrary is proved, any article or substance found on food premises or street food premises which is capable of use in the production of any food produced on the food premises or street food premises shall be presumed to be intended for such use.

6. For the purposes of this Act, a food safety risk exists where—

Food safety risk.

- (a) a practice, process or treatment used in the operation of a food business or street food vending;
- (b) the condition of food premises or equipment used on food premises or street food premises;

(c) the outbreak of a food-borne disease, is likely to adversely affect public health.

PART II

ADMINISTRATION

Establishment
of Food Safety
Authority.

7.—(1) There is hereby established a body to be called the Food Safety Authority which shall be responsible for implementing and enforcing the provisions of this Act.

(2) The Authority shall consist of a Director and four other members, all of which shall be appointed by the Minister.

(3) The Authority shall appoint such other staff as shall be necessary for the efficient operation of the Authority.

Functions of the
Authority.

8.—(1) The Authority shall—

- (a) in collaboration with other governmental entities, regional and international bodies—
 - (i) establish a coordinated and integrated system to protect, enhance and safeguard food safety;
 - (ii) cooperate in and facilitate the implementation of aspects of the WTO Agreement on Sanitary and Phytosanitary Measures Agreement relating to food safety;
- (b) establish a coordinated and integrated risk-based food safety and quality system to protect, enhance and ensure food safety;

- (c) formulate policies and strategies related to food safety and quality in consultation with the Advisory Body and to monitor their implementation;
- (d) strengthen policy, planning and service capacity of the public sector, private sector and community organizations in food safety;
- (e) register food premises and to ensure that every food business implements quality control systems;
- (f) approve risk-based sanitary measures and to take action in case of an emergency related to a food safety risk;
- (g) issue licences, permits and certificates, pursuant to this Act;
- (h) strengthen the national capacity for surveillance and response programmes to prevent, manage, reduce and eliminate food-borne diseases;
- (i) develop training and certification programmes for food handlers;
- (j) increase awareness on food-borne diseases and effective intervention strategies;
- (k) provide advice, information and assistance to any public authority in relation to food control, food safety and food trade;
- (l) develop training programmes for inspectors in modern food safety systems;

- (m) establish databases for imported and domestic foods including inspections; and
- (n) do all reasonable acts to promote compliance with this Act and to carry out any other function under this section.

(2) The Authority, in discharging the technical aspects of its functions under this Act, may negotiate and enter into arrangements with any other entity.

Establishment of the National Food Safety Advisory Body.

9.—(1) There is hereby established a body to be called the National Food Safety Advisory Body which shall function as an advisory body to the Authority on matters relating to food safety.

(2) The Schedule applies to the procedures of the Advisory Body.

PART III

LICENCE, PERMIT AND REGISTRATION

Licence to operate food business.

10.—(1) No person shall operate a food business unless that person has a valid licence issued by the Authority which shall be affixed in a conspicuous place in the food premises or is readily available for inspection under this Act.

(2) A person who operates, or intends to operate, a food business shall make an application for a licence to the Authority in the prescribed form and accompanied by the prescribed fees.

(3) Upon application and payment of the prescribed fees, the Authority may, subject to any reasonable condition, issue a licence to a food business operator in the prescribed form.

(4) A licence issued under this section shall be valid for three years.

(5) A person who contravenes subsection (1) commits an offence and is liable to arrest and on summary conviction to a fine of five thousand dollars.

11.—(1) No person shall engage in street food vending, whether permanently or temporarily, unless the person has a valid permit issued by the Authority which shall be kept in the possession of that person when engaging in street food vending. Permit to engage in street food vending.

(2) A person who engages, or intends to engage, in street food vending shall make an application for a permit to the Authority in the prescribed form and accompanied by the prescribed fees.

(3) Upon application and payment of the prescribed fees, the Authority may, subject to any reasonable condition, issue a permit to a person to be engaged in street food vending.

(4) A permit issued under this section shall be valid for one year.

(5) The Minister shall make regulations prescribing the locations in which street food vending may be conducted.

(6) A person who contravenes subsection (1) commits an offence and is liable to arrest and on summary conviction to a fine of five thousand dollars.

12.—(1) No person shall act as a food handler, whether permanently or temporarily, unless the person has a valid food handler's certificate issued by the Authority. Food handler's certificate.

(2) A person who is or intends to be a food handler, whether permanently or temporarily, shall make an application for a food handler's certificate to the Authority in the prescribed form and accompanied by the prescribed fees.

(3) Upon application and payment of the prescribed fees, the Authority may, subject to any reasonable condition, issue a food handler's certificate in the prescribed form.

(4) A certificate issued under this section shall be valid for one year.

(5) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(6) A food business operator or a street food vendor who employs a person as a food handler, whether permanently or temporarily, who does not have a valid food handler's certificate issued by the Authority commits an offence and is liable to arrest and on summary conviction to a fine of five thousand dollars.

(7) Without prejudice to section 12, the Authority may suspend or revoke a food handler's certificate if the food handler is found to have a communicable disease or for any other just cause.

Renewal of
licence, permit
or certificate.

13.—(1) An application for renewal of a licence shall—

- (a) be made in the prescribed form at least three months before the expiration of the licence; and
- (b) be accompanied by the prescribed fee.

(2) An application for renewal of a permit or certificate shall—

-
- (a) be made in the prescribed form at least one month before the expiration of the permit or certificate; and
 - (b) be accompanied by the prescribed fee.

14.—(1) Where a food business operator, street food vendor or food handler, contravenes any provision under this Act, any regulation made under this Act or any condition attached to a licence, permit or certificate issued to the food business operator, street food vendor or food handler, as the case may be, the Authority may by notice suspend or revoke the licence, permit or certificate.

Suspension or revocation of licence, permit or certificate.

(2) The Authority may by notice suspend or revoke a licence, permit or certificate, where—

- (a) the food business operator, street food vendor or food handler has contravened any provision under this Act or any regulations made under this Act;
- (b) the food business operator, street food vendor or food handler has contravened any condition attached to the licence, permit or certificate; or
- (c) the food business operator, street food vendor or food handler provided false information in the application under section 10, 11 or 12.

(3) Where the Authority seeks to suspend or revoke a licence, permit or certificate, the Authority shall—

- (a) give, in the prescribed form, notice of at least fourteen days before the suspension

or revocation of the licence, permit or certificate; and

- (b) inform the food business operator, street food vendor or food handler of the right of appeal under section 15.

(4) A food business operator, street food vendor or food handler may make a request in writing to cancel a licence, permit or certificate issued to the food business operator, street food vendor or food handler and the licence, permit or certificate shall be cancelled with effect from seven days after the request is made.

Appeal.

15.—(1) A food business operator, street food vendor or food handler, as the case may be, may appeal to the Minister against a decision of the Authority—

- (a) to refuse to issue a licence under section 10;
- (b) to suspend or revoke a licence under section 14;
- (c) to refuse to issue a permit under section 11;
- (d) to suspend or revoke a permit under section 14;
- (e) to refuse to issue a certificate under section 12;
or
- (f) to suspend or revoke a certificate under section 14.

(2) An appeal shall be made in writing to the Minister within seven days of receiving a notice of refusal, suspension or revocation under section 14.

(3) Upon receiving an appeal, the Minister may determine the appeal or may establish a tribunal to determine the appeal which shall consist of—

- (a) the Minister as the chairperson; and
- (b) two other members appointed by the Minister, at least one of whom shall have wide knowledge and experience in food safety.

(4) The Minister, or a tribunal established pursuant to subsection (3), may carry out any inspection, or undertake any investigation or engage in any other course of action that the Minister or the tribunal deems necessary to assist in the determination of the appeal.

(5) Upon hearing an appeal, the Minister or the tribunal, as the case may be, may—

- (a) dismiss the appeal;
- (b) direct the Authority to issue a licence, permit or certificate;
- (c) quash the suspension or revocation of the licence, permit or certificate;
- (d) substitute suspension of the licence, permit or certificate for revocation of the licence, permit or certificate; or
- (e) substitute the period for suspension of the licence, permit or certificate for a different period.

(6) No later than seven days after the decision is made by the Minister or a tribunal established pursuant to subsection (3), the Minister shall notify the Authority and the food business operator, street food vendor or food handler, as the case may be, of the decision.

(7) A person who is aggrieved by a decision of the Minister may at any time within twenty-eight days appeal to the High Court.

Registration of
food premises.

16.—(1) No person shall use premises to operate a food business unless the food premises is registered with the Authority in the prescribed manner.

(2) Every food business operator shall ensure that the food premises is registered with the Authority.

(3) On receipt of an application, the Authority may issue a registration certificate in the prescribed form.

(4) Any person who contravenes subsection (1) commits an offence and is liable to arrest and summary conviction to a fine of five thousand dollars.

Inspection of
premises.

17.—(1) All food premises and street food premises shall be subject to routine inspections by the Authority.

(2) An inspection may be with respect to—

- (a) the observance of sanitary conditions and practices;
- (b) the maintenance of all equipment;
- (c) the supervision, control, preparation and packing of food;

- (d) the prevention of contamination of food through contact with any substance that may have a deleterious effect on the quality thereof;
- (e) the adequacy, design, construction and manufacture of equipment, and the materials used in the construction or manufacture of the equipment;
- (f) the designation of the persons who are responsible for maintaining the sanitary requirement therein; or
- (g) any other matter related to the carrying out of its functions under this Act.

18.—(1) The Authority shall maintain a current register of every licence, permit, and certificate issued under this Act and all food premises registered under this Act. Authority to keep register.

(2) Where there is any change in any information supplied in an application under this Act, the applicant shall notify the Authority within seven days of the change.

(3) Any person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

19.—(1) The Authority shall develop and maintain in electronic format and in hard copy generated from the electronic format, data on— Report on activities.

- (a) the types and quantities of food imported or exported;
- (b) the shipment of food;

- (c) food found by the importing country not to be in compliance with the statutory requirements of the importing country;
- (d) a summary of every incident regarding any food determined to be unsafe for export or import and every action taken in response; and
- (e) any other relevant matter.

(2) The report prepared under sub-section (1) shall be available for inspection by the public.

(3) The Authority may require any person who imports or exports food to submit a report relating to its activities containing information mentioned in sub-section 1(a)-(e).

(4) A person who fails to comply with the requirements of subsection (3) commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of six months.

PART IV

POWERS AND DUTIES OF THE AUTHORITY AND INSPECTORS

Appointment of inspectors.

20.—(1) The Minister may in his sole discretion, by regulations, declare and appoint any public officer or category of public officers to be inspectors for the purposes of this Act.

(2) The Authority shall issue an identification badge or any other form of identification to all inspectors that are so appointed.

21.—(1) Where the Authority, based on relevant information, reasonably believes that— Power to inspect.

- (a) a food business operator or street food vendor may be contravening any provision of this Act, any regulation made under this Act or any condition attached to the licence or permit; or
- (b) a food safety risk exists on food premises or street food premises,

the Authority may direct an inspector to conduct an inspection of the food premises or street food premises.

(2) The Authority may cause routine inspections of food premises and street food premises for the purpose of monitoring compliance with any provision of this Act, any regulation made under this Act or any condition attached to a licence or permit.

22.—(1) Upon the direction of the Authority, or reasonable grounds therefor, an inspector may inspect food premises or street food premises to evaluate whether a food business operator or street food vendor is contravening any provision of this Act, any regulation made under this Act or any condition attached to the licence or permit. Duties of inspectors.

(2) Where an inspector has reasonable grounds to believe that a food business operator or street food vendor is contravening, or has contravened, any provision of this Act, any regulation made under this Act or any condition attached to the licence or permit, the inspector may serve on the food business operator or street food vendor, a notice in the prescribed form setting out—

- (a) the conduct constituting contravention of this Act, any regulation made under this Act or any condition attached to the licence or permit;
- (b) the measures that the food business operator or street food vendor shall implement to remedy the contravention;
- (c) the time period within which the measures must be implemented.

(3) Without limiting the generality of subsection (2), the notice may direct a person to—

- (a) clean and disinfect premises or equipment;
- (b) modify equipment;
- (c) alter production or processing practices for any food;
- (d) discontinue the use of pesticides or other chemicals specified in the notice during the time period specified in the notice;
- (e) modify or stop the operations of the food business until the person has taken the remedial action specified in the notice.

(4) A person who is served with a notice under subsection (2) shall comply with the notice within the period of time specified in such notice.

(5) An inspector shall forthwith file with the Authority a true copy of the notice served on the food business operator or street food vendor pursuant to subsection (2).

23.—(1) An inspector who is properly identified may, at Power of entry. any reasonable time, enter and inspect any food premises.

(2) An inspector may, whether or not in the presence of a member of the police force, pass through or over any land, where it is necessary or impractical to use any other means to gain access to food premises subject to an inspection pursuant to sections 21 and 22.

24.—(1) Where the Authority determines that continued operation of a food business or engagement in street food vending creates a food safety risk, the Authority may, by notice in the prescribed form, immediately suspend the licence or permit of a food business operator or a street food vendor as the case may be for a period not exceeding seven days. Power to suspend licence or permit.

(2) Where the Authority issues a notice under this section, the Authority shall serve on the food business operator or street food vendor, as the case may be, a copy of the notice within twenty-four hours.

(3) Within seven days of service of a notice, the Authority shall re-inspect the food premises or street food premises to determine whether the food premises or street food premises may be certified for continuation of operation of a food business or engagement in street food vending.

(4) Where a notice is served, no food business operator or street food vendor shall operate a food business or engage in street food vending, as the case may be, until an inspector re-inspects the food premises or street food premises and the Authority issues an inspection certificate in the prescribed form.

(5) Where, after re-inspection of food premises or street food premises, the Authority determines that a food

safety risk continues to exist on the food premises or street food premises, the Authority may, by notice in the prescribed form, suspend the licence to operate a food business or permit to engage in street food vending, as the case may be, for a period not exceeding thirty days.

(6) After the expiration of the period specified in subsection (5), if a food business operator or street food vendor fails to satisfy the Authority that the food safety risk has been eliminated, the Authority may revoke the licence or permit.

(7) A food business operator or street food vendor who conducts a food business or engages in street food vending on premises on which there is a food safety risk commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to a term of imprisonment for two years.

Food analysts.

25. The Minister may, in consultation with the Advisory Body, certify a person as a food analyst for the purposes of this Act on the basis of requisite qualifications as may be prescribed by the Minister.

Analysis of food.

26.—(1) The Authority may direct a food analyst to analyse any food in the course of an inspection or investigation under this Act.

(2) A food analyst who analyses any food pursuant to subsection (1) shall issue an analysis report duly signed and setting out the results of the analysis in the prescribed form.

(3) In any proceedings under this Act, an analysis report generated by a food analyst shall be sufficient

evidence of the facts stated in the analysis report, unless the contrary is proved.

(4) No analysis report shall be admitted into evidence unless the party relying on it gives notice of his or her intention to the other party.

(5) The Minister may, by regulations, provide the procedure for retrieving and analysing samples in the course of an inspection or investigation under this Act.

27. Every medical practitioner and food analyst shall report to the Authority every incidence of any disease that may be shown to be related to food.

Responsibilities of medical practitioners.

28. The Authority may publish a list of bodies that are accredited to conduct inspections and analyzes in relation to food.

Accredited inspection and analysis bodies.

PART V

ENFORCEMENT

29.—(1) The Authority may request that a food business operator or street food vendor provide any information, books, records or other documents for the purpose of monitoring compliance with any provision of this Act, any regulation made under this Act or any condition attached to the licence or permit.

Other duties and powers of the Authority.

(2) Where the Authority reasonably believes that—

- (a) a food business operator or street food vendor may be contravening any provision of this Act, any regulation made under this Act or any condition attached to the licence or permit; or

- (b) a food safety risk exists on food premises or street food premises,

the Authority may cause to be seized, sealed or detained, at the expense of the food business operator or street food vendor, any food, ingredient or equipment likely to be involved in or contributing towards the food safety risk.

(3) Where the Authority receives a copy of a notice issued pursuant to section 22, the Authority shall notify every relevant—

- (a) statutory body;
- (b) department of the Ministry; and
- (c) private entity,

necessary to ensure that reasonable measures to protect consumers are carried out.

(4) Where the Authority determines that a food safety risk exists, it shall—

- (a) cause to be destroyed every food or ingredient;
- (b) cause to be sterilized or destroyed all equipment on the food premises or street food premises; and
- (c) cause to be fumigated the food premises or street food premises, or part thereof,

likely to be contaminated as a result of the food safety risk, at the expense of the food business operator or street food vendor, as the case may be.

- (a) request the presentation of any food, ingredient or equipment that creates or may create a food safety risk, or may be relevant to the existence of a food safety risk;
- (b) in the prescribed manner, analyse or retrieve samples of or from any food, ingredient or equipment that creates or may create a food safety risk, or may be relevant to the existence of a food safety risk;
- (c) in order to complete an inspection, stop, search and delay any vehicle transporting of any food, ingredient or equipment that creates or may create a food safety risk, or may be relevant to the existence of a food safety risk;
- (d) seize, seal and detain on reasonable grounds any food, ingredient or equipment that creates or may create a food safety risk, or may be relevant to the existence of a food safety risk;
- (e) seal off access to the food premises or street food premises or part thereof;
- (f) request, examine and generate copies of any information, records and other matters that are relevant to the source, use or condition of any food, ingredient or equipment that creates or may create a food safety risk or may be relevant to the existence of a food safety risk;
- (g) request the delivery for inspection of anything described in paragraph (f);

- (h) take photographs of any food, ingredient, equipment or food premises or street food premises;
- (i) read any measuring instruments installed on the premises or use any other means necessary to record data generated on that food premises or street food premises;
- (j) observe any practice or process conducted in the operation of the food business or engagement of street food vending;
- (k) use any data storage, processing or retrieval device or system in order to generate a record in readable form of the information, records and other matters described in paragraph (f);
- (l) request any assistance from the food business operator or street food vendor, or an agent thereof, as is necessary to enable an inspector to exercise any power conferred on him or her under this Act; and
- (m) exercise any other power necessary to assess compliance of the food business operator or street food vendor with the provisions of this Act, the regulations made pursuant to this Act or the conditions attached to the licence or permit.

(2) An inspector shall carry out any reviewing or copying of things with reasonable dispatch, and shall forthwith after the reviewing or copying return the things to the person who produced them.

(3) A copy certified by an inspector as a copy made under subsection (2) is admissible in evidence to the same extent, and has the same evidentiary value, as the thing copied.

(3) An inspector may request the assistance of a police officer in the execution of his or her duties under this Act.

(4) An inspector exercising his or her duties under this section shall not be liable in any civil or criminal proceedings for anything done in good faith.

(5) Except with the authority of an inspector or police officer, no person shall remove, alter or interfere in any way with anything seized under this Part.

31.—(1) Where the Authority reasonably believes that a food safety risk exists, it may, after consultation with the Advisory Body, implement measures to manage, reduce and eliminate the food safety risk to public health, including—

Emergency
measures.

- (a) notifying the public of the existence of a food safety risk by advertising a notice in two newspapers of national circulation;
- (b) prohibiting the production of all food likely to be affected;
- (c) seizing all food likely to be affected;
- (d) recalling all food likely to be affected that has been distributed for sale or consumption;
- (e) ordering and monitoring the disposal of all food likely to be affected and the treatment

or disposal of equipment employed in the production of any food likely to be affected;

- (f) establishing protocol for the proper disposal of food likely to be affected and for the proper treatment or disposal of equipment employed in the production of any food likely to be affected.

(2) Every food business operator and street food vendor shall be liable for any cost associated with compliance with any measure implemented pursuant to subsection (1) with respect to the operation of the food business or engagement in the street food vending.

(3) The Minister, after consultation with the Authority, may declare, by notice, a food safety emergency where he or she determines that the effect of a food safety risk is more probable than not to adversely affect the health of a person who consumes any food affected by the food safety risk.

(4) Where the Minister has declared a food safety emergency, a person who produces food to which a notice under subsection (3) applies commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to imprisonment for two years or to both.

(5) A person who contravenes a measure employed by the Authority pursuant to subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or to both.

Preventative
measures.

32. For the purpose of preventing outbreaks of food-borne diseases and other food safety risks, the Authority shall—

- (a) conduct surveys on food;
- (b) maintain statistics relating to food;
- (c) conduct routine inspection and analysis of food;
- (d) conduct any other activities recommended by the Advisory Body;
- (e) do any other act that is reasonably necessary in the circumstances.

33.—(1) Where an inspector, a police officer or a person authorized in writing by the Authority receives information in the course of his or her duties under this Act, he or she shall not disclose the information to a third party except in accordance with this section or unless otherwise directed by the Court. Disclosure of information.

(2) Where in any circumstances an inspector, a police officer or a person authorized in writing by the Authority acquires information that relates to a food safety risk, the inspector shall immediately disclose the information to the Authority.

(3) Subject to subsection (4), where the Authority acquires any information that relates to a food safety risk and it is reasonably necessary for the protection of public health, the Authority may disclose the information to—

- (a) the Minister;
- (b) the Chief Medical Officer or the Medical Officer in the locality in which the food safety risk occurs; or

(c) any person or institution that may contribute to the prevention, management, reduction or elimination of the food safety risk.

(4) Where a person asserts that any information obtained by an inspector in the course of his or her duties or by the Authority is a trade secret or confidential business information, the Authority and every person to which the information is disclosed shall treat the information as confidential.

Notices.

34.—(1) Every notice serviced under this Act shall be completed by an inspector in triplicate and the inspector shall—

- (a) serve one copy of the notice on the food business operator or street food vendor, as the case may be;
- (b) file one copy of the notice with the Authority within twenty-four hours of service under paragraph (a); and
- (c) retain one copy of the notice.

(2) Service of a notice under this Act shall be good, if an inspector—

- (a) serves a copy of the notice on the food business operator or street food vendor, as the case may be;
- (b) is unable to locate the food business operator or street food vendor, as the case may be, affixes the notice in a conspicuous

place on the food premises or street food premises.

(3) The Minister may by Order prohibit street food vending in a specified area.

(4) An inspector may erect “No Vending” signs in any area prescribed by the Minister.

(5) A person who removes or tampers with a notice served pursuant to subsection (2)(b) commits an offence and is liable on summary conviction to a fine of five thousand dollars or to a term of imprisonment for one year or to both.

PART VI

DUTIES OF FOOD BUSINESS OPERATORS AND STREET FOOD VENDORS

35.—(1) Every food business operator and street food vendor shall ensure that all production of food conducted on the food premises is conducted in accordance with this Act.

General duties of food business operators and street food vendors.

(2) Every food business operator or street food vendor as the case may be shall—

- (a) prominently display in a conspicuous place the licence or permit, as the case may be, and registration certificate for the food premises or street food premises, as the case may be;
- (b) ensure that the food premises is constructed in accordance with the Physical Planning and Development Control Act, Chapter 241A and any regulations made thereunder;

- (c) keep detailed and accurate records of the operations of the food business or engagement of street food vending, as the case may be;
- (d) ensure that appropriate food safety procedures and practices are identified, implemented, maintained and reviewed;
- (e) establish and maintain quality control systems and make the systems available for audit by the Authority when required to do so;
- (f) ensure that appropriate food safety procedures are identified, implemented, maintained and reviewed by—
 - (i) analysing the potential food hazards in the operations of the food business and the street food vending;
 - (ii) identifying the points in those operations where a food safety risk may occur;
 - (iii) determining the points which are critical to ensuring food safety; and
 - (iv) analysing the potential food safety risks in the operations of the establishment.
- (g) ensure that every food handler employed at the food business receives training in food safety and hygienic practices within six months of commencement of employ-

ment and are monitored to ensure implementation of the practices;

- (h) notify the Authority and consumers of any food safety risk relating to the food business or street food premises in the prescribed manner; and
- (i) ensure that he or she has in his or her possession a valid permit when engaged in street food vending.

36. During the course of an inspection conducted by an inspector pursuant to this Act, a food business operator or street food vendor, or an agent thereof—

Duties of food business operators and street food vendors during an inspection.

- (a) may accompany the inspector at all times;
- (b) shall assist, or execute instructions, as may be reasonably necessary to facilitate the exercise of the inspector's functions or to comply with any provision of this Act; and
- (c) shall provide any information as may be reasonably necessary for compliance with any provision of this Act.

37.—(1) Where a food business operator or street food vendor reasonably believes that an employee has a disease likely to create a food safety risk, the food business operator shall immediately notify the Authority.

Food business operator or street food vendor suspects certain medical conditions.

(2) On receipt of a notification under subsection (1), the Authority shall direct the employee of the food business operator or street food vendor to submit himself or herself to a medical examination and to submit to the Authority a

medical certificate duly executed by a registered medical practitioner.

(3) Where a medical practitioner certifies that an employee of a food business operator or a street food vendor has a disease likely to create a food safety risk, the Authority may, suspend or revoke the food handler's certificate held by the employee.

(4) A person who after suspension or revocation of his or her food handler's certificate works as a food handler commits an offence and is liable on summary conviction to a fine of two thousand dollars or to a term of imprisonment for six months.

(5) A food business operator or a street food vendor who employs as a food handler, a person in relation to whom a revocation or suspension under subsection (4) is in force, commits an offence and is liable on summary conviction to a fine of five thousand dollars or to a term of imprisonment for one year.

Traceability of food.

38.—(1) Every food business operator or street food vendor shall maintain adequate records and other relevant documentation for the purpose of supplying reliable information regarding the origin of food if requested to do so by the Authority.

(2) For the purposes of sub-section (1), the requirement to maintain adequate records and other relevant documentation, may relate to the food business operator or street food vendor having information on—

- (a) the quantity of food produced on the premises with respect to every business day;

- (b) the name and address of every supplier from which, or wholesaler or retailer by which, all food, and every ingredient, food-producing animal, or substance intended to be, or expected to be incorporated into food, are purchased;
- (c) the name and address of every employee and such other particulars as may be required by the Authority;
- (d) the type, make and licence number of every vehicle used to transport food to, from or on behalf of the food business;
- (e) every ingredient used in production of food; and
- (f) the type and quantity of packaging material used in the packaging of food.

(3) Every food business operator and street food vendor shall adequately label every batch of food to facilitate its traceability.

(4) For the purposes of this section, the Minister may make regulations prescribing forms, and specifying procedures to be adopted under this section.

39.—(1) The Minister, in consultation with the Authority, may by Order exempt any person or category of persons from the requirements of section 38. Exemption.

(2) The Minister must, prior to making the Order, be satisfied—

- (a) that the person or category of persons—

-
- (i) have adopted and implemented an appropriate food safety programme;
 - (ii) have taken all reasonable steps to comply with all relevant provisions of this Act and Regulations made thereunder and with all applicable food safety; and
- (b) that the granting of an exemption under this section is appropriate having regard to all the relevant circumstances.

Terms of exemption.

40.—(1) Every exemption granted under section 39 shall specify the terms thereof.

(2) The Minister, in consultation with the Authority, may from time to time issue written variations to the terms of an exemption, by endorsement on the exemption or otherwise.

(3) An exemption may be unconditional or subject to such conditions as the Minister thinks fit.

Revocation of exemption.

41.—(1) The Minister in consultation with the Authority may at anytime, by notice in writing revoke the exemption granted to a person or any category of persons under section 39.

(2) Without limiting the generality of subsection (1), the Minister may revoke an exemption if the Minister is satisfied that the person or category of persons has—

- (a) failed to comply with any condition of the exemption; or

- (b) contravened, or failed to comply with, any provision of—
 - (i) this Act; or
 - (ii) any regulations made under this Act; or
 - (iii) any applicable food standards set by the Authority.

(3) The Minister shall not revoke an exemption unless the Minister has first given the holder of the exemption a reasonable opportunity to be heard.

42.—(1) The Minister may specify in any exemption granted under section 39 that the exemption is to have effect indefinitely or for a stated period. Duration of exemption.

(2) Every exemption granted under section 39—

- (a) shall come into force on the date of its issue; and
- (b) shall continue in force until—
 - (i) it is revoked pursuant to section 41; or
 - (ii) in the case of an exemption granted for a stated period, the expiry of that period; or
 - (iii) it is surrendered pursuant to section 43.

43.—(1) Subject to this section, any person or category of persons exempted under section 39 may at any time Surrender of exemption.

surrender that exemption by notice in writing to that effect to the Minister.

(2) The surrender shall take effect on the date of expiry indicated in the notice.

(3) On or before the surrender takes effect, the holder of the exemption shall return the exemption to the Minister.

Minister to
maintain register
of exemptions.

44.—(1) The Minister shall cause to be kept and maintained a register in which is recorded, in respect of every exemption granted under section 39 the following particulars—

- (a) the name of the person or category of persons to whom the exemption was granted;
- (b) the date on which the exemption was granted;
- (c) the terms of the exemption;
- (d) the premises or vehicle to which the exemption relates;
- (e) any conditions imposed in respect of the exemption;
- (f) the details of any variation of the terms or conditions of the exemption;
- (g) the date on which the exemption was revoked, where applicable; and
- (h) such other particulars as may be required by this Act or any regulations made under this Act to be recorded in the register.

(2) The Minister shall cause the Register—

- (a) to be open for public inspection, during ordinary office hours; and
- (b) shall supply to any person copies of all or part of the register on request and payment of a reasonable charge for the production of the copy.

45.—(1) A food business operator shall take all reasonable measures to recall all food likely to be affected by a food safety risk, including consulting with the competent authority of the state from which any food was imported or to which the food has been exported. Recalling of hazardous food.

(2) Where food that is imported or intended to be exported creates a food safety risk, the Authority may seize or recall the food for analysis or destruction.

(3) Where food exported creates a food safety risk, the Authority may consult with the competent authority in the State that received the food from Grenada to ensure that the food—

- (a) if not yet released for distribution, is seized; or
- (b) if already released for distribution, is recalled,

for analysis or destruction by the competent authority of the State.

(4) Any action taken by the Authority pursuant to subsections (2) and (3) shall be taken at the expense of the food business operator.

(5) Where a food business operator contravenes subsection (1), the Authority may, at the expense of the food business operator, take all reasonable measures to recall all food likely to be affected by the food safety risk.

PART VII

IMPORT AND EXPORT OF FOOD

Requirements
for importation
and exportation.

46.—(1) A person who proposes to import or export food shall submit a notice of intention to import or export in the prescribed form, as the case may be, with the Authority prior to such importation or exportation.

(2) A notice mentioned in sub-section (1) shall be accompanied by—

- (a) written confirmation from the relevant authority of the importing country that it consents, in accordance with the laws of that country with respect to the giving of consent, to the proposed import into that country of such food;
- (b) a certificate of compliance from the exporting country which indicates that the standards and requirements established by this Act and Regulations are met in respect of the food to be exported.

(3) The Authority may, dispense with, or modify any of the requirements of the notice mentioned in sub-section (1) where it considers it appropriate to do so on the grounds that the information to which the requirement relates is already available from another governmental entity and is submitted by the importer or exporter to it.

(4) The requirements of this section shall be in addition to the requirements of the—

- (a) Customs Act No. 9 of 2015;
- (b) Plant Protection Act Cap. 242;
- (c) Animals (Diseases and Importation) Act Cap. 15;
- (d) Standards Act Cap. 310;
- (e) Fisheries Act Cap. 108;
- (f) any other relevant enactment,

and nothing in this section relieves a person from the requirements of those enactments.

(5) Any food which is imported into Grenada and found to present a food safety risk shall be re-exported to the exporter or to such place as the Authority may direct.

47. The Authority shall review the contents of the notice mentioned in section 46 to determine whether—

Review of
notice to import
or export.

- (a) a physical examination or a sample examination shall be made in respect of the food to be imported or exported;
- (b) the food may be released without examination to the exporter or importer as the case may be;
- (c) an inspection of the facilities from which the food was produced shall be made; or
- (d) the conduct of an audit of the food control system of the competent authority in the exporting country is required.

Obtaining sample
of food.

48.—(1) Where the Authority determines that an examination of the food is not required it shall notify the Comptroller of Customs that such goods may be released to the importer or exporter on record upon payment of a prescribed fee.

(2) A decision to collect a sample or to inspect food that is to be imported or exported shall be based upon the following considerations—

- (a) the need to conduct a risk analysis;
- (b) nature of the food;
- (c) priorities of the Authority; and
- (d) the history of the food.

(3) Where the Authority determines that an examination of the food is required, it shall notify the Comptroller of Customs and the importer or exporter on record as the case may be and the shipment of food shall be held intact pending further notice.

(4) Any sample collected by the Authority shall be sent to a food analyst for analysis or examination.

Compliance,
non-compliance.

49.—(1) Where after taking a sample of food under section 48, the Authority finds that the sample—

- (a) complies with the requirements of this Act, the Authority shall authorize the release of the shipment of food and submit a notice in the prescribed form to the Comptroller of Customs and the importer or exporter on record in respect of which the sample was taken;

(b) does not comply with the requirements of the Act, it shall submit a Notice of Detention in the prescribed form to the Comptroller of Customs and the importer or exporter on record.

(2) The Notice of Detention shall—

- (a) specify the nature of the non-compliance;
- (b) advise the importer or exporter of his or her right to present detailed particulars to the Authority as to how the shipment of food may be—
 - (i) made eligible for import or export;
 - (ii) made suitable as food for human consumption; or
 - (iii) converted into a non-food use.

(3) Where a shipment of food is detained pursuant to subsection (2) an importer or exporter may submit to the Authority—

- (a) evidence that the shipment of food is in compliance with the requirements of this Act; and
- (b) certified analytical results of samples of the food conducted by an analyst.

(4) Where the shipment of food is non-perishable, no later than five days after the submission of a Notice of Detention or within two days in the case of perishable food the Authority shall consider the information provided

pursuant to sub-section (3) and make a determination accordingly.

(5) Where the Authority determines that the importer or exporter has not established that the shipment of food can be—

- (a) made eligible for importation or exportation;
- (b) made suitable as food for human consumption; or
- (c) converted into a non-food use,

the shipment of food shall be seized and disposed of in the prescribed manner by the Authority.

(6) Where the Authority determines that the importer or exporter has established that the shipment of food can be made eligible for importation or exportation, it shall notify the importer or exporter as the case may be, of the steps that are required to be taken and the time-frame within which the shipment of food may be presented for re-inspection and subsequent release for import or export accordingly.

(7) Where upon re-inspection the shipment of food fails to meet the requirements of sub-section (5) the shipment of food shall be seized and disposed of in the prescribed manner by the Authority.

Offence of
import or export.

50. A person who imports or exports food in contravention of this Act commits an offence and is liable upon summary conviction to a fine of fifty thousand dollars or to a term of imprisonment for two years.

51.—(1) The Minister may publish a list of foods that require inspection by an inspector at a port of entry before exportation from Grenada or upon importation into Grenada. Food to be inspected.

(2) An importer or exporter of any food listed in accordance with sub-section (1) shall ensure that the required inspection is conducted prior to the completion of import or export procedures as the case may be.

(3) Where there are reasonable grounds for believing that food which is not included on the list mentioned in sub-section (1) is not safe or does not comply with the requirements of this Act such food may be inspected by an inspector.

(4) Where a governmental entity determines that imported food or food produced locally for consumption or exportation does not meet the standards established under this Act or any other enactment, such entity shall notify the Authority accordingly.

52. Inspections shall be carried out during normal business hours of the Authority or at any other time deemed necessary by the Authority. Time for inspection.

53. The Authority may, at any time, order that any food that is imported into Grenada be held at a particular place until an inspection or re-inspection is conducted. Imported food may be held pending inspection.

54.—(1) Nothing in this Act shall be construed as prohibiting an importer from importing food pursuant to a permit issued under subsection (2). Re-labeling and re-conditioning.

(2) Where the Authority is satisfied that an importer intends to re-label or re-condition food to bring the food into

compliance with the provisions of this Act, the Authority may issue a permit for importation of the food, notwithstanding any apparent contravention of any other provision of this Act, on the condition that the re-labeling or re-conditioning, as the case may be, shall be conducted within a prescribed time.

(3) Where the importer fails to re-label or re-condition, as the case may be, the food within the prescribed time, the importer shall re-export or destroy the food at the expense of the importer.

(4) An importer who contravenes this section commits an offence and is liable to a fine of twenty thousand dollars and to pay compensation to the Authority for the cost of destroying the food.

PART VIII

OFFENCES AND PENALTIES

Offences
generally.

55.—(1) A person commits an offence where that person contravenes this Act or the Regulations or fails to comply with a notice issued under this Act.

(2) A person who commits an offence under this Act shall, where no other penalty is provided, be liable on summary conviction to a fine of ten thousand dollars or to a term of imprisonment for three years.

Selling food
that is unfit
for human
consumption.

56.—(1) A food business operator or street food vendor who sells food that—

- (a) consists of or contains a biological, chemical or physical agent or attribute;

- (b) was produced on food premises or uses equipment that is in a condition,

which is likely to have an adverse effect on the health of a person who consumes the food commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars.

(2) In determining whether food is likely to have an adverse effect on the health of a person who consumes it, the Court shall have regard to—

- (a) the probable effect of the food on the health of a person consuming it; and
- (b) the probable cumulative effect of food of substantially similar composition on the health of a person consuming such food in ordinary quantities.

(3) A food business operator or street food vendor who contravenes subsection (1) is liable to suspension or revocation of the licence or permit issued to the food business operator or street food vendor.

57. A person who attempts to improperly influence an inspector in the exercise of his or her duties under this Act commits an offence and is liable on summary conviction to a fine of twenty thousand dollars or to a term of imprisonment for one year or to both.

Improperly influencing an inspector.

58. A person who impersonates an inspector commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to a term of imprisonment for one year or to both.

Impersonating an inspector.

Failure to grant access, provide samples.

59. A person who fails to grant access, provide samples or provide information to an inspector or authorized officer upon request gives false information to an authorized officer, commits an offence and is liable on summary conviction to a fine of five thousand dollars or to a term of imprisonment for one year or to both.

Offences by inspectors.

60.—(1) An inspector who—

- (a) directly or indirectly demands or accepts from a person any fee, bribe, or reward, whether pecuniary or otherwise, on account of anything done, to be done, omitted or to be omitted by the inspector in any way relating to the discharge of his or her duties; or
- (b) discloses to a third party any information acquired in the performance of his or her duties and relating to any person, except when required to disclose information as a witness in a court of law or under the authority of this Act,

commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to a term of imprisonment for one year or to both.

(2) The conviction of an inspector under subsection (1), may constitute sufficient grounds for the dismissal of the inspector.

Continuing offences.

61. Where a person is convicted of an offence under this Act and the contravening conduct for the offence of which the person was convicted is continued or is repeated after the conviction, the person shall, on conviction, be liable to a further fine of one-fourth of the maximum penalty prescribed

for the offence for each day of the period within which the offence continues.

62. Where a body corporate commits an offence under this Act, every director, manager and other similar officer of the body corporate, and every person purporting to act in any such capacity, at the time of the commission of the offence—

Offences by a
body corporate.

- (a) may be charged severally, or jointly in the same proceedings with the body corporate; and
- (b) where the body corporate is convicted of the offence, shall be liable for that offence unless, having regard to the nature of his or her functions in that capacity and to all circumstances, he or she proves that—
 - (i) the offence was committed without his or her knowledge, consent or connivance; and
 - (ii) he or she took all reasonable precautions, and exercised due diligence, to prevent the commission of the offence.

63.—(1) A person who—

Obstruction and
interference.

- (a) obstructs, assaults, threatens or delays an inspector in the exercise of his or her duties under this Act;
- (b) upon reasonable request for the purposes of this Act and without reasonable cause, refuses to provide assistance or information to an inspector or police officer acting pursuant to this Act; or

- (c) without reasonable cause, refuses to comply with any request of an inspector,

commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of one year or to both.

(2) A person who—

- (a) furnishes information which he or she knows to be false or misleading in a material particular; or
- (b) recklessly furnishes information which is false and misleading in a material particular,

commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to a term of imprisonment for one year.

General defences.

64. In any proceedings for an offence under this Act, it shall be a defence to establish that the person could not, with reasonable diligence, have ascertained that the production of the food would contravene this Act.

PART IX

MISCELLANEOUS PROVISIONS

Food safety training and accreditation.

65.—(1) The Authority may provide training programmes, materials and certification in food safety for any person who engages or intends to engage in a food business or street food vending, whether as an operator, employee or otherwise.

(2) Any training programme conducted, and materials distributed, on the subject of or relating to food safety shall be first approved by the Authority in consultation with relevant governmental entities and relevant accredited entities.

(3) A person or institution that intends to conduct a training programme on the subject of or related to food safety shall apply, in the prescribed manner, to the Authority for approval of the training programme and the materials to be used therein.

(4) Upon application under subsection (3) the Authority may issue an accreditation certificate in the prescribed form if the Authority is satisfied that the training programme and its materials are consistent with HACCP and the provisions of this Act.

66.—(1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act. Regulations.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) in respect of the issuance, renewal, suspension, revocation or cancellation of licences and permits under this Act;
- (b) in respect of protocols and procedures for the importation and exportation of food;
- (c) in respect of analysis of any food;
- (d) in respect of production of food;

- (e) prescribing fees for the purposes of this Act;
- (f) in respect of procedures for monitoring and surveillance of food-borne diseases and other food safety risks;
- (g) in respect of protocols and procedures for inspection of food;
- (h) in respect of the qualifications, education, training and certification that an inspector is required to have in order to exercise powers or carry out duties under this Act;
- (i) in respect of the establishing of systems to ascertain the origin or destination of food or anything used in or related to a licensed activity including requiring persons who come into contact with the food to identify and track them in the prescribed manner and at the prescribed times and maintain records and other documents with respect to them in the prescribed manner and at the prescribed times;
- (j) in consultation with the Bureau of Standards make regulations establishing applicable standards based on—
 - (a) codex Alimentarius;
 - (b) good agricultural practices;
 - (c) good manufacturing practices;

-
- (d) HACCP; and
 - (e) any other relevant international standard pertaining to food safety; and
 - (k) for the purpose of the better administration and implementation of this Act.

(3) In making the regulations the Minister may consult with and solicit the recommendations of the Authority.

67. A food business operator, street food vendor or food handler conducting a food business, street food vending or food handling for a continuous period of six months prior to the commencement of this Act shall—

Transitional provisions.

- (a) be deemed to have a valid licence, permit or certificate under this Act for a period of six months from the date of commencement of this Act;
- (b) within one month from the date of commencement of this Act, make an application for a licence, permit or certification in accordance with this Act.

SCHEDULE

(Section 9)

1. National Food Safety Advisory Body. (1) The Minister shall appoint a National Food Safety Advisory Body of no less than eleven members or no more than fifteen members to hold office for a term not exceeding three years under such terms and conditions of service as the Minister may fix in the instrument of appointment.

(2) The Advisory Body shall advise the Minister on any matter pertaining to food safety.

(3) The Minister may appoint any person or agency with relevant knowledge or experience to the Advisory Body including persons from health, testing laboratories, agriculture, fisheries, nutrition, trade, customs, bureau of standards, food processing, food distribution, public health sectors, consumer groups or local government.

(4) The Minister shall, on the recommendation of the Advisory Body, appoint one of the members of the Advisory Body to be the Chairman.

(5) The Advisory Body shall select from among its members a Deputy Chairman and a Secretary.

(6) The Advisory Body shall meet at least once in each month and at such other times as the Chairman determines is necessary for the efficient discharge of its functions.

(7) The Advisory Body shall determine its own procedure and may make rules governing such procedure as are considered necessary.

(8) The Minister may, on the recommendation of the Advisory Body, remove a member of the body if the member—

- (a) becomes incapable, by reason of mental or physical capacity, of carrying out his or her duties;
- (b) is convicted of an offence under this Act or under the Criminal Code;
- (c) is guilty of misconduct;
- (d) is absent, except on providing reasons to the Advisory Body, from all meetings of the body held during two consecutive months or during any three months in any period of twelve months;
- (e) fails to comply with sub-regulation (9).

(9) Any member of the Advisory Body who has any interest, directly or indirectly, in any matter before the body—

- (a) shall disclose the nature of the interest to the Advisory Body; and
- (b) shall not take part in any deliberations or decisions of the Advisory Body with respect to that matter.

(10) A disclosure under this section shall be recorded in the minutes.

(11) The Chairman may resign from office by an instrument in writing addressed to the Minister, and any other member may resign from office by an instrument in writing addressed to the Chairman.

2. Appointment of sub-committees, working groups. (1) Notwithstanding anything contained in regulation 1, the Advisory Body may appoint sub-committees for the purpose of advising it on any specialized area of food safety.

(2) Persons may be appointed to such sub-committee mentioned in sub-regulation (1) for a period of two years but any person so appointed shall be eligible for reappointment.

3. Functions of the Advisory Body. The functions of the Advisory Body shall be to—

- (a) facilitate the development of food safety policies;
- (b) propose food safety laws;
- (c) review work-plans and programmes;
- (d) provide guidance on matters related to risk analysis and applicable international standards;
- (e) develop a plan of action in relation to prevention, reduction, management and elimination of outbreaks of food-borne diseases and other food safety risks;
- (f) perform such other functions as are relevant to the effective implementation of this Act.

Passed by the House of Representatives this 17th day of April, 2015.

WILLAN THOMPSON
Clerk to the House of Representatives.

Passed by the Senate this 29th day of April, 2015.

WILLAN THOMPSON
Clerk to the Senate.

GRENADA

PRINTED BY THE GOVERNMENT PRINTER, AT THE GOVERNMENT
PRINTING OFFICE, ST. GEORGE'S

3/7/2015.