

S.I. 1999 No. 88

Health Services Act
Cap. 44

FOOD HYGIENE (AMENDMENT)
REGULATIONS, 1999

The Minister in exercise of the powers conferred on him by section 10(1)(o) and (p) of the *Health Services Act*, makes the following Regulations:

1. These Regulations may be cited as the *Food Hygiene (Amendment) Regulations, 1999*.
2. Regulation 2 of the *Food Hygiene Regulations, 1969* in these Regulations referred to as the principal Regulations is amended S.I. 1969
No. 232
 - (a) by deleting the definition of "food" and substituting the following:

" "food" means any substance whether processed, semi-processed or raw, which is intended for human consumption and includes drink, chewing gum and other substances which are used in the manufacture or treatment of food, but does not include cosmetics, tobacco or substances used only as drugs;" ; and
 - (b) by deleting the definition of "premises" and substituting the following:

““premises” means land, whether open or enclosed, built on or not, public or private and whether or not maintained under any enactment, and includes any aircraft, ship, vessel, boat, hulk, barge, tent, vehicle, shed, warehouse or any other structure designed and used for the carriage or storage of food;”.

3. The principal Regulations are amended by inserting immediately after section 25 the following new heading:

“PART VIA

*Requirements relating to the Inspection and
Condemnation of Food”*

4. Regulation 26 of the principal Regulations is amended in paragraph (2) by inserting immediately after the words “disposed of” appearing in the last line the words “, and where the food is condemned, the Public Health Inspector shall issue a Certificate of Condemnation of Food in the Form 1 as set out in the Schedule.”.

5. The principal Regulations are amended by inserting immediately after section 26 the following:

“26A.(1) All food imported into Barbados may be inspected at any port of entry by a Public Health Inspector.

(2) In conducting an inspection under paragraph (1) a Public Health Inspector may request

(a) the certificate of inspection issued by the country of origin; and

(b) the temperature control charts from the vessel carrying the food.

(3) Where food is inspected in accordance with paragraph (1) and is found to be fit for human consumption, the Public Health Inspector carrying out the inspection shall issue a Wholesome Food Certificate to the importer of the food prior to releasing the food to the importer.

(4) The certificate issued pursuant to paragraph (3) shall be in the Form 2 as set out in the Schedule to these Regulations.

(5) Where food is inspected in accordance with paragraph (1) and is found to be unfit for human consumption the Public Health Inspector carrying out the inspection shall

(a) detain the food for further examination;

(b) seek the opinion of the Government Analyst; and

(c) notify the importer of the detention of the food.

(6) Where a Public Health Inspector detains food under paragraph (5) he shall

- (a) take a sample and divide it into three parts, each part to be marked and sealed or fastened in such manner as its nature will permit and he shall
 - (i) if required to do so deliver one part to the importer or his agent;
 - (ii) retain one part for future comparison; and
 - (iii) submit one part to the Government Analyst; and
- (b) issue a notice to the Importer in accordance with Form 3 as set out in the Schedule to these Regulations.

(7) Where the sample that is taken in accordance with paragraph (6) is packaged in containers of a convenient size and labelled with the batch number of the manufacture or producer, any three such containers each bearing the identical batch number shall be deemed for the purposes of these Regulations to be three parts of the same sample.

(8) Any report issued by the Government Analyst pursuant to paragraph (5) (b) shall be receivable as evidence in any court of law.

(9) Where an examination is conducted under paragraph (5) and the food is found to be unfit for human consumption, such food shall be destroyed or otherwise disposed of and the Public Health Inspector shall issue an Unwholesome Food Certificate to that effect in the Form 4 as set out in the schedule to these Regulations.

(10) Notification of the detention under paragraph (5) shall be in the Form 4 as set out in the Schedule to these Regulations and a copy of the notice shall be sent to the Comptroller of Customs and to the Manager of the port through which the food entered Barbados.

(11) All costs of examination of any food that is detained by a Public Health Inspector and any resulting costs of destruction, re-export or disposal of food that is found to be unfit for human consumption, shall be borne by the importer of food so detained or destroyed.”

6. The principal Regulations are amended by inserting immediately after Regulation 30 the Schedule to these Regulations.

SCHEDULE

(Regulation 26(2))

Form 1

MINISTRY OF HEALTH

Certificate of Condemnation of Food

I, _____ certify
Name of Public Health Inspector

that in accordance with the *Health Services (Food Hygiene) Regulations, 1969* the undermentioned items of food have been inspected and condemned as being unfit for human consumption and they have been destroyed or otherwise disposed of by me:

<i>Items</i>	<i>Quantity</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Signature of the Public Health Inspector

Date

SCHEDULE – Cont'd

(Regulation 26A (4))

Form 2

MINISTRY OF HEALTH

Wholesome Food Certificate

Serial Number

Name of Importer

Address of Importer

Name and Identification number of the Carrier

Country of origin of food

Type of food

Quantity of food

Supporting documentation requested
(Inspection certificates issued in the country of origin
temperature control charts from the carrier)

Premises where the food is examined

STATUTORY INSTRUMENT

SCHEDULE – Cont'd**Form 2 – Cont'd**

I, _____
Name of Public Health Inspector

certify that the _____ imported by
specify type of food

_____ on the
Name of Importer

_____ day of _____ and inspected
Day Month Year

by me on the _____ day of _____
Day Month Year

is fit for human consumption.

Signature of Public Health Inspector

Date of Inspection

STATUTORY INSTRUMENT

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SCHEDULE – Cont'd

(Regulation 26A (6))

Form 3

MINISTRY OF HEALTH

Notification of Detention of food for further Examination

To: _____
Name of Importer

Address of Importer

TAKE NOTICE that the _____
Specify type and quantity of food

imported by you on the _____ day of _____
Day Month Year

is suspected of being unfit for human consumption and will be detained for

_____ by the _____
Type of analysis (bacteriological or chemical) Agency performing the analysis

SCHEDULE – Cont'd

(Regulation 26A (6))

Form 3 – Cont'd

AND TAKE FURTHER NOTICE that you _____

Name of Importer

will be required to pay the costs of the examination and if necessary, the costs of the re-export, destruction or disposal of the food.

Signature of the Public Health Inspector_____
Date

SCHEDULE – Cont'd

(Regulation 26A (9))

Form 4

MINISTRY OF HEALTH

Unwholesome Food Certificate

Serial Number

Name of Importer

Address of Importer

Name and Identification number of the Carrier

Country of origin of food

Type of food

Quantity of food

Supporting documentation requested
(Inspection certificates issued in the country of origin,
temperature control charts from the carrier)

Premises where the food is examined

SCHEDULE - *Concl'd**(Regulation 26A (9))***Form 4 – *Cont'd***

I, _____ certify
Name of Public Health Inspector

that the _____ imported by _____
specify type of food Name of Importer

on the _____ day of _____
Day Month Year

and inspected by me on the _____ day of _____
Day Month

_____ is unfit for human consumption.
Year

Reasons for the determination that the food is unfit for human consumption

Signature of the Public Health Inspector

Date of Inspection

Made by the Minister this 21st day of September, 1999.

PHILLIP C. GODDARD
Minister responsible for Health.