

L.N. 266 of 2018

**HEALTHY LIFESTYLE PROMOTION AND CARE OF NON-
COMMUNICABLE DISEASES ACT
(CAP. 550)**

Procurement of Food for Schools Regulations, 2018

IN EXERCISE of the powers conferred by article 6 of the Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act, the Minister responsible for Health in agreement with the Minister for Education and Employment, after consultation with the Advisory Council on Healthy Lifestyles has made the following regulations:-

1. The title of these regulations is the Procurement of Food for Schools Regulations, 2018. Citation.

2. In these regulations, unless the context otherwise requires: Interpretation.
 - "Act" means the Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act; Cap. 550.

 - "Advisory Council" means the Advisory Council on Healthy Lifestyles established by article 4 of the Act;

 - "food" shall have the same meaning assigned to it in the Food Safety Act; Cap. 449.

 - "school" shall have the same meaning assigned to it in the Education Act; Cap. 327.

 - "water intended for human consumption" shall have the same meaning assigned to it in the Water Intended for Human Consumption Regulations. S.L. 449.57.

3. (1) In schools, only food that meets the requirements as outlined in the criteria issued by the Advisory Council may be offered for sale or sold or in any manner provided by the administration of schools. Food sold or provided by schools.

- (2) Schools shall:
 - (a) implement a programme for the promotion of healthy eating to be established on the criteria issued by the Advisory Council;

(b) not permit any advertising of or accept sponsorships by food products not allowed in accordance with the criteria issued by the Advisory Council.

Water to be made available.

4. Schools shall ensure that water intended for human consumption shall be made available.

Breach of regulations.

5. (1) Where the Superintendent of Public Health believes that a person has committed an offence against these regulations, the Superintendent of Public Health may give notice in writing to such person describing the offence of which the person is accused, indicating the steps to be taken to remedy the offence and the administrative fine of one hundred euro (€100) that is being required to be paid in respect of that offence, within fifteen days from the date of the notice:

Cap. 465.

Provided that the Superintendent of Public Health may issue an abatement notice in lieu of the administrative fine, as provided in article 12 of the Public Health Act.

Subsequent breach.

(2) If a person commits an offence against these regulations for a second or subsequent time, the fine may increase to a maximum of two thousand five hundred euro (€2,500).

Procedures before the Court of Magistrates.

(3) If a person commits an offence against these regulations for a second or subsequent time, or the administrative fine is not paid within the stipulated time-frame, the Superintendent of Public Health has the right to institute proceedings against the person for breach of these regulations in accordance with article 9 of the Act:

Cap. 9.

Provided that, notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for in article 390(6) of the said Code or in any other law.

Certified copies of certain documents

(4) In any proceeding or prosecution in accordance with the Act or these regulations, a copy of any order, notice, decision or other document purporting to have been made under the Act or these regulations, and purporting to have been signed by Superintendent of Public Health, shall be accepted as evidence of the order, notice, decision or other document and of the facts appearing therein, without the need of any other evidence.