



BELIZE

**FOOD AND DRUGS ACT
CHAPTER 291**

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CHAPTER 291

FOOD AND DRUGS

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CHAPTER 291

FOOD AND DRUGS

Ch. 90,
 R.L. 1958,
 CAP. 219,
 R.E. 1980-1990,
 40 of 1963,
 31 of 1968,
 8 of 1985,
 22 of 1987.

[9th May, 1953]

PART I

Preliminary

Short title.

1. This Act may be cited as the Food and Drugs Act.

Interpretation.

2.-(1) In this Act, unless the context otherwise requires,

“animal” does not include bird;

“area” in relation to a local authority and to officers of such an authority, means their district;

“article” in relation to food, does not include a live animal or bird, but except as aforesaid includes in the case of an animal, bird or fish the whole or any part thereof;

“artificial cream” means an article of food which, though not cream, resembles cream and contains no ingredient which is not derived from milk except water or any substance which may lawfully be contained in an article sold as cream, being some substance not injurious to health which in the case of cream may be required for its production or preparation as an article of commerce in a state fit for carriage or consumption and which has not been added fraudulently to increase bulk, weight or measure or conceal inferior quality;

“authorised officer” means a medical officer of health, or any person authorised in writing by the Minister or a local authority under section 3 of this Act, to exercise any of the powers conferred by this Act;

31 of 1968.
8 of 1985.

“Bread and Flour Regulations” means the regulations made under section 26 of this Act;

“butter” means the substance usually known as butter, made exclusively from milk with or without salt or other preservative, and with or without the addition of colouring matter;

“cheese” means the substance usually known as cheese, containing no fat other than fat derived from milk;

“container” includes a package or receptacle of any kind whether open or closed;

“cream” means that part of milk rich in fat which has been separated by skimming or otherwise;

“dairy” includes any farm, cowshed, milk store, milk shop or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but does not include a shop from which milk is supplied only in the properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

“dairyman” includes an occupier of a dairy, a cow-keeper, and a purveyor of milk;

“district” in relation to a local authority and the officers of such an authority, means the town or area for which the authority or such officers act;

“drug” includes medicine for internal or external use;

“food” means any article used as food or drink for human consumption, other than drugs or water, and includes,

- (a) any substance which is intended for use in the composition or preparation of food;
- (b) any flavouring matter or condiment; and
- (c) any colouring matter intended for use in food;

Provided that, notwithstanding anything in this definition, the addition of any colouring or flavouring matter or condiment to an article used as food or drink shall be deemed to be the addition of a substance to food;

“Food Regulations” means the regulations made under section 11 of this Act;

“functions” includes powers and duties;

“ice-cream” includes any similar commodity containing any proportion of milk, powdered milk or condensed milk;

“importer” in relation to an imported article, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of, or in any way entitled to the custody or control of, the article;

“knacker’s yard” means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption;

“local authority” means,

- (a) as respects Belize City, the Belize City Council;
- (b) as respects the City of Belmopan, the Belmopan City Council;

31 of 1968.

- (c) as respects any district or area, the Town Council of that district or area constituted under the Town Councils Act, Cap. 87;
- (d) as respects any other part of Belize, such person or persons, or a Village or Community Council, as may be appointed by the Minister;

“margarine” means any food, whether mixed with butter or not, which resembles butter and is not milk-blended butter;

“margarine-cheese” means any substance prepared in imitation of cheese and containing fat not derived from milk;

“meat” means the edible part of the muscle of any animal which is skeletal or which is found in the diaphragm, heart or oesophagus with or without the accompanying and overlying fat and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing, but does not include the muscle found in the lips, snout or ears;

31 of 1968.

“medical officer of health” means a medical officer of health within the meaning of sections 2 and 3 of the Public Health Act, Cap. 40, and assigned by the Minister to discharge the duties of a medical officer of health within the district of a local authority;

40 of 1963.

“Milk and Dairies Regulations” means the regulations made under section 22 of this Act;

“milk-blended butter” means any mixture produced by mixing or blending butter with milk;

“officer” includes servant;

“official certificate” means any certificate issued by an authorised officer or other person performing official functions under this Act or regulations made thereunder;

8 of 1985.

“premises” includes messuages, buildings, land, easements and hereditaments of any tenure;

“prepare”, in relation to food, includes manufacture and “preparation” shall be construed accordingly;

“public analyst” means the public analyst or other expert referred to in section 33 of this Act;

“purveyor” in relation to milk, includes any person who sells milk, whether wholesale or by retail;

“sampling officer” means an authorised officer exercising the powers conferred upon him by section 34;

“sanitary convenience” means a closet, privy or urinal;

“separated” in relation to milk, includes skimmed;

“shop” means any premises where any retail or wholesale trade or business is carried on and includes any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant;

31 of 1968.

“slaughterhouse” means any premises in any area to which the Slaughter of Animals Ac, Cap. 154 applies, used for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there and includes any place available in connection with a slaughterhouse and used for the manufacture of bacon, ham, sausages, meat pies or other manufactured meat products or for the storage of meat used in such manufacture;

“substance” includes a liquid;

“transit” includes all stages of transit from the dairy, place of manufacture or other source of origin, to the consumer;

“vessel” includes a receptacle of any kind, whether open or closed.

(2) In this Act, unless the context otherwise requires,

- (a) any reference to milk shall be construed as including a reference to cream and to separated milk, but not as including a reference to dried milk or to condensed milk; and
- (b) any reference to food of any kind sold, or offered, exposed, intended, or in preparation, for sale for human consumption, shall be construed as including a reference to that food sold, or offered, exposed, intended, or in preparation, for sale for the manufacture of products for human consumption.

3.–(1) The Minister may designate in writing any person who is a Veterinary Officer, Meat Inspector, Medical Officer or Public Health Inspector an authorised officer for the purposes of this Act. A local authority may appoint suitably qualified persons to be authorised officers for the purposes of this Act.

Appointment of
authorised officers.
31 of 1968.
8 of 1985.

(2) An authorisation made under subsection (1) of this section, may either be to exercise all the powers conferred upon authorised officers by this Act or may specify the particular powers exercisable by such officer.

Provided that no authorised officer appointed by a local authority have power to inspect animals before slaughter or the carcasses of animals after slaughter in any slaughterhouse licensed under this Act or the premises of any such slaughterhouse.

(3) Such authorised officers while performing any functions under this Act shall be identified by the wording ‘Meat Inspector’ or ‘Veterinary Officer’ as the case may be, displayed in a prominent position on the front of their protective clothing and/or headgear.

PART II

Health Standard, etc., of Food and Drugs

Restrictions on the addition of other substances to any food or drug.

4.-(1) No person shall add, or direct or permit any other person to add,

- (a) any substance to any food so as to render the food injurious to health; or
- (b) any substance to any drug so as to affect injuriously the quality or potency of the drug,

with the intent that the food or drug may be sold in that state.

(2) No person shall sell, or have in his possession for the purpose of sale, any food or drug to which any substance has been so added.

(3) A person who contravenes any of the provisions of this section commits an offence.

Restrictions on the abstraction from any food of any constituent thereof.

5.-(1) No person shall abstract, or direct or permit any other person to abstract, from any food any constituent thereof so as to affect injuriously the nature, substance or quality of the food with intent that it may be sold in its altered state,

- (a) without notice to the purchaser of the alteration; or
- (b) whether with or without such notice, if in that state the food does not comply with any relevant provisions contained in regulations made under this Act for prescribing the composition of food.

(2) A person who contravenes any of the provisions of this section commits an offence.

Prohibition against sale of any food or drug not of the nature, substance or quality demanded.

6.-(1) If a person sells to the prejudice of the purchaser any food or drug which is not of the nature or not of the substance, or not of the quality, of the food or drug demanded by the purchaser, he shall, subject to section 7 of this Act, is guilty of an offence.

(2) Where regulations made under this Act contain provisions prescribing the composition of, or prohibiting or restricting the addition of any substance to, any food, a purchaser of that food shall, unless the contrary is proved, be deemed for the purposes of this section to have demanded food complying with the provisions of the regulations.

(3) In proceedings under this section, it shall not be a defence to allege that the purchaser bought for analysis or examination and therefore was not prejudiced.

7. In proceedings under section 6 of this Act, it shall be a defence for the defendant to prove,

Defenses available in proceedings under section 6.

(1) where some substance has been added to the food or drug in Question,

- (a) in the case of a food, that the substance is not, and its addition has not rendered the food, injurious to health or, in the case of a drug, that the addition has not affected injuriously the quality or potency of the drug; and
- (b) that the addition was not made fraudulently to increase the bulk, weight or measure, or conceal the inferior quality, of the food or drug; and
- (c) either,
 - (i) that the addition was required for the production or preparation of the food or drug as an article of commerce in a state fit for carriage or consumption; or
 - (ii) that a label satisfying the requirements of section 8 of this Act was attached to, or printed on the wrapper or container of, the article sold;

(2) Where some constituent has been abstracted from the food or drug in question,

- (a) that the abstraction has not rendered the food injurious to health or, as the case may be, affected injuriously the quality or potency of the drug, and was not made fraudulently to conceal the inferior quality of the food or drug; and
 - (b) either,
 - (i) that the abstraction was required for the production or preparation of the food or drug as an article of commerce in a state fit for carriage or consumption; or
 - (ii) that a label satisfying the requirements of section 8 of this section was attached to, or printed on the wrapper or container of, the article sold;
- (3) Where the food or drug in question is the subject of a patent in force, that it was supplied in the state required by the specification of the patent;
- (4) Where the food or drug in question contains some extraneous matter, that the presence of that matter was an unavoidable consequence of the process of collection or preparation;
- (5) That the article supplied was a proprietary medicine and was supplied in response to a demand for that medicine;
- (6) Where the proceedings are in respect of diluted whisky, brandy, rum or gin, that the spirit in question had been diluted with water only and that its strength was still not below the proof strength permitted by law to be sold for human consumption;

Provided that,

- (a) none of the defences specified in paragraphs (1) to (4) of this section, shall be available in the case of any food which does not comply with any relevant

provisions contained in regulations made under this Act for prescribing the composition of, or prohibiting or restricting the addition of any substance to, food; and

- (b) nothing in paragraph (6) of this section, shall affect the provisions of any law with respect to the dilution of spirits after computation of duty.

8.-(1) A label shall afford no defence under section 7 (1)(c)(ii) or (2) (b) (ii) of this Act, unless the following requirements are satisfied,

Provisions as to labels.

- (a) the label must state explicitly what substance has been added to, or what constituent has been abstracted from, the food or drug; and
- (b) it must be of adequate size, and have the notice of addition or abstraction distinctly and legibly printed and conspicuously visible.

(2) Notwithstanding anything in subsection (1) of this section, the requirements thereof shall, as respects a mixture, be deemed to be satisfied by a label which has been continuously in use without any material variation for a period not less than fifty years and bears a statement to the effect that the article in question is mixed, or by a label which has been continuously in use without any material variation for a period of not less than twenty-five years and bears such a statement distinctly and legibly printed and un-obsured by other matter on the label.

9.-(1) A person who gives with any food or drug sold by him a label, whether attached to or printed on the wrapper or container or not, which falsely describes that food or drug, or is otherwise calculated to mislead as to its nature, substance or quality commits an offence, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.

Labels and advertisements describing incorrectly food or drug.

(2) A person who publishes or is a party to the publication of an advertisement (not being such a label so given by him as aforesaid) which falsely describes any food or drug, or is otherwise calculated to mislead as to its nature, substance or quality, commits an offence.

(3) In proceedings under subsection (2) of this section, it shall be a defence for the defendant to prove either,

- (a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as aforesaid; or
- (b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

(4) In any such proceedings as aforesaid against the manufacturer, producer or importer of the food or drug, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

Presumptive evidence as to injurious nature of food.

10. Where regulations made under this Act contain provisions prohibiting or restricting the addition of any substance to any food, the addition of that substance,

- (a) if made in contravention of any of the regulations which is expressed to be made for the prevention of danger to health, shall; and
- (b) if made to an amount not exceeding the limit, if any, specified by any of the regulations, shall not,

for the purposes of this Part, be deemed to render the food injurious to health.

Regulations as to food hygiene. 31 of 1968.

11.-(1) The Minister may make such regulations as appear to him to be expedient for securing the observance of sanitary and cleanly conditions and practices in connection with,

- (a) the sale of food for human consumption, or

- (b) the importation, exportation, preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption, or otherwise for the protection of the public health in connection with the matters aforesaid.

(2) Without prejudice to the generality of subsection (1) of this section, regulations made under this section may make provision,

- (a) for imposing requirements as to the construction, layout, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water-supply, and use of slaughter-houses and knacker's yard and all other premises in, at or from which food is sold for human consumption, or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises in which apparatus and utensils are cleansed, or in which refuse is disposed of or stored);
- (b) for imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises (including slaughter-houses and knacker's yard) the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils therein and in particular for imposing requirements that every sanitary convenience situated therein shall be supplied with water through a suitable flushing appliance;
- (c) for prohibiting or regulating the use of any specified materials, or of materials of any specified class, in the manufacture of apparatus or utensils designed for use in the preparation of food for human consumption, and the sale or importation for sale of apparatus or utensils designed for such use and containing any specified materials, or materials of any specified class;

- (d) for prohibiting spitting in slaughterhouses, knacker's yards and other premises where food is sold for human consumption, or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises where apparatus and utensils are cleansed);
- (e) for imposing requirements as to the clothing worn by persons in such premises;
- (f) for the conditions to be observed in connection with the confinement, inspection and treatment of carcasses of animals for the purpose of ascertaining whether meat or any other product intended for sale for human consumption is fit for such consumption;
- (g) for requiring the staining or sterilization in accordance with the regulations of meat which is unfit for human consumption, or which is derived from animals slaughtered in knacker's yards or from carcasses brought into knacker's yards, or which though not unfit for human consumption, is not intended therefore;
- (h) for regulating generally the treatment and disposal of any food unfit for human consumption;
- (i) for prohibiting or regulating, or enabling local authorities to prohibit or regulate, the sale for human consumption, or the offer, exposure or distribution for sale for human consumption, of shellfish taken from beds or other layings for the time being designated by or under the regulations.

(3) In subsection (2) of this section, "animals" includes poultry.

(4) Regulations under this section may make different provisions in relation to different classes of business; and without prejudice to the fore-going provisions of this section or any other provisions of this Act, any such regulations imposing requirements in respect of premises may,

- (a) impose on the occupier of the premises and, in the case of requirements of a structural character, on any owner of the premises who either lets them for use for a purpose to which the regulations apply or permits them to be so used after notice from the authority charged with the enforcement of the regulations, responsibility for compliance with those requirements;
- (b) provide, subject to such limitations and safeguards as may be specified, for conferring in relation to particular premises, exemptions from the operation of specified provisions contained in regulations made for the purposes of paragraph (a) or paragraph (b) of subsection (2) of this section, while there is in force a certificate of the local authority to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on therein.

(5) If any person who has incurred, or is about to incur, expenditure in securing that the requirements of regulations made under this section, being requirements of a structural character, are complied with in respect of any premises owned or occupied by him claims that the whole or any part of the expenditure ought to be borne by any other person having an interest in the premises, he may apply to the Supreme Court, and the Court may make such order concerning the expenditure or its apportionment as appears to the Court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable; and any order made under this subsection may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

(6) Regulations made under this section may impose in respect of vehicles, stalls and places other than premises, any such requirements as may be imposed thereunder in respect of premises.

(7) Subject as hereinafter provided, references in this section to food shall be construed as references to food other than milk.

Provided that,

- (a) regulations under this section relating to importation may apply to milk; and
- (b) any regulations under this section may apply to any food containing milk.

(8) The Minister shall from time to time take such steps as he thinks expedient for publishing codes of practice in connection with matters which may be made the subject of regulations under this section, for the purpose of giving advice and guidance to persons responsible for compliance with such regulations.

(9) Regulations made under this section may be made so as to apply throughout the country or to apply only in such area or areas as may be specified in the said regulations.

(10) Without prejudice to any other power with respect thereto, any regulations made with respect to slaughterhouses or knacker's yard under this section may include provision for the regulations to come into force on different days fixed by or in an order to be made under these regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days.

(11) There may be annexed to the breach of any regulations made under this section a penalty not exceeding five hundred dollars and in the case of a continuing offence a further penalty not exceeding fifty dollars for each day the breach continues.

(12) In so far as any by-laws or other subsidiary legislation made under the Local Government (District Boards) Act, Cap. 67, R. E. 1980-1990, before its repeal by the Town Councils Act, Cap. 87 or under the Town Councils Act, Cap. 87 or any Act repealing and replacing the Town Councils Act are in conflict with regulations made under this section, the regulations made hereunder shall prevail.

12.-(1) Any person who,

Penalty for sale,
etc., of unsound
food.

- (a) sells, or offers or exposes for sale, or has in his possession for the purpose of sale or of preparation for sale; or
- (b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale,

any food intended for, but unfit for, human consumption shall, subject to this section, be guilty of an offence.

(2) Where food in respect of which an offence under subsection (1) (a) of this section, has been committed was sold to the offender by some other person, that person also shall, subject to this section, be guilty of an offence.

(3) Where a person is charged with an offence under subsection (1) (b) or under subsection (2) of this section it shall be a defence for him to prove either that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food in question that it was not intended for human consumption, or that at the time when he delivered or dispatched it to that person, either it was fit for human consumption or he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

(4) A person guilty of an offence under this section is liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months, or to both such fine and term of imprisonment.

(5) If a person licensed under the Public Health Act, Cap. 40 to keep a slaughterhouse is convicted of an offence under this section, the court may, in addition to any other penalty, cancel his licence.

13.-(1) An authorised officer may at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with

Examination of
food and seizure
of unsound food.

or consigned to, any person for the purpose of sale or of preparation for sale and, if it appears to him to be unfit for human consumption, may seize it and remove it in order to have it dealt with by a magistrate.

(2) An authorised officer who seizes any food under subsection (1) of this section, shall inform the person in whose possession it was found of his intention to have it dealt with by a magistrate, and any person who under section 12 of this Act, might be liable to a prosecution in respect of food shall, if he attends before the magistrate upon the application for its condemnation, be entitled to be heard and to call witnesses.

(3) If it appears to a magistrate that any food brought before him, whether seized under this section or not, is unfit for human consumption, he shall condemn it and order it to be destroyed, or to be so disposed of as to prevent it from being used for human consumption.

(4) If a magistrate refuses to condemn any food seized under this Part by an authorised officer, he shall assess the depreciation in value resulting from its seizure, and the local authority shall pay to the owner of the food the sum of money so assessed as compensation for such depreciation.

(5) In this section, “magistrate” includes a justice of the peace.

14.—(1) The foregoing provisions relating to unsound food shall apply in relation to any food which is intended for human consumption and is,

- (a) offered as a prize or reward in connection with any entertainment to which the public are admitted, whether on payment of money or not;
- (b) offered as a prize, reward or given away for the purpose of advertisement, or in furtherance of any trade or business; or
- (c) exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid,

Provisions as to
food offered as
prizes, etc.

as if that food were, or had been, exposed for sale,

- (i) in a case falling within paragraph (a) of this subsection, by each person concerned in the organisation of the entertainment;
- (ii) in a case falling within paragraph (b) of this subsection, by the person offering or giving away the food;
- (iii) in a case falling within paragraph (c) of this subsection, by the occupier of the premises in question.

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

15.–(1) If an authorised officer has reason to suspect that any cart, barrow or other vehicle, or any container contains any food intended for sale for human consumption, or in the course of delivery after sale for human consumption, he may examine the contents of the vehicle or, as the case may be, of the container, and for that purpose may, if necessary, detain the vehicle or the container and, if he finds any food which appears to him to be intended for, but unfit for, human consumption, he may deal with it as food falling within section 13 (1),(2), (3) and (4) of this Act, shall apply accordingly.

Power to examine food in course of transit.

(2) Where the duties of an officer of customs and excise with respect to any goods have not been wholly discharged, nothing in subsection (1) of this section, shall authorise the examination of those goods without his consent.

16.–(1) Subject to subsection (2) of this section, the following provisions shall have effect in relation to every room in which any food intended for human consumption, other than milk, is prepared for sale or sold, or offered or exposed for sale, or deposited for the purpose of sale or of preparation for sale, that is to say,

Provisions as to rooms where food intended for sale is prepared or stored, etc.

- (a) no sanitary convenience, dustbin or ash-pit shall be within, or communicate directly with, the room, or be so placed that offensive odours therefrom can penetrate into the room;
- (b) no cistern for the supply of water to the room shall be in direct communication with, or discharge directly into, a sanitary convenience, and there shall not be within the room any outlet for the ventilation of a drain or, except with the approval of the local authority, an inlet into any drain conveying sewage or foul water;
- (c) the walls, ceiling, floor, windows and doors of the room shall be kept in a proper state of repair;
- (d) the walls, ceiling and doors of the room shall be painted, whitewashed, cleansed or purified as often as may be necessary to keep them clean and the windows of the room shall be kept clean;
- (e) the room shall not be used as a sleeping place and, so far as may be necessary to prevent risk of infection or contamination of food in the room, no sleeping place adjoining the room shall communicate therewith except through the open air, or through an intervening ventilated space;
- (f) except in the case of an artificially refrigerated room, suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained;
- (g) no refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in the room, except so far as may be necessary for the proper carrying on of the trade or business for which the room is used, and the floor of the room shall be cleansed as often as may be necessary to keep it clean;

- (h) cleanliness shall be observed by persons employed in the room, both in regard to the room, and all articles, apparatus and utensils therein, and in regard to themselves and their clothing;
- (i) there shall be provided in, or within reasonable distance of, the room, a suitable washing basin or basins and a sufficient supply of soap, clean towels and clean water for the use of persons employed in the room; and
- (j) a certificate signed by the medical officer of health containing the names of the persons employed in the preparation of food in any such room shall be posted up at a conspicuous place in such room, and it shall not be lawful for any person whose name does not appear therein to be in any such room during the time when any food is being prepared.

(2) Paragraphs (i) and (j) of subsection (1) of this section, shall not apply in relation to a room which is used for the sale or storage, or for the sale and storage, of food contained in containers of such materials, and so closed, as to exclude all risk of contamination, but is not otherwise used for any purpose in connection with the preparation, storage or sale of food.

(3) If, in the case of a room to which subsection (1) of this section applies,

- (a) any of the requirements of that subsection are not complied with;
- (b) any person does or permits any act or thing in contravention of that subsection, or fails to take all such steps as may be reasonably necessary to prevent risk of contamination of food in the room; or

- (c) any person prevents the owner of the room from executing any work necessary to make the room comply with the said requirements,

then, in the first-mentioned case, the occupier of the room and, in the other cases mentioned, the person in question, whether he be the occupier or not, commits an offence and is liable to a fine not exceeding one hundred dollars and to a further fine not exceeding twenty-five dollars for each day during which the offence continues after conviction therefore.

(4) If, in the case of a room to which subsection (1) of this section applies, any of the requirements specified in paragraphs (a), (b), (c) or (f) of that subsection is not complied with, then, in so far as that requirement is of a structural character, the owner of the room shall, if he let it for the purpose of being used for the preparation, sale or storage of food or, if not having so let it, he permits it to be so used after receiving notice from the local authority, be guilty of an offence and liable to the penalty mentioned in subsection (3) of this section, but without prejudice to the liability of the occupier under that subsection.

(5) Where the owner of a room who did not let it for the purpose of being used for the preparation, sale or storage of food executes any work necessary to make the room comply with the requirements of subsection (1) of this section, he may recover the expenses incurred by him in so doing from the occupier of the room summarily as a civil debt.

(6) In this section, “room” includes a shop or cellar or any other part of a building, and a shed, store or outbuilding or any part thereof, and this section, except paragraphs (a) and (f) of subsection (1) of this section thereof, shall, so far as applicable, apply in relation to a yard, forecourt or area as they apply in relation to a room.

(7) Except in so far as may be expressly provided by Food Regulations, neither this nor section 17 shall apply in relation to premises which are used for the preparation, sale or storage of articles prepared from, or consisting of, materials other than those of animal or vegetable origin, but are not otherwise used for any purpose in connection with the preparation, storage or sale of food.

17.-(1) Subject to this section and of section 16 (7) of this Act, no premises shall be used for,

Registration of premises used in connection with the manufacture or sale of ice cream or preserved food, etc.

- (a) the sale, or the manufacture for the purpose of sale, of ice-cream, or the storage of ice-cream intended for sale; or
- (b) the preparation or manufacture of sausages or potted, pressed, pickled or preserved food intended for sale,

unless they are registered under this section for that purpose by the local authority, and a person who uses any premises in contravention of this subsection commits an offence.

(2) For the purposes of subsection (1) of this section, the preparation of meat or fish by any process of cooking shall be deemed to be preservation thereof.

(3) Subject to the following provisions of this section, the local authority shall, on the application of the occupier of, or of a person proposing to occupy, any premises, register those premises for the purposes of this section.

(4) If it appears to the local authority that any premises for the registration of which application has been made under this section, or which are registered under this section, do not satisfy the requirements of section 16 or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used, the authority shall serve on the applicant for registration or, as the case may be, on the occupier for the time being of the premises, a notice stating the place and time, not being less than seven days after the date of the service of the notice, at which it proposes to take the matter into consideration and informing him that he may attend before it, with any witnesses whom he desires to call, at the place and time mentioned, to show cause why the authority should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the registration of the premises.

(5) If a person on whom a notice is served under subsection (4) of this section fails to show cause to the satisfaction of the local authority, it

may refuse the application or, as the case may be, cancel the registration of the premises, and shall forthwith give notice to him of its decision in the matter, and shall, if so required by him within fourteen days of its decision, given to him within forty-eight hours a statement of the grounds on which it was based.

(6) A person aggrieved by the decision of a local authority under this section to refuse to register any premises, or to cancel the registration of any premises, may appeal to the Supreme Court in the same manner and under the same provisions as if the decision of the local authority were the decision of a district court.

(7) Upon any change in the occupation of premises registered under this section, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the local authority, which shall thereupon make any necessary alteration in its register.

(8) If a person required to give a notice under subsection (7) of this section fails to do so, he shall be liable to a fine not exceeding twenty-five dollars.

(9) This section shall not apply in relation to premises used primarily as a club, hotel or restaurant, and in relation to premises used as a theatre, cinematograph theatre, music hall or concert hall shall have effect as if in subsection (1) (a) of this section, the words “the sale, or” and the words “or the storage of ice-cream intended for sale”, were omitted.

18.—(1) A local authority may, with the approval of the Minister, make by-laws for securing the observance of sanitary and cleanly conditions and practices in connection with the handling, wrapping and delivery of food sold or intended for sale for human consumption, and in connection with the sale or exposure for sale in the open air of food intended for human consumption.

(2) If and so far as a by-law made under this section is inconsistent with any regulations made under this Act, the latter shall prevail.

By-laws with respect to the handling, wrapping, etc., of food and the sale of food in open air.

19.—(1) Every dealer in ice-cream who in a street or other place of public resort sells, or offers or exposes for sale, ice-cream from a stall, or from a cart, barrow or other vehicle, or from a basket, pail, tray or other container used without a stall or vehicle, shall have his name and address legibly and conspicuously displayed on the stall, vehicle or container, as the case may be and, if he fails to comply with the requirements of this section, he commits an offence and is liable to a fine not exceeding ten dollars.

Notices to be displayed by persons selling ice cream, etc., from stalls, carts, baskets, etc.

(2) A local authority may at any time resolve that, as from such date, not being less than four weeks from the passing of the resolution, as may be specified therein and until the resolution is revoked, this section shall apply within their district in relation to all kinds of food, or to any kinds of food specified in the resolution, as it applies in relation to ice-cream, and while any such resolution is in force, this section shall apply accordingly.

(3) Nothing in subsection (2) of this section, shall have effect in relation to milk.

(4) A local authority shall forthwith give notice to the Minister of the passing or revocation of a resolution under this section, and shall take such steps as he may direct for publishing notice of the coming into operation, or revocation, of any such resolution.

20.—(1) If a registered medical practitioner becomes aware, or suspects, that a patient whom he is attending within the district of any local authority is suffering from food poisoning, he shall forthwith send to the medical officer of health of that district a certificate stating,

Notification of cases of food poisoning.

- (a) the name, age and sex of the patient, and the address of the premises where the patient is; and
- (b) particulars of the food poisoning from which he is, or is suspected to be, suffering,

and also stating whether the case occurs in the private practice of the practitioner, or in his practice as medical officer of a public body or institution.

(2) A local authority shall pay to a registered medical practitioner for each certificate duly sent by him under subsection (1) of this section, to its medical officer of health a fee of two dollars if the case occurs in his private practice, and a fee of one dollar if it occurs in his practice as medical officer of any public body or institution.

(3) The acceptance by a medical practitioner of a fee under this section shall not subject him to disqualification from being a member of any authority or holding any other public office.

Provisions as to
suspected food.

21.—(1) If the medical officer of health of a district has reasonable ground for suspecting that any food of which he, or any other officer of the local authority of the district, has procured a sample under this Act is likely to cause food poisoning, he may give notice to the person in charge of the food that, until his investigations are completed, the food, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed except to some place specified in the notice.

(2) A person who uses or removes any food in contravention of the requirements of a notice given under subsection (1) of this section, commits an offence and is liable to a fine not exceeding fifty dollars.

(3) If, as a result of his investigations, the medical officer is satisfied that the food in question or any portion thereof, is likely to cause food poisoning, he may deal with it as food falling within section 13 (1), (2) and (3) of this Act, shall apply accordingly but, if he is satisfied that it may safely be used for human consumption, he shall forthwith withdraw his notice.

(4) If a notice given under subsection (1) of this section, is withdrawn by the medical officer of health, or if the magistrate before whom any food is brought under this section refuses to condemn it, the local authority shall compensate the owner of the food to which the notice

related for any depreciation in its value resulting from the action taken by the medical officer, the amount of such compensation being fixed by the magistrate of the district upon application by the owner of such food.

PART III

Health Standard, etc., of Milk, Dairies and Artificial Cream

22.—(1) The Minister may make regulations for all or any of the purposes mentioned in any of the following paragraphs,

Regulations.
31 of 1968.

- (a) for the registration by the Minister of persons carrying on or proposing to carry on the trade of a dairy farmer or to operate a milk processing plant and the registration of dairies and milk processing plants and for prohibiting any person from carrying on the trade or operating such plant unless he and the premises used as a dairy or milk processing plant are registered and for the refusal or cancellation of registration for such reasons as the Minister shall think fit;
- (b) for the prohibition of sale of any milk or milk product produced in Belize unless such milk or milk product comes from a registered dairy farm;
- (c) for the prohibition of the use in any milk processing plant of any milk produced in Belize unless such milk comes from a registered dairy farm;
- (d) for the inspection of dairies and milk processing plants and of persons employed therein or who have access to any milk, churns, vessels, plant equipment or machinery used therein;
- (e) for imposing obligations on dairy farmers and persons operating milk processing plants and their employees with regard to infectious illnesses;

- (f) or securing the cleanliness of churns, vessels or other appliances or any plant equipment or machinery used in any dairy or milk processing plant;
- (g) with respect to the lighting, ventilation, cleansing, drainage, water supply, layout construction and sanitary and washing facilities of dairies and milk processing plants;
- (h) for the inspection of cattle on dairy farms;
- (i) for preventing danger to health from the sale of infected, contaminated or dirty milk and, in particular, for prohibiting the supply or sale of milk suspected of being infected;
- (j) prescribing the methods to be used in the pasteurisation of milk;
- (k) prescribing precautions to be taken for protecting milk or milk products against infection or contamination;
- (l) regulating the cooling, conveyance, distribution and storage of milk;
- (m) prescribing the records to be kept in respect of any dairy or milk processing plant or of any process carried on therein;
- (n) for the labelling, marking, or identification of any milk or milk product produced in a dairy or milk processing plant and the sealing or closing of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold, exposed or offered for sale or delivered, and the display of the vendor's name and address on any stall or any cart, barrow or other vehicle from which milk is sold or delivered;

- (o) prohibiting or restricting the addition to or abstraction of fat or any other constituent from milk or the sale of milk to which any such addition or from which any such abstraction has been made or which has been otherwise artificially treated; and
- (p) for preventing danger to health from the importation of milk.

(2) Regulations made under this section may be general regulations or regulations limited to a specified area.

(3) Any regulations made under this section providing for the refusal or cancellation of any registration shall,

- (a) require notice to be given to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot be or are not being complied with, as the case may be, and his rights of making objections and representations in accordance with the regulations;
- (b) enable the person described in paragraph (a) of this subsection, within the time prescribed by the regulations (which shall not be less, in the case of a refusal, than twenty-eight days or, in the case of a cancellation, than twenty-one days, from the date of the service of the said notice), to object, in respect of all or any of the grounds stated in the notice, that the regulations can be or are being complied with, as the case may be;
- (c) provide for the reference of any such objection to a tribunal and for the setting up of and procedure in such tribunal;
- (d) provide for entitling the person objecting to appear before a tribunal with any witnesses he desires to call, and request the tribunal to inspect the premises to which the objections relate;

- (e) require the tribunal to determine whether the objections are made out and, if not, on which of the grounds in respect of which they are made they are not made out;
- (f) provide that the determinations of the tribunal as stated in the report shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby;
- (g) provide that no registration shall be cancelled,
 - (i) in any case, until the expiration of the prescribed time for making objections or representations under the regulations;
 - (ii) in a case where an objection is made within that time, until the determination of the tribunal.

(4) Any regulations made under this section shall be laid before the House of Representatives as soon as may be after the making thereof and if the House by resolution request that such regulations laid before it be rescinded, such regulations shall be rescinded by the Minister, but without prejudice to the validity of anything done thereunder or the making of new regulations.

(5) In this section,

“dairy” includes any dairy farm, cowshed, milking house, milk store, milk shop or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or for the purpose of manufacture into butter, cheese, condensed milk or dried milk or in which vessels used for the sale of milk are kept, but does not include a shop from which milk is supplied only in properly closed vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

“dairy farm” means any farm, cowshed or other premises being a dairy on which milk is produced from cows;

“dairy farmer” means any person who produces milk from cows.

23.—(1) No person shall,

- (a) add any water or colouring matter, or any dried or condensed milk or liquid reconstituted therefrom, to milk intended for sale for human consumption; or
- (b) add any separated milk, or mixture of cream and separated milk, to un-separated milk intended for such sale; or
- (c) sell, or offer or expose for sale, or have in his possession for the purpose of sale, for human consumption any milk to which any addition has been made in contravention of this subsection.

Certain additions not to be made to mild, certain liquids not to be sold as milk.

(2) No person shall sell, or offer or expose for sale under the designation of milk any liquid in the making of which any separated milk or dried or condensed milk has been used.

(3) Any person who contravenes any of the provisions of this section commits an offence.

24.—(1) No person shall,

- (a) sell, or offer, or expose for sale, for human consumption; or
- (b) use in the manufacture of products for sale for human consumption,

Prohibition of sale of tuberculous milk, of milk cows suffering from tuberculosis, etc.

the milk of any cow which to his knowledge has given tuberculous milk, or is suffering from emaciation due to tuberculosis, or from tuberculosis of the udder or any other disease of cows to which this section applies.

(2) In proceedings under this section, the defendant shall be deemed to have known that a cow had given tuberculous milk, or was so suffering

as described in subsection (1) of this section, if he could with ordinary care have ascertained the fact.

(3) A person who contravenes any of the provisions of this section commits an offence.

(4) The disease of cows to which this section applies are those specified in Part I of the First Schedule and any other disease to which the provisions of this section are extended by Milk and Dairies Regulations.

(5) It shall be the duty of the local authority of every district to enforce this section.

Regulations of
sale of artificial
cream.

25.—(1) No person shall sell, or offer or expose for sale, for human consumption under a description or designation including the word “cream” any substance purporting to be cream or artificial cream, unless,

(a) the substance is cream; or

(b) where the substance is artificial cream, the word “cream” is immediately preceded by the word “artificial”.

(2) No person shall use any vessel for conveying artificial cream intended for sale for human consumption, or for containing artificial cream at any time when it is exposed for such sale, unless the words “artificial cream” are printed in large and legible letters of uniform size and conspicuously visible either on the vessel itself, or on a label securely attached thereto.

(3) Any person who contravenes this section commits an offence.

PART IV

*Health Standard of Bread, Flour, Margarines, Butter, Cheese,
Ice Cream , Imported Food and other Kinds of Food*

26.-(1) The Minister may make “Bread and Flour Regulations” for all or any of the purposes mentioned in any of the following paragraphs, that is to say,

Regulations as to the composition of flour and the addition of substances to flour.

- (a) prescribing the kinds of flour and the other substances which may be used in the making of bread for sale;
- (b) prescribing the descriptions under which bread made of flour other than wheat flour may be sold, and the manner in which any such bread is to be marked;
- (c) prohibiting, prescribing, or restricting the addition of any substance, or the application of any treatment, to flour intended for sale or for use in the making of bread for sale;
- (d) prescribing the descriptions under which, and conditions subject to which, flour may be sold; and
- (e) for regulating the importation, preparation, transport, storage, exposure for sale and delivery of bread or flour.

(2) Regulations shall not be made for any of the purposes mentioned in subsection (1)(a) or (c) of this section, unless they are expressed to be, in the opinion of the Minister, necessary or expedient for promoting health or nutritional value, or otherwise for protecting purchasers.

27. If any flour or other substance which under Bread and Flour Regulations may not be used in the making of bread for sale, is found in a bake house, or any substance which under those regulations may not be added to flour is found in a flourmill, the occupier of the bake house or

Prohibition of adulterants in bake houses and mills.

mill, as the case may be, commits an offence, unless he proves that the substance in question was not intended to be used in the making of bread for sale, or as the case may be, was not intended to be added to any flour intended for sale.

Limit of water in butter, etc. and provisions as to butter in margarine.

28.—(1) Every person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale,

- (a) any butter which contains more than sixteen per centum of water;
- (b) any margarine which contains more than sixteen per centum of water, or the fat of which contains more than ten per centum of fat derived from milk; or
- (c) any milk-blended butter which contains more than twenty-four per centum of water,

commits an offence.

(2) Any label or advertisement which states or suggests that margarine with which it is given, or to which it relates, contains butter shall state the percentage of butter which it contains,

Provided that no offence shall be deemed to have been committed under this subsection, if the figure stated as the percentage of butter does not differ by more than two from the actual percentage.

(3) A person who gives with any margarine sold by him a label, whether attached to or printed on the wrapper or container or not, which does not comply with the requirements of subsection (2) of this section, or who publishes, or is a party to the publication of, an advertisement which does not comply therewith, commits an offence.

Provisions as to ice cream likely to cause milk-borne disease.

29.—(1) Every manufacturer of, or dealer in, ice-cream shall, upon the occurrence of any milk-borne disease among the persons living or working in or about the premises on which the ice-cream is manufactured, stored or sold, forthwith give notice thereof to the medical officer of health of

the district and, if he fails to do so, he commits an offence and is liable to a fine not exceeding twenty-five dollars.

(2) If the medical officer of health of a district has reasonable ground for suspecting that any ice-cream, or substance intended for use in the manufacture of ice-cream, is likely to cause any milk-borne disease, he may give notice to the person in charge thereof that, until further notice, the ice-cream or substance in question, or any specified portion thereof, shall not be used for human consumption and either shall not be removed, or shall not be removed except to some place specified in the notice.

(3) A person who uses or removes any ice-cream or substance in contravention of the requirements of a notice given under subsection (2) of this section, commits an offence and is liable to a fine not exceeding fifty dollars.

(4) If, on further investigation, the medical officer is satisfied that the ice-cream or substance in question may safely be used for human consumption, he shall forthwith withdraw his notice, but, if he is not so satisfied, he shall cause it to be destroyed, and he shall also cause to be destroyed any other ice-cream or such substance as aforesaid then on the premises as to which he is not so satisfied.

(5) Subject as hereinafter provided, where a notice given under subsection (2) of this section is withdrawn by the medical officer, or the medical officer acting under subsection (4) of the section causes any ice-cream or other substance to be destroyed, the local authority shall compensate the owner of the ice-cream or other substance in question for any depreciation in its value resulting from the action taken by the medical officer or, as the case may be, for the loss of its value, the amount of such compensation being fixed by the magistrate of the district upon application by the owner of such ice-cream or other substance,

Provided that,

- (a) no compensation shall be payable under this section in respect of the destruction of any ice-cream or substance if the local authority proves that it was likely to cause any milk borne disease;

- (b) no compensation shall in any case be payable under this section,
 - (i) in respect of any ice-cream or substance manufactured on, or brought within, any premises while a notice given under subsection (2) of this section with respect to anything on those premises was operative; or
 - (ii) in any case where the owner of the ice-cream or substance in question has failed to give a notice which he was required by subsection (1) of this section to give.

(6) For the purposes of subsection (5) of this section, the value of any ice-cream or other substance shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

(7) In this section, “milk-borne disease” means any disease specified in Part II of the First Schedule and any other disease which the Minister may by Order declare to be for the purposes of this section a milk-borne disease.

Restrictions on the importation of certain foods.

30. If there is imported into Belize, within the meaning of that expression as used in the Customs Regulation Act, Cap. 49,

- (a) any margarine or margarine-cheese, except in containers conspicuously marked “Margarine” or “Margarine-Cheese”, as the case may require;
- (b) any adulterated or impoverished milk, except in containers conspicuously marked with a name or description indicating that the milk has been so treated;
- (c) any other adulterated or impoverished food to which the Minister may by Order direct that this section shall be applied, except in containers conspicuously

marked with a name or description indicating that the food has been so treated;

- (d) any milk-blended butter, except in containers conspicuously marked with a name approved for the purpose by the Minister, not being a name which refers to, or is suggestive of, butter or anything connected with the dairy interest;
- (e) any butter, margarine or milk-blended butter the sale of which would be an offence under section 28(1) of this Act;
- (f) any food which does not comply with any relevant provisions contained in regulations made under this, or any other, Act with respect to the importation of food,

the importer commits an offence under this Part.

31.—(1) The Comptroller of Customs shall take such samples of consignments of imported food as may be necessary for the enforcement of the provisions of this Part.

Power of Comptroller of Customs to have imported food sampled.

(2) Where the Comptroller of Customs takes a sample of any consignment, he shall divide it into not less than three parts, and send one part to the importer and one part to a public analyst and retain one part.

(3) Where a sample taken under this section has been analysed and it appears from the certificate of the public analyst that an offence under this Part has been committed, the Comptroller of Customs shall forthwith send a copy of the certificate to the importer.

PART V

*Control, Monitoring, etc. of Manufacture and
Importation of Food and Drugs*

Duty to enforce
Act.

32.-(1) It shall be the duty of every local authority within its area to carry into execution and enforce the provisions of,

- (a) sections 4 to 10 of this Act (which relate to the composition of food and drugs);
- (b) section 23 of this Act (which relates to additions not to be made to milk and liquids not to be sold as milk);
- (c) section 25 of this Act (which relates to artificial cream);
- (d) section 28 of this Act (which relates to margarine, margarine-cheese, butter and milk-blended butter); and
- (e) any other section of this Act which it is specifically directed by the Minister to enforce,

with a view to securing that food and drugs are sold only in a pure and genuine condition.

(2) It shall be the duty of every local authority within its district or area to carry into execution and enforce any section of this Act with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.

(3) A local authority may institute proceedings under any section of, or regulation made under, this Act.

Provision of of-
ficers executing
Act.

33.-(1) The Minister may assign a medical officer of health for duty in respect of the execution of this Act within the district of any local authority.

(2) The Public Services Commission may,

- (a) appoint any qualified person or persons a public analyst or analysts for the purpose of making analyses of any food, drug or other substance, samples of which may be taken by any person under this Act;
- (b) declare any qualified person or persons a bacteriologist, veterinary surgeon or meat inspector for the purpose of making bacteriological and other examinations of any food and drug or other substance taken by sampling officers, or other food, drug or other substance which may be submitted for examination under this Act by a purchaser or of any sample of imported food taken by the Comptroller of Customs under this Act.

(3) A public analyst may be appointed to act for one or more local authorities.

(4) Section 36(1), (2) and (4) of the Evidence Act, Cap. 95, shall apply and have effect in any proceedings under this Act in which it is material to give in evidence the result of any analysis or examination made pursuant to this Act.

34.-(1) A sampling officer may exercise such powers of procuring samples of food and drugs for analysis, or for bacteriological or other examination, as are conferred upon him by this section.

Powers of sampling.

(2) Subject to subsection (3) of this section, a sampling officer may purchase samples of any food or drug.

(3) Nothing in subsection (2) of this section, shall be construed as authorising any purchase or sale of drugs in contravention of the Misuse of Drugs Act, Cap. 103, or regulations made thereunder.

(4) A sampling officer may take samples of,

- (a) any butter or cheese, or substances resembling butter or cheese, exposed for sale and not marked in the manner in which margarine, milk-blended butter or margarine-cheese is required to be marked under this Act;
- (b) any food, or substance capable of being used in the preparation of food, found on premises which he has entered in the execution of his duties under this Act.

(5) A sampling officer may take samples of milk at any dairy, or at any time while it is in transit, or at the place of delivery to the purchaser, consignee or consumer.

(6) Where milk sold or exposed for sale within the area of any local authority is obtained from a dairy situate outside that area, the medical officer of health or any other authorised officer may by notice in writing to the medical officer of health or other authorised officer within whose area the dairy is situate, or through whose area the milk passes in transit, request him to procure samples of the milk at that dairy, or while it is in transit, and it shall be the duty of the medical officer of health or other authorised officer who receives such a notice to procure, as soon as is practicable, samples of the milk in question and to forward those samples to the officer who gave the notice, or to such person as the first-mentioned medical officer of health or other authorised officer may direct and, for the purposes of this Act, samples so procured shall be deemed to have been procured within the area for which the first-mentioned officer acts.

(7) Any power of an authorised officer in respect of procuring samples of milk may be exercised at a place outside the area of the local authority whose officer he is, if the local authority of that area within which that place is situate has consented to samples of milk being procured within its area by authorised officers of the first-mentioned local authority and, for the purposes of this Act, any samples so procured shall be deemed to have been procured within the area for which the authorised officer in question acts.

(8) A local authority shall not unreasonably withhold consent for the purposes of subsection (7) of this section, and any question whether or

not consent is unreasonably withheld shall be referred to and determined by the Minister.

(9) Subject to subsection (10) of this section, a sampling officer may, at the request or with the consent of the purchaser, consignee or consumer, take at the place of delivery samples of any food delivered, or about to be delivered, to the purchaser, consignee or consumer in pursuance of a contract for the sale thereof to him.

(10) Subsection (9) of this section, shall not apply in relation to milk.

(11) If a sampling officer has reason to believe that any container forwarded by a public conveyance contains margarine, margarine-cheese or milk-blended butter which is not consigned in accordance with this Act, he may examine and take samples of the contents of that container.

35.-(1) If a sampling officer who has procured a sample of any food or drug considers that it should be analysed, he shall submit it to be analysed by a public analyst.

Right to have samples analysed.

(2) A person, other than a sampling officer, who has purchased any food or drug may submit a sample of it to be analysed by a public analyst.

36.-(1) A person purchasing a sample of any food or drug with the intention of submitting it to be analysed by a public analyst, or taking a sample of food on any premises with the intention of submitting it to be so analysed shall, after the purchase has been completed or the sample has been taken, forthwith inform the seller or his agent who sold the sample or, as the case may be, the occupier of the premises or the person for the time being in charge thereof, of his intention to have the sample analysed by the public analyst, and shall then and there divide it into three parts, each part to be marked, and sealed or fastened up, in such manner as its nature will permit, and shall,

Division of, and dealings with, samples.

(a) deliver one part to the seller or his agent or, as the case may be, to the occupier of the premises or the person for the time being in charge thereof;

- (b) retain one part for future comparison; and
- (c) if he thinks fit to have an analysis made, submit one part to the public analyst:

Provided that, in relation to samples taken in such circumstances as are mentioned in subsection (2) of this section, the foregoing provisions with respect to the giving of information and the manner of dealing with samples shall have effect as modified by that subsection.

(2) A person taking a sample of any food while it is in transit, or at the place of delivery to the purchaser, consignee or consumer shall, if he intends to submit it to be analysed by a public analyst, deal with it in the manner provided by subsection (1) of this section, except that he shall retain the first-mentioned part of the sample unless the name and address of the consignor appear in the container containing the article sampled, in which case he shall forward that part of the sample to the consignor by registered post or otherwise, together with a notice informing that person that he intends to have part of the sample analysed by the public analyst.

37.—(1) The provisions of this Act relating to the procuring of samples by sampling officers, and proceedings in connection therewith shall, in relation to milk, have effect subject to the Second Schedule.

(2) It shall be a defence for a defendant charged with any offence under this Act, or under Milk and Dairies Regulations or Food Regulations, in respect of a sample of milk taken after the milk has left his possession, to prove that the churn or other vessel in which the milk was contained was effectively closed and sealed at the time when it left his possession, but had been opened before the person by whom the sample was taken had access to it.

(3) So much of any contract as requires a purveyor of milk, on a sample of milk being procured under this Act, to send to the person from whom he obtained the milk any part of such sample, or to give to that person notice that a sample has been so procured, shall be void.

Special provisions as to the sampling of milk and proceedings subsequent thereto.

PART VI

Offences and Penalties, etc.
Offences and Penalties

38.—(1) A person who wilfully obstructs any person acting in the execution of this Act or of any regulations, by-laws, Order or warrant made or issued thereunder commits an offence and is liable to a fine not exceeding one hundred dollars.

Penalty for obstructing execution of Act.

(2) If, in any proceedings under subsection (1) of this section, the court is satisfied that the offender committed the offence with intent to prevent the discovery of some other offence under this Act, or if he has within the twelve months last preceding been convicted of an offence under subsection (1) of the section, he shall be liable to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months.

(3) If a sampling officer applies to purchase any food or drug exposed for sale, or on sale by retail, and tenders the price for the quantity which he requires as a sample, and the person exposing the food or drug for sale, or having it for sale, refuses to sell to the officer the quantity thereof as required, or if the seller or consignor, or any person having for the time being the charge, of any food or drug of which an officer is empowered to take a sample, refuses to allow the officer to take the quantity which he requires as a sample, the person so refusing shall, for the purposes of subsection (1) of this section, be deemed to have wilfully obstructed the officer.

(4) Where any food or drug is exposed for sale in an unopened container duly labelled, no person shall be required to sell it except in the unopened container in which it is contained.

(5) A person who fails to give to any person acting in the execution of this Act or of any regulations, by-laws, Order or warrant made or issued thereunder, any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by this Act to call for or may reasonably require, or who, when required

to give any information, knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding one hundred dollars.

(6) Nothing in this section shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him.

Power to enter
premises.
31 of 1968.

39.—(1) Subject to this section, an authorised officer shall, on producing if so required some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours,

- (a) for the purpose of ascertaining whether there is or has been on, or in connection with the premises any contravention of this Act or of any regulations or by-laws made thereunder;
- (b) to inspect animals before slaughter for the purpose of ascertaining whether such animals may be passed for slaughter and to examine the carcasses of animals after slaughter to determine whether such carcass or any part or product thereof may be passed as fit for human consumption; and
- (c) generally for the purpose of the performance of any local authority of its functions under this Act or any such regulations or by-laws.

(2) Admission to any premises used only as a private dwelling house shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(3) If a justice of the peace, on sworn information in writing,

- (a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as mentioned in subsection (1) of this section; and
- (b) is also satisfied either,

- (i) that admission to the premises has been refused, or a refusal is reasonably apprehended and that notice of the intention to apply for a warrant has been given to the occupier; or
- (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

he may by warrant under his hand authorise any authorised officer to enter the premises, if need be by force.

(4) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any occupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespasses as he found them.

(5) Every warrant granted under this section shall continue in force for a period of one month.

(6) A police officer shall have all the powers conferred upon an authorised officer by this section.

40. Any person who commits an offence under this Act shall, unless a special penalty for that offence is provided by this Act, be liable on conviction, in the case of a first offence, to a fine not exceeding one hundred dollars and, in the case of a subsequent offence, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Penalties.

41.—(1) Subject to this Act, all offences under this Act and regulations and by-laws made thereunder may be prosecuted under the Summary Jurisdiction (Offences) Act, Cap. 98 and Summary Jurisdiction (Procedure) Act, Cap. 99.

Prosecutions.

(2) Where a sample has been procured under this Act, no prosecution in respect of the article sampled shall be commenced after the expiration of sixty days from the time when the sample was procured unless the magistrate before whom the information is laid, on being satisfied on oath that having regard to the circumstances of the particular case it was not practicable to lay the information at an earlier date, gives a certificate to that effect, and in no case shall the prosecution be commenced after the expiration of ninety days from the said time.

(3) The time within which a prosecution may be commenced under section 46 of this Act, in respect of the giving of a false warranty shall be twelve months instead of six months.

(4) Subject to subsections (5) and (6) of this section, where a sample has been procured under this Act, any proceedings in respect of the article sampled shall be taken before a court having jurisdiction in the place where the sample was procured.

(5) Where a sample procured within one area is for the purposes of this Act deemed to have been procured within another area, proceedings may, at the option of the prosecutor, be taken either before a court having jurisdiction within the area within which the sample was procured, or before a court having jurisdiction within the area within which it is deemed to have been procured.

(6) Where the article sampled was sold and actually delivered to the purchaser, proceedings may, if the prosecutor so elects, be taken before a court having jurisdiction at the place of delivery.

(7) In any proceedings under this Act in respect of an article sampled, the summons shall not be made returnable less than fourteen days from the day on which it is served, and a copy of any certificate of analysis obtained on behalf of the prosecutor, and of any certificate given by a magistrate under subsection (2) of this section, shall be served with the summons.

(8) In any proceedings under this Act, where a sample has been procured in such circumstances that its division into parts is required by

this Act, the part of the sample retained by the person who procured it shall be produced at the hearing.

42.—(1) In any proceedings under this Act, the production by one of the parties of a document purporting to be a certificate of a public analyst in the prescribed form, or of a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein, unless, in the first-mentioned case, the other party requires that the analyst shall be called as a witness.

Evidence of certificates of analysis, and presumptions.

(2) In any such proceedings, if a sample of milk has been taken by an officer of one authority at the request of an officer of another authority, a document purporting to be a certificate signed by the officer who took the sample and stating that the provisions of this Act with respect to the manner in which samples are to be dealt with were complied with shall, if a copy thereof has been served on the defendant with the summons, be sufficient evidence of compliance with those provisions, unless the defendant requires that the officer shall be called as a witness.

(3) In any such proceedings, if a defendant intends to produce a certificate of a public analyst, or under subsection (1) of this section, to require that the public analyst shall be called as a witness, or under subsection (2) of the section to require that a sampling officer shall be called as a witness, notice of his intention, together, in the first-mentioned case, with a copy of the certificate, shall be given to the other party at least three clear days before the day on which the summons is returnable and, if this requirement is not complied with, the court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

(4) For the purposes of this Act and of any regulations made thereunder,

- (a) articles commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale, for human consumption;

- (b) any article commonly used for human consumption which is found on premises used for the preparation, storage or sale of that article and any article commonly used in the manufacture of products for human consumption which is found on premises used for the preparation, storage or sale of those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;
- (c) any substance capable of being used in the composition or preparation of any article commonly used for human consumption which is found on premises on which that article is prepared shall, until the contrary is proved, be presumed to be intended for such use.

Power of court to
require analysis
by Government
Chemist

43.—(1) The court before which any proceedings are taken under this Act may, if it thinks fit, and upon the request of either party shall, cause the part of any sample produced before the court under section 41 (8) of this Act to be sent to a public analyst, who shall make an analysis, and transmit to the court a certificate of the result thereof, and the costs of the analysis shall be paid by the prosecutor or the defendant as the court may order.

(2) If, in a case where an appeal is brought, no action has been taken under subsection (1) of this section, the provisions thereof shall apply also in relation to the court by which the appeal is heard.

Defence avail-
able to defendant
where some other
person is respon-
sible for the com-
mission of the of-
fence charged.

44.—(1) A person against whom proceedings are brought under this Act shall, upon complaint duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings, and, if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of subsection (1) of this section,

- (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the local authority concerned that an offence had been committed in respect of which proceedings might be taken under this Act against some person and the local authority is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) of this section, the local authority may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

(4) In any such proceedings, the defendant may be charged with and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

45.-(1) Subject to this section, in the case of any prosecution under Part II, Part III, or Part IV in respect of selling, exposing or offering for sale, or having in possession for sale, an article which was not of a nature, substance or quality entitling a person to sell or otherwise deal with it under the description or in the manner under, or in, which the defendant dealt with it, it shall be a defence for the defendant to prove,

Conditions under which a warranty may be pleaded as defence.

- (a) that he purchased it as being an article of such a nature, substance and quality as would have so entitled him and with a written warranty to that effect;

- (b) that he had no reason to believe at the time of the commission of the alleged offence that it was otherwise; and
 - (c) that it was then in the same state as when he purchased it.
- (2) A warranty shall only be a defence to proceedings under this Act if,
 - (a) the defendant has within seven days of the service of the summons sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to that person;
 - (b) in the case of a warranty given by a person resident outside Belize, the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein; and
 - (c) in the case of a prosecution in respect of a sample of milk, the defendant has within seventy-two hours after the sample was procured served such a notice as is mentioned in paragraph (2) of the Second Schedule.
- (3) Where the defendant is a servant of the person who purchased the article under a warranty, he shall be entitled to rely on the provisions of this section in the same way as his employer would have been entitled to do if he had been the defendant.
- (4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.
- (5) For the purposes of this section and section 46, a name or description entered in an invoice shall be deemed to be a written warranty that the

food or drug to which the entry refers is of such a nature, substance and quality that a person can sell, or otherwise deal with it, under the name or description without contravening any of the provisions of this Act or of regulations made thereunder.

46.-(1) A defendant who in any proceedings under this Act wilfully applies to any food or drug a warranty or certificate of analysis given in relation to any other food or drug commits an offence.

Offences in relation to warranties and certificates of analysis.

(2) A person who, in respect of any food or drug sold by him, gives to the purchaser a false warranty in writing commits an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate.

(3) Where the defendant in a prosecution under this Act relies successfully on a warranty given to him or to his employer, any proceedings under subsection (2) of this section in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where a sample of the food or drug to which the warranty relates was procured, or before a court having jurisdiction in the place where the warranty was given.

47. Where by any of the foregoing provisions of this Act provision is made for the payment of compensation to any person, any dispute arising as to liability to pay compensation, the fact of damage or loss, or as to the amount of compensation, shall be determined by, and any compensation awarded may be recovered before, a court of summary jurisdiction in the place where the liability is alleged to have arisen.

Disputes as to compensation.

PART VII

Slaughter House and Knacker's Yard

Slaughterhouses
and knacker's yards
to be licences.
31 of 1968.

48.—(1) It shall not be lawful,

- (a) for the occupier of any premises to use them as a slaughter house or knacker's yard, or to permit them to be so used, unless he holds a licence under this Part authorising him to keep those premises as a slaughter-house or, as the case may be, a knacker's yard; or
- (b) for any person other than the occupier to use any premises as a slaughter house or knacker's yard, unless the occupier of the premises held in respect thereof a licence under this Part.

(2) Licences under this Part shall be granted by the Minister, subject to and in accordance with this Part.

(3) In relation to the use of any premises for or in connection with the slaughter of horses, asses or mules, a licence under this Part shall be of no effect unless the licence expressly authorises the use of the premises for that purpose.

(4) A person who uses any premises as a slaughter house or knacker's yard in contravention of this section, or permits any premises to be so used, commits an offence.

Application for
grant of licences.

49.—(1) Subject to this Part, the Minister, on receiving from the occupier of, or a person proposing to occupy, any premises on application for the grant or renewal of a licence authorising him to keep those premises as a slaughterhouse or as a knacker's yard, may grant or renew to him a licence in respect of those premises.

(2) The Minister shall not grant or renew a licence for the premises named in the application until the buildings, equipment and facilities (for hygiene) have been inspected and examined by the authorised officer

and are found to be satisfactory in compliance with the regulations and a report in writing is made to the Minister accordingly.

(3) Where any premises used or to be used for the confinement of animals awaiting slaughter in a slaughterhouse or knacker's yard are situated outside the curtilage of the premises used or to be used for the slaughter, separate licences may be granted under this Part authorising the use of those premises for the purposes of the confinement and the slaughter respectively.

(4) The Minister may require a person who applies for a grant or renewal of a licence under this Part to give to him, before his application is considered, information as to any other licence in respect of a slaughterhouse or knacker's yard which he holds or has held; and if an applicant who is so required gives to the Minister any information which is false in a material respect, he commits an offence.

(5) In the case of an application for the construction of new premises for use as a slaughterhouse or a knacker's yard or the modification thereof, the person proposing to construct or modify such premises shall submit an application and plans of the proposed premises and of the site to the Minister. Such plans of the premises shall show the layout of the rooms and their functions, the provision for the drainage, water supply, hygiene facilities, toilet facilities and rest rooms and facilities for handling and treatment of officials as required by the Act and regulations. Further, the site plan shall show the location of buildings, location of lairage for the animals, the location of drainage, grease catchment basins and the like, the location of wells and/or water supplies and access roads.

8 of 1985.

Provided that no licence shall be granted or renewed under this section if the slaughterhouse or knacker's yard will constitute an environmental hazard or nuisance to the residents of the area.

50. Without prejudice to the foregoing provisions of this Part, the Minister shall refuse an application made to him for the grant or renewal of a licence under this Part in respect of any premises if he is not satisfied that the requirements of any regulations in force under section 11 of this Act and made for the purposes of subsection (2) (a) or (b) of that section

Particular grounds for refusal of licence.

are complied with in respect of those premises, or will be complied with before the date on which the licence or renewed licence comes into force.

Duration of licence.

51. A licence granted under this Part shall expire on 31st December of the year in which it was granted.

Licensed premises to be separate.

52. Any premises licensed under this Part shall be kept and maintained entirely separate from any other premises whether so licensed or not.

Restriction on meat entering slaughterhouses.

53. No meat or meat product shall be admitted to any slaughterhouse licensed under this Act unless such meat or meat product emanates from some other slaughterhouse licensed under this Act.

Application.

54. Nothing in this Part shall apply to any slaughterhouses which are maintained at public expense.

FIRST SCHEDULE

FOOD AND DRUGS ACT
Diseases of Cows and other
Animals and Milk-Borne Diseases
[Sections 24 (4) and 29 (7)]

PART I

Diseases of Cows and other Animals

1. Acute mastitis.
2. Actinomycosis of the udder.
3. Suppuration of the udder.
4. Any infection of the udder or teats which is likely to convey disease.
5. Any comatose condition.
6. Any septic condition of the uterus.
7. Anthrax.
8. Foot and mouth disease.

PART II

Milk-Borne Diseases

1. Enteric fever (including typhoid and paratyphoid fevers).
2. Dysentery.

3. Diphtheria.
4. Scarlet fever.
5. Acute inflammation of the throat.
6. Gastro-enteritis.
7. Undulant fever.

SECOND SCHEDULE

FOOD AND DRUGS ACT

*Sampling of Milk**[Sections 37 (1), 45 (2) (c)]*

1. Where a sample of milk is procured from a purveyor of milk, he shall, if required to do so by the person by whom or on whose behalf the sample was procured, state the name and address of the seller or consignor from whom he received the milk.
2. Within seventy-two hours after the sample was procured from the purveyor, he may serve on the local authority by whose officer it was pro-cured, or, if it was not procured by an officer of any local authority, on the local authority within whose area it was procured, a notice stating the name and address of the seller or consignor from whom he received the milk and the time and place of delivery to himself of milk from a corresponding milking, and requesting the authority to take immediate steps to procure, as soon as practicable, a sample of milk from a corresponding milking in the course of transit or delivery to himself from the seller or consignor:

Provided that,

- (a) if such a sample has been so procured since the sample in question was procured, or had been so procured within twenty-four hours prior to that sample being procured, it shall not be necessary for the local authority to procure another sample in accordance with the notice; and
 - (b) the purveyor shall have no right to require that such a sample be procured if the milk from which the sample procured from him was taken was a mixture of milk obtained by him from more than one person.
3. If a purveyor has served on the authority such a notice as afore-said and the local authority has, in a case not falling within proviso (a) to

paragraph 2 of this schedule, omitted to procure a sample of milk from the seller or consignor in accordance with the foregoing provisions, no proceedings under this Act shall be taken against the purveyor in respect of the sample procured from him.

4. Any sample so procured in the course of transit or delivery shall be submitted for analysis to the analyst to whom the sample procured from the purveyor is or was submitted.

5. If proceedings are taken against the purveyor, a copy of the certificate of the result of the analysis of every sample so procured in the course of transit or delivery shall be furnished to him, and every such certificate and copy shall, subject to the provisions of section 42 of this Act, be admissible as evidence on any question whether the milk sold by the purveyor was sold in the same state as it was in when he purchased it.

6. The local authority by whose officer, or within whose area, the first-mentioned sample was procured may, instead of, or in addition to, taking proceedings against the purveyor, take proceedings against the seller or consignor.

7. If a sample of milk of cows in any dairy is procured in course of transit or delivery from that dairy, the dairyman may, within seventy-two hours after the sample was procured, serve on the local authority by whose officer the sample was procured, a notice requesting them to take immediate steps to procure as soon as practicable a sample of milk from a corresponding milking of the cows and, thereupon, paragraphs 2 to 5 of this Schedule shall, so far as applicable, apply with any necessary modifications.

Provided that the person procuring the sample shall be empowered to take any such steps at the dairy as may be necessary to satisfy him that the sample is a fair sample of the milk of the cows when properly and fully milked.