

FOOD (CONTROL)

[CAP. 1213.

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LAWS OF THE REPUBLIC OF VANUATU

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CHAPTER 128

FOOD (CONTROL)

Act 2 of 1981

ARRANGEMENT OF SECTIONS

SECTION

1. Interpretation
2. Persons not to display, store or sell food unfit for human consumption
3. Powers of health inspectors to enter premises and take samples
4. Declarations and direction by Director of Health
5. Voluntary disposal of food unfit for human consumption
6. Seizure and destruction of food unfit for human consumption
7. Compensation
8. Identity cards
9. Regulations
10. Offences and Penalties

SCHEDULE

FORM A

EMBARGO

FORM B

DECLARATION AND DIRECTION BY DIRECTOR OF HEALTH

FORM C

CERTIFICATE OF DISPOSAL OF FOOD

FORM D

IDENTITY CARD

CAP. 128.] - - - FOOD (CONTROL)

FOOD (CONTROL)

To prevent the display, sale and storage of unfit food.

INTERPRETATION

1. In this Act unless the context otherwise requires-

"analyst" means a person appointed by the Minister as an analyst for the purpose of this Act and whose appointment has been notified in the *Gazette*;

"health inspector" means a person appointed as such by the Minister and whose appointment has been notified in the *Gazette*;

"Director of Health" means either the Director of Health of the Government or the Principal Health Inspector;

"Food" includes any matter intended for human consumption whether processed or not and whether in liquid or solid form;

"Minister" means the Minister responsible for public health or any Minister acting on his behalf;

"person" includes any corporate body, partnership or association of persons;

"premises" means any building or part of a building and any private forecourt yard or land to which members of the public have access for the purpose of retail or wholesale marketing of food or where food is stored for such purposes.

PERSONS NOT TO DISPLAY, STORE OR SELL FOOD UNFIT FOR HUMAN CONSUMPTION

2. No person shall on any premises store, have on display or sell food for consumption by persons which is unfit for human consumption.

POWERS OF HEALTH INSPECTORS TO ENTER PREMISES AND TAKE SAMPLES

3. (1) A health inspector may enter any premises for the purpose of inspecting any food that is stored or for sale therein.
- (2) A health inspector who suspects that any food intended for consumption by persons and displayed for sale or stored on any premises is unfit for human consumption may-
- (a) take a sample for analysis by an analyst; and
 - (b) place an embargo on the sale of the remainder of the food from which the sample has been taken which shall be in form "A" in the Schedule.
- (3) A health inspector shall submit the report of an analyst carried out in accordance with subsection (2) to the Director of Health.

DECLARATIONS AND DIRECTION BY DIRECTOR OF HEALTH

4. (1) When the Director of Health has examined a report submitted to him in accordance with section 3(3) he shall declare in form "B" in the Schedule all or part of the food from which the analysed sample has been taken fit or unfit for human consumption.
- (2) A declaration by the Director of Health made under subsection (1) that food is unfit for human consumption shall direct the manner of disposal under the supervision of a health inspector of the food declared unfit which may be either by-
- (a) sale for animal consumption;
 - (b) destruction
 - (c) burial in the land or dumping at sea.

- (3) A direction under subsection (2) shall be made to and served on the person who was displaying for sale or storing the food declared unfit for human consumption.

VOLUNTARY DISPOSAL OF FOOD UNFIT FOR HUMAN CONSUMPTION

5. (1) Where a person storing or displaying for sale food for consumption by persons accepts after an inspection by a health inspector that the food is unfit for human consumption he may voluntarily agree to the disposal of the food with the health inspector in such of the ways provided for in section 4(2) as the health inspector shall consider suitable.
- (2) Where food is disposed of in accordance with subsection (1) the health inspector shall sign a certificate to that effect in form "C" in the Schedule.

SEIZURE AND DESTRUCTION OF FOOD UNFIT FOR HUMAN CONSUMPTION

6. (1) Where any person refuses or neglects to carry out a direction under section 4(2) the Director of Health may order the seizure and destruction of the food under police supervision.
- (2) The expense of any seizure or destruction carried out under subsection (1) shall be a debt recoverable by the Government from the owner of the food.

COMPENSATION

7. Where any food has in accordance with section 4 been declared fit for human consumption but owing to the delay in its sale by reason of an embargo made under section 3(2) had either-
- (a) depreciated in value; or
- (b) become unfit for human consumption;
- the owner of the food may claim compensation from the Government for any loss suffered by him.

IDENTITY CARDS

8. (1) A health inspector who enters any premises in the course of his duties shall carry an identity card in form "D" in the Schedule.
- (2) A health inspector shall produce his identity card before requiring admittance- to any part of any premises where food is not displayed for sale or, if he has not already produced his identity card, before taking a sample.

REGULATIONS

9. The Minister for the better carrying out of the provisions of this Act may by Order make regulations not inconsistent with this Act which shall be published in the Gazette.

OFFENCES AND PENALTIES

10. (1) Any person who fails to comply with a lawful direction under this Act or who fails to comply with an embargo or obstructs a health inspector in carrying out the functions under this Act or contravenes this Act or any regulation made under section 9 commits an offence and is liable on conviction to a fine not exceeding VT60,000 or to imprisonment not exceeding 3 years or to both such fine and imprisonment.
- (2) Where a person liable to conviction under subsection (1) becomes so liable when acting in the course of his employment by a corporate body by which he is employed it may be convicted and fined in his place or in addition to him.

CAP. 128.1

FOOD (CONTROL)

SCHEDULE

FORM A

(Section 3(2)(b))

FOOD (CONTROL) ACT CAP. 128

EMBARGO

I health inspector, having this day taken a sample of
..... from the premises known as
HEREBY place an embargo on the display or sale of (here insert
approximate quantity by weight or number of cases etc.) of held by
..... at the premises on this day.

Dated 19.....

Signed
health inspector

Name of inspector in block letters

FOOD (CONTROL)

[CAP. 128.

FORM B

(Section 4(l))

FOOD (CONTROL) ACT CAP. 128

DECLARATION AND DIRECTION
BY DIRECTOR OF HEALTH

I Director of Health/Principal Health Inspector hav-
ing on the day of 19..... examined the report
of analyst declare that the sample of food taken by
..... health officer at (District) from the
premises of fit/unfit for human consumption* and I DIRECT that
the (quantity by weight, number of cases etc.) in respect of which an
embargo was made by health inspector on the
day of 19.....

shall no longer be subject to embargo;

be marked as unfit for human consumption but fit for animal consumption only;

be taken under the supervision of a health inspector and buried in the land within
days from the date hereof;

be taken under the supervision of a health inspector and dumped at sea within days
from the date hereof;

be destroyed.

Dated the day of 19.....

Signed
Director of Health/Principal Health Inspector.

*Delete which ever is not applicable.

CAP. 128.]

FOOD (CONTROL)

FORM C

(Section 5(2))

FOOD (CONTROL) ACT CAP. 128

CERTIFICATE OF DISPOSAL OF FOOD

I health inspector, HEREBY CERTIFY ON THIS day of 19..... that (quantity) of found by me at the premises of on the and in my opinion likely to be unfit for human consumption has this day been-

marked as **unfit for human consumption but fit for** animal consumption only;
taken under my supervision and buried in the land at;
taken under my supervision and dumped at sea;
destroyed.

Dated the day of 19.....

Signed
health inspector

Name of inspector in block letters

FOOD (CONTROL)

[CAP. 1213.

FORM D

(Section 8(1))

FOOD (CONTROL) ACT CAP. 128

IDENTITY CARD

MR/MISS/MRS

is a health inspector for the purpose of the Food
(Control) Act Cap. 128, and must be given every
assistance in accordance with the Act.

(photograph)

Signed

Date of expiry of this Identity Card 19.....

Renewed on 19..... until
19.....