

THE OFFICIAL GAZETTE 19TH JULY, 2019

LEGAL SUPPLEMENT — A



GUYANA

ACT NO. 19 OF 2019

FOOD SAFETY ACT 2019

I assent.

A handwritten signature in black ink, appearing to read 'David Granger'.

David Granger,
President.

2019.07.19

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A.D. 2019]

FOOD SAFETY ACT 2019

[No. 19

AN ACT to protect the health and wellbeing of consumers by promoting and ensuring food safety along the food chain through an integrated and coordinated approach and to provide for connected matters.

A.D. 2019 Enacted by the Parliament of Guyana:-

**PART I
PRELIMINARY**

Short title. 1. This Act may be cited as the Food Safety Act 2019.

Interpretation. 2. In this Act –

“additive” means any substance not normally consumed as food by itself and not normally used as a typical ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the production, manufacture, preparation, treatment, packing, packaging, transport or storage of such food results, or may be reasonably expected to result (directly or indirectly), in it or its by products becoming a component of or otherwise affecting the characteristics of such food, but does not include contaminants or substances added to food for the purpose of maintaining or improving nutritional qualities;

“advertisement” includes any representation whether written, pictorial, visual or otherwise, made for the purpose of promoting directly or indirectly the sale or disposal of any food or any substance represented as food, and “advertise” shall have a corresponding meaning;

“agricultural input” means a substance or an organism that may be used in the production of food, the growing of a plant or an organism or the raising of an animal and includes feedstuff, fertilizers, seeds, manure, other biosolids, soil conditioners, supplements, additives, treatments, growth promotants, and similar substances and organisms;

“animal” means an aquatic animal or a terrestrial animal;

“animal feed” means a mixture of nutrients produced under hygienic conditions and used as a supplement or the only source of feed;

“animal product” means a terrestrial animal product or an aquatic animal product;

“approved” means officially approved, accredited or registered by the Authority;

“aquatic animal product” means non-viable aquatic animals and products from aquatic animals, and includes fresh fish, processed whole fish or edible products of fish that have been subjected to treatment such as cooking, drying, salting, brining, smoking or freezing;

“Authority” means the Food Safety Authority established under section 3;

“authorised officer” means a person appointed or designated and qualified to act as such;

“biological products” means –

- (a) biological reagents for use in the diagnosis of certain diseases;
- (b) sera for use in the prevention and treatment of certain diseases;
- (c) inactivated or modified vaccines for use in preventive vaccination against certain diseases;
- (d) genetic material of infectious agents;
- (e) endocrine tissues from fish or used in fish;

“Board” means the Board appointed by the Minister under section 5;

“Codex Alimentarius” means the rules governing food safety established by the Codex Alimentarius Commission established by Resolution of the Eleventh Session of the Conference of the Food and Agriculture Organization;

“Codex Alimentarius Commission” means a subsidiary body of the Food and Agriculture Organization of the United Nations and the World Health Organization, entrusted with the elaboration of international standards of food to protect the health of consumers and to ensure fair practices in the food trade;

“commercial operation” in relation to any food, means any of the following –

- (a) consigning, delivering or servicing by way of sale or trade;
- (b) importing and exporting;
- (c) preparing for sale or presenting, labelling or wrapping for the purpose of sale;
- (d) selling, possessing for sale and offering, exposing or advertising for sale;
- (e) storing or transporting for the purposes of sale, and in relation to any food source, means deriving food from it for the purpose of sale or for the purposes connected with sale;

“Committee” means the National Food Safety Committee established under section 25;

“commodity” means animals, animal products intended for human consumption, for animal feed, for pharmaceutical or surgical use or for agricultural or industrial use, animal genetic material, feedstuffs, biological products and pathological material;

“contaminant” means any substance not intentionally added to food which is present in such food as a result of the production (including operations carried out in crop husbandry, animal husbandry and veterinary medicine), manufacture, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination;

“establishment” means any premises and facilities where food products are prepared, processed, chilled, frozen, packaged or stored but does not include auctions where only display and sale by wholesale takes place;

“exporter” 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 any food exported from Guyana;

“fish” includes –

- (a) parts of fish;
- (b) shellfish, crustaceans, fresh water, brackish water and marine animals and any of their parts; and

- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of any fish;

“fish slaughtering premises” means premises used for the slaughter of fish for human consumption or other purposes;

“food” or “foodstuff” means any substance or product, whether processed, partially processed, unprocessed, intended to be or reasonably expected to be ingested by humans and includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment but does not include –

- (a) animal feed;
- (b) live animals, unless they are prepared for placing on market for human consumption;
- (c) plants prior to harvesting;
- (d) medicinal products;
- (e) cosmetics;
- (f) tobacco and tobacco products;
- (g) narcotic or psychotropic substances;
- (h) residues and contaminants;

“food analyst” means a person or institution qualified or designated as a food analyst under section 26 of this Act;

“food borne disease” means diseases, usually either infectious or toxic in nature, caused by agents that enter the body through the ingestion of food;

“food business” means any undertaking carried out by a person related to any stage of production, processing, distribution, storage and sale of food;

“food control” refers to mandatory regulatory activity of enforcement by national or local authorities to provide consumer protection and ensure that all foods during production, handling, storage, processing and distribution are safe, wholesome and fit for human consumption; conform to

quality and safety requirements; and are honestly and accurately labelled as prescribed by law;

“food fraud” means a false representation of a food whether by description, labelling, false or misleading representations or by concealment of what should have been disclosed, that is meant to deceive another;

“food handler” means any person who as a result of the performance of the person’s duty comes into contact with raw or cooked, packaged or unpackaged food, food equipment and utensils and food contact surfaces;

“food hazard” means a biological, chemical or physical agent in, or the condition of food or feed with the potential of causing an adverse health effect;

“food safety” means assurance that food will not harm the consumer when it is stored or eaten according to its intended use;

“food source” means food intended for human consumption and derived from milk, egg, any growing crop, plant, micro-organism, live animal, bird and fish;

“genetically modified food” means food containing, consisting of or produced from genetically modified organisms;

“genetically modified organism (GMO)” means an organism, with the exception of human beings, in which the genetic material has been altered in a way that does not occur naturally by mating or natural recombination;

“governmental entity” includes any Ministry, Government department, corporation or agency;

“HACCP” means Hazard Analysis and Critical Control Points which is a systemic preventive approach to food safety;

“import” means to import into Guyana by any means and importation has a corresponding meaning;

“importer” means 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 any food imported into Guyana;

Chap. 145
1953 Ed.

“ingredient” means any substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form;

“inspection” means the examination of food by the Authority responsible for food control;

“inspector” means any person appointed under section 8 of the Public Health Ordinance and any other person appointed in that capacity under section 27;

“label” means any tag, brand, mark, pictorial or other descriptive matter written, printed, stencilled, marked, embossed, or impressed on or attached to a container of food or its package;

“manufacture” includes processing and preservation and other similar activities;

“Minister” means the Minister of Agriculture;

“monitoring” means a regular investigation of a given population or sub-population and its environment to detect changes in the prevalence of a disease or pathogen or characteristics of a pathogenic agent;

“National Codex Committee” means the body established under section 25;

“official analyst” means a person appointed to perform analysis under this Act;

“official laboratory” means a laboratory which is approved by the competent authority and is by that authority able to carry out official analyses;

“outbreak” means the unusual occurrence of one or more cases of a disease or an infection in an epidemiological unit;

“operator” means any person who operates a food business;

“owner” means any person in control of any food business;

“package” includes anything in which food is wholly or partially placed or wrapped and includes any basket, container, pail, tray or receptacle of any kind whether open or close;

“plant” means a botanical plant or part thereof and includes fresh water, brackish water and marine plants;

“population” means a group of persons sharing a common defined characteristic;

“premises” includes any building, tent or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land employed in connection therewith, used for the production, manufacture, packing, packaging, transport, handling, serving, storage or sale of any food;

“production” means the cultivation, rearing, or growing of food including harvesting, milking and farmed animal production prior to slaughter;

“recall” means the action of removing food from the market at any stage of the food chain, including food that is in the possession of consumers;

“risk” means a function of the probability of an adverse health effect and the severity of that effect consequential to a hazard;

“risk analysis” means a process consisting of hazard identification, risk assessment, risk management and risk communication in accordance with internationally accepted procedures and standards;

“risk assessment” means a scientifically based process consisting of four steps: hazard identification, hazard characterisation, exposure assessment and risk characterisation;

“risk communication” is the exchange of information and opinions concerning risk and risk-related factors among risk assessors, risk managers, consumers and other interested parties.

“risk management” means the process distinct from risk assessment of weighing policy alternatives in consultation with interested parties considering risk assessment and other legitimate factors and if need be selecting appropriate prevention and control options;

“sell” includes to put up for sale, advertise, keep, store, display, transmit, consign, convey or deliver for sale, or to exchange, or to dispose of to any person in any manner for profit, exhibition,

donation or public gathering, and “sold”, “selling” and “sale” shall have corresponding meanings;

“street food” means ready-to-eat foods prepared or sold along streets and other similar public places;

“street food vending” means ready-to-eat food prepared or sold from a vehicle, watercraft, cart, tray or other similar facility;

“sub-population” means a distinct part of a population identifiable according to specific common animal health characteristics;

“surveillance” means the investigation of a given population or sub-population to detect the presence of a disease and includes ante and *post mortem* inspections;

“traceability” means the ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution;

“transportation” means the procedures associated with the carrying of food for commercial purposes from one location to another by any means;

“unsafe food” means food that shall not be placed on the market because it has been deemed unsafe;

“vehicle” means any vessel, aircraft, train, conveyance, cart, container, animal or other thing on land or at sea that can transport animals, animal products or commodities from one place to another; and

“wild game meat” means all parts of wild game which are suitable for human consumption and which have not undergone any preserving process other than chilling, freezing or wrapping in a controlled atmosphere.

PART II ESTABLISHMENT OF AUTHORITY

Establishment
of Food Safety
Authority.

3. There is established a body corporate called the Food Safety Authority, the day to day management of which shall be the responsibility of the Chief Executive Officer appointed by the Minister and to whom the provisions of sections 14 and 15 shall

apply.

PART III
ADMINISTRATION OF THE AUTHORITY

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|--------------------------------|--|
| Administration of Authority. | 4. The administration and management of the Authority shall vest in the Board, which may exercise all the powers and do all acts and things as may be exercised or done by the Authority in accordance with the provisions of this Act. |
| Appointment of Board. | 5. The Minister shall appoint a Board of not more than twelve members to hold office for a term not exceeding three years from the date of appointment and membership may be renewed by the Minister for a further term of twelve months. |
| Board Members. | 6. (1) Seven members of the Board may be appointed by the Minister from persons with knowledge and experience in agriculture, food processing, fisheries, public administration, food distribution and public health.

(2) The Minister shall appoint five members of the Board who shall be nominees from the following Government Ministries and agencies—
(a) the Ministry responsible for Agriculture;
(b) the Ministry responsible for Public Health;
(c) the Competition and Consumer Affairs Commission;
(d) the Guyana National Bureau of Standards; and
(e) the Ministry responsible for Legal Affairs. |
| Chairperson of Board. | 7. The Board shall annually elect one of its members to serve as Chairperson of the Board. |
| Board to advise Minister. | 8. The Board shall advise the Minister on any matter within the functions of the Authority. |
| Remuneration of Board Members. | 9. Each member of the Board shall be paid a fee to be fixed by the Minister and shall be reimbursed all reasonable travel and living expenses incurred in performing duties under this Act while away from his ordinary place of residence. |
| Appointments by Board. | 10. Except as otherwise provided in this Act, the power to appoint, remove or exercise disciplinary control over officers and other employees of the Authority shall vest in the Board. |
| Delegation by | 11. The Board may delegate to any of its members or any committee |

- Board. created by the Board, the power and authority to carry out on its behalf such functions as the Board may determine.
- Secretary of the Board. **12.** The Board may appoint, with the approval of the Minister, a secretary whose duties, responsibilities and remuneration shall be fixed by the Board.
- Meetings of the Board. **13.** The Board shall meet at least once every month at a place to be determined by the Board for the transaction of its business.
- Employment of persons. **14.** The Authority may employ such officers and other employees as are necessary for the administration of this Act and shall provide for the conditions and terms of their employment and any other benefit.
- Superannuation benefits of employees. Cap. 19:05 **15.** (1) Section 28 of the Public Corporations Act shall *mutatis mutandis* apply to public officers, persons not being public officers, holding appointments in the public service and teachers, referred to in that provision, who are seconded, temporarily transferred or permanently transferred to the Authority as if the Authority were a public corporation.
- (2) The Authority, with the approval of the Minister, may make such provisions as it deems appropriate for the payment of pension, gratuity, or other allowances in respect of the service of its officers and other employees on their retirement from their employment with the Authority.

PART IV FINANCE OF THE AUTHORITY

- Funds of the Authority. **16.** The activities of the Authority may be funded by monies that Parliament appropriates to it, grants, revenues earned through its activities and monies received through other sources.
- Accounts of the Authority. **17.** The Authority shall keep books of accounts and records prepared according to generally accepted accounting principles.
- Audit of the Authority. **18.** The Auditor General shall annually –
- (a) audit the financial statements of the Authority;
 - (b) provide to the Board and the Minister an opinion on the financial performance of the Authority; and
 - (c) recommend to the Board any desired improvement to the system.

PART V
FUNCTIONS OF THE AUTHORITY

Authority to
implement
provisions of
Act.

19. The Authority shall implement and enforce the provisions of this Act and where necessary, for the better and efficient carrying out of its functions, may consult with and be guided by relevant international, regional and local bodies and organisations.

Functions of
Authority.

20. (1) The Authority shall be the competent authority for food safety matters and shall –

- (a) after consultation with the Minister, negotiate and enter into arrangements with any government entity or ministry to implement or assist in the implementation of any technical standards within the contemplation of this Act;
- (b) do anything and enter into any transaction which in the opinion of the Authority is necessary for the discharge of its functions.

(2) The Authority may –

- (a) monitor the implementation of this Act and from time to time issue reports and recommendations to the Minister on the implementation of this Act;
- (b) establish a risk-based food safety and quality control framework to protect, enhance and ensure food safety and to protect consumers against food fraud;
- (c) analyse data issued by the Codex Alimentarius and carry out or commission studies analysing Guyana's interest in food standards and the Codex Alimentarius Commission;
- (d) promote, and formulate programmes for consumer education regarding food safety and quality as well as other aspects of risk communication;
- (e) serve as or participate in the National Codex Committee;
- (f) establish certification requirements for food business operators with respect to hygiene and manufacturing, recognised by the Codex Alimentarius Commission;

- (g) give directions to the Officers and employees of the Authority in relation to –
 - (i) food safety matters, including those related to the production, manufacture, import, export, labelling and sale of food;
 - (ii) food-consumer protection and emerging food safety and quality issues, including those relating to street food vending;
 - (iii) the formulation, review and implementation of a draft food safety and quality policy, for the approval of the Authority including procedures for emergency response;
 - (iv) participation in the work of the Codex Alimentarius Commission and other international and regional entities including representations at meetings; and
 - (v) the formulation of food standards, codes of practice and notices under this Act; and
- (h) carry out such other functions as may be required by the Minister.

Guidance to
food businesses.

21. The Authority may from time to time provide persons engaged in food business with general guidance on how to –

- (a) clean and disinfect premises or equipment;
- (b) enhance operational and sanitary measures;
- (c) modify equipment;
- (d) modify production or processing practices for any food or agricultural input;
- (e) use specified pesticides or other agricultural inputs.

Agreements and
memoranda of
understanding.

22. (1) The Authority may enter into contracts, memoranda of understanding and other arrangements with any organization, corporation, scientific research body, institute or any other such body.

(2) Any provision in any agreement made pursuant to subsection (1) shall be null and void where it is contrary to the object of this Act.

(3) Nothing in this Act shall prevent the parties to any agreement, contract or memorandum of understanding made pursuant to any provisions of this Act from terminating the agreement, contract or memoranda of understanding by mutual consent in writing.

Power to implement standards.

23. The Authority may negotiate and enter into arrangements for the implementation of technical standards and requirements for the achievement and furtherance of the objects of this Act.

Training requirements.

24. The Authority may arrange for adequate and continuing training courses in food safety for persons natural or corporate engaged in or intend to engage in food business, whether as operators, owners, employees or otherwise.

Establishment of national committees.

25. (1) The Minister may appoint the following national committees of not less than five nor more than ten persons drawn from various relevant disciplines to advise him on matters pertaining to food safety –

(a) National Food Safety Committee;

(b) National Codex Committee.

(2) The Minister shall from time to time identify specific areas of food safety for the consideration and opinion of the committees.

(3) A member of each committee shall not serve for more than three continuous years.

(4) A member of each committee shall be paid a fee to be fixed by the Minister and shall be reimbursed all reasonable travel and living expenses incurred in performing duties under this Act while away from his ordinary place of residence.

PART VI FOOD ANALYSTS AND INSPECTORS

Food analysts.

26. (1) The Minister may, after consultation with the Board and the National Food Safety Committee, designate suitably qualified persons as food analysts, for the purposes of this Act.

(2) The Minister shall before designating a person a food analyst, notify the person in writing of the intention to do so and call upon the person to disclose whether the person is engaged in or has an interest in any food business.

(3) Any person engaged or with an interest in any food business shall not be designated a food analyst.

(4) Any person who subsequent to being designated a food analyst

acquires a food business or any interest in the business, shall within seven days give notice to the Minister disclosing the business or interest and the Minister shall thereupon remove the person's name from the list of designated persons.

(5) Any food analyst who fails to make the disclosure required in subsection (2) or subsection (4) commits an offence and shall be liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months.

(6) The Authority shall publish in the *Gazette* and a local newspaper of wide daily circulation a list of the names of persons designated as food analysts and authorised to conduct food safety tests and a list of names of persons removed as food analysts.

Inspectors.

27. (1) The Minister after consultation with the Committee may designate an appropriate number of suitably qualified persons to be appointed by the Board as inspectors for the purposes of this Act.

(2) The Authority shall publish in the *Gazette* and a local newspaper of wide daily circulation a list of the names of persons appointed inspectors and authorised to conduct inspection of food businesses.

PART VII POWERS OF THE AUTHORITY

Powers of entry. 28. (1) Subject to subsection (2), an inspector may, at any reasonable time, enter and inspect any premises where any of the following activities are done –

- (a) the production, processing, manufacturing or other preparation of food for human consumption;
- (b) the handling or sale of food including street food vending;
- (c) the import or export of food;
- (d) the growing, harvesting or other preparation of plants and micro-organisms for use as food; or
- (e) any other activity related to food business.

(2) An inspector may not enter a dwelling house used as a food business or in which any of the activities mentioned in subsection (1) are done except with the consent of the occupier or a warrant issued by a magistrate.

Issue of warrant
by magistrate.

29. (1) Any magistrate who is satisfied by proof upon oath of an inspector that any dwelling house within the limits of the magistrate's jurisdiction is used for the purpose of carrying on food business or any of the activities mentioned in section 28(1) and the inspector has been refused entry for the purpose of performing an inspection, may at any time issue a warrant authorising an inspector to enter and search the dwelling house for the purpose of ascertaining that the provisions of this Act are not contravened.

(2) The warrant shall be executed between the hours of 8 o'clock in the morning and 5 o'clock in the afternoon and shall specify the date and time when it expires.

Ancillary
powers of
inspectors.

30. (1) In the performance of the functions of an inspector, an inspector may –

- (a) demand the production of –
 - (i) any food, ingredients or other material that is or may be a food safety risk; and
 - (ii) any book, record or other document or its copy related to the source, use or disposition of the food, ingredient or material mentioned in subparagraph (i);
- (b) at the risk and expense of the owner of a food business examine, take photographs, test and analyse samples of any food, ingredients or other materials that are or may be a food safety risk;
- (c) detain any person or vehicle engaged in food business, that is or may be a food safety risk for a reasonable period, necessary to complete an inspection;
- (d) seize or detain, on reasonable grounds and for such time as may be necessary, any food, ingredient or other material that is or may be a food safety risk and may require the person from whom it is seized or detained to remove the food, ingredient or material at the person's own expense from the place of detention;
- (e) copy, or use and return within forty-eight hours, any documents belonging to the person whose premises is being inspected in order to make copies relevant to the inspection;
- (f) use and return within forty-eight hours any data storage, processing or retrieval device or system belonging to the

person whose premises is being inspected in order to produce a record and take copies in readable form of the information, records and other matters relevant for the inspection.

(2) An authenticated copy of a document or record made by an inspector in the performance of the inspector's duties and kept as a record of the Authority shall be considered and taken to be valid records and shall be received in the courts as *prima facie* evidence, which, if not rebutted shall be as good evidence as the originals from which they are taken.

Inspector not liable when acting in good faith.

31. Any inspector performing, in good faith, the inspector's duties under this Act shall not be liable in any court proceedings for anything done that was reasonably required to be done in the given circumstances.

Disclosure of information or things and data protection.

32. (1) A person shall not, without the consent in writing given by or on behalf of the Authority, publish or disclose to any other person other than in the course of the person's duties, or when lawfully required to do so by any court or under any law, the contents of any document, communication or information, which relates to, and which has come to the person's knowledge in the course of the person's duties under this Act.

(2) Any person who knowingly contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months.

Obstruction and interference.

33. A person who –

- (a) alters, interferes with or removes anything seized or taken into custody by an inspector without the authorisation of the inspector;
- (b) wilfully obstructs, assaults, threatens or delays an inspector in the exercise of any power under this Act;
- (c) without reasonable cause, fails to give to an inspector any assistance or information which the inspector may reasonably require or demand of the person for the performance of the inspector's functions under this Act; or
- (d) furnishes information to an inspector which the person knows to be false or misleading in a material particular,

commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Seizure of food. **34.** (1) Where there are reasonable grounds or evidence for believing that any food at a food business is unfit for human consumption or is likely to cause harm or danger to human health, an inspector shall seize and seal such food or direct that it be removed to a specified place and issue a notice to the owner or the person in charge of the food business that the food or any specified portion of it is temporarily not to be sold, removed, manipulated, tampered with or otherwise altered without a notice of release.

(2) Where it has been confirmed that any food seized under subsection (1) is unfit for human consumption, the inspector shall issue a written notice ordering the owner, at owner's expense to immediately destroy the unfit food.

(3) The destruction of any seized food confirmed to be harmful to human health shall be done under the supervision of an inspector.

(4) A person who fails to comply with a notice to destroy any unfit food commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Notification of unsafe food. **35.** Where any food at any food business is confirmed to be unfit for human consumption and harmful to human health, the Authority shall notify all relevant government ministries and departments and the general public of the finding.

Analysis and examination. **36.** (1) A food analyst shall issue a signed report of the results of any food analysed by the food analyst.

(2) In any proceedings under this Act, an authenticated report of a food analyst, unless rebutted, shall be deemed to be proof of the matter stated in it.

Provision of facilities for examination. **37.** The Authority shall provide facilities for food examination and analysis by food analysts.

Notice of default. **38.** (1) Where an inspector has found that the requirements of this Act are not met by a food business, the inspector shall serve on the owners or operators of the defaulting business a notice to remedy the default within a stipulated time.

(2) The notice to remedy the default shall identify the areas of non-

compliance and specify the remedial measures to be taken.

(3) Any person served with a notice to remedy default may apply to the Authority for an extension of time to complete the remedy.

(4) Any person served with a notice to remedy default shall within seven days of the compliance with the notice inform the inspector, who if satisfied that there is compliance, shall issue a certificate of compliance.

(5) The notice to remedy default shall not require any person to recall any food to a point from which it has been moved or transported.

(6) Any person who fails to comply with a notice to remedy default commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Appeal notice
of default.

39. A person dissatisfied with a notice to remedy default shall request a hearing before the Authority and the Authority shall within seven days of the request hear the person.

Follow-up visit.

40. (1) Where a notice of default has been issued under section 38, an inspector shall carry out a follow-up visit which shall be undertaken as far as practicable by the inspector who conducted the original inspection to the food business to determine compliance with the notice.

(2) As soon as practicable, and in any event within fourteen days, an inspector acting under subsection (1) shall review the situation at the affected food business to determine whether the circumstances that caused the notice no longer exist, and if the inspector –

(a) is so satisfied, the inspector shall withdraw the notice, and where appropriate, allow the release of any food from the place where it is stored;

(b) is not satisfied the inspector may order that any such food be destroyed or disposed of so as to prevent its use for human consumption and shall supervise the destruction of such food.

Cessation order.

41. (1) The Authority may order the immediate cessation of the operation of a food business or any part of the business where it is satisfied that its continued operation is or is likely to be a substantial food safety risk.

(2) As soon as practicable after the making of a cessation order under subsection (1), the Authority shall –

- (a) affix a copy of the order in a conspicuous place on the premises of the food business; or
- (b) serve a copy of the order on the owner of the food business.

(3) Any person who knowingly contravenes a cessation order commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

(4) A food business ordered to cease operations under subsection (1) may resume operation where upon the payment of re-inspection fees, a re-inspection is done and a certificate confirming that the food risk conditions which necessitated the cessation order no longer exists.

PART VIII REGISTRATION AND LICENSING REQUIREMENTS

Requirement for registration. **42.** (1) A person who uses or intends to use any premises for the purpose of a food business shall register the premises with the Authority.

(2) Any person who fails to register any premises used by the person for the purpose of a food business commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Licensing of food business. **43.** (1) Any person may apply, in the prescribed form to the Authority, for a licence to operate a food business and where the Authority is satisfied that the premises and facilities intended to be used for the food business are suitable it may issue to the applicant a licence to operate.

(2) A person who operates a food business without a licence issued by the Authority commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Power to charge fees and suspend and revoke licence. **44.** The Minister may, with the advice of the Authority, in relation to section 43(1), make regulations prescribing the –

- (a) form of the licence;

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(b) fees to be paid for the processing of an application and for issuing a licence; and

(c) conditions under which the licence is revoked or suspended.

Return of licence.

45. The Authority may cancel or suspend a licence, by giving written notice to the licensee who shall on the cancellation or suspension return the licence to the Authority.

Permit to engage in street food vending.

46. (1) A person shall not, whether permanently or temporarily, be engaged in street food vending unless the person is the holder of a valid Street Food Vending Permit and a valid Street Food Vendor Identification Card issued by the Authority.

(2) Anyone who knowingly employs a person who does not hold a valid Street Food Vending Permit to work as a street food vendor commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

(3) A person who engages in street food vending without being the holder of a valid Street Food Vending Permit commits an offence and is liable on summary conviction to a fine of twenty thousand dollars.

Requirement for health certificate.

47. A person shall not engage in street food vending without a health certificate valid for twelve calendar months issued by a registered medical practitioner certifying that the person is in a fit state of health to engage in street food vending.

Application for permit.

48. An application for a Street Food Vending Permit shall be made to the Authority in the prescribed form accompanied by two recent photographs of the applicant and a health certificate issued by a registered medical practitioner and any other relevant information requested by the Authority at the time of the making of the application.

Grant or refusal of permit.

49. (1) Where the Authority is satisfied that an applicant for a Street Food Vending Permit meets the prescribed requirements, the Authority shall issue in the prescribed form to the applicant a non-transferable permit which shall unless suspended or cancelled be valid for a period of twelve months from the date of issue.

(2) Where an applicant is refused a Street Food Vending Permit, the Authority shall notify him in writing of the reasons for the refusal.

Cancellation of permit.

50. (1) A permit issued under section 49 may be cancelled or suspended

where –

- (a) the holder is found to be suffering from a communicable disease;
- (b) information given by the holder in relation to the holder's application has been found to be false in any material particular;
- (c) the holder of the permit requests its cancellation.

Renewal of permit.

51. Where an application for the renewal of a Street Food Vending Permit is made, the validity of the permit may be extended to the anniversary date of the grant or the renewal may be refused.

PART IX FOOD HANDLER'S PERMIT

Standards.

52. (1) A person shall not be employed as a food handler, whether permanently or temporarily, unless that person is the holder of a valid Food Handler's Permit issued by the Authority.

(2) Anyone who employs as a food handler a person who does not hold a valid Food Handler's Permit commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

(3) A person who works as a food handler without being the holder of a valid Food Handler's Permit commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Application for a Food Handler's Permit.

53. An application for a Food Handler's Permit shall be made to the Authority in the prescribed form accompanied by two recent photographs of the applicant, a health certificate issued by a registered medical practitioner and any other information requested by the Authority at the time of making of the application.

Issue of Food Handler's Permit.

54. (1) Where the Authority is satisfied that an applicant for a Food Handler's Permit meets the specified requirements, the Authority shall issue in the prescribed form to the applicant a non-transferable Food Handler's Permit which shall unless suspended or cancelled be valid for a period of twelve months from the date of issue.

(2) Where an applicant is refused a Food Handler's Permit, the Authority shall notify him in writing of the reasons for the refusal.

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- Cancellation of permit. **55.** A Food Handler's Permit may be cancelled or suspended where –
- (a) the holder is found to be suffering from a communicable disease;
 - (b) information given by the holder in relation to the holder's application has been found to be false in any material particular;
 - (c) the holder of the permit requests its cancellation;
 - (d) the holder contravenes any provisions of this Act.
- Renewal of expired permit. **56.** Where an application for the renewal of a Food Handler's Permit is made, the validity of the permit may be extended to the anniversary date of the grant or the renewal may be refused.
- Requirement for identification card. **57.** (1) The Authority shall, on issuing a Food Handler's Permit to an applicant, issue to the applicant a Food Handler's Identification Card.
- (2) A Food Handler's Identification Card shall be valid for one year from the date of issue.
- (3) A food handler shall display the identification card on the food handler's person while at the food handling establishment in relation to which the card is granted.

PART X
OPERATOR OF FOOD-HANDLING ESTABLISHMENT
AND FOOD HANDLER

- Obligations on operators of food-handling establishments. **58.** (1) An operator of a food-handling establishment shall ensure that the preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply of food are carried out in a safe hygienic manner in accordance with–
- (a) the provisions of this Act; and
 - (b) any other internationally accepted food safety practice.
- (2) A food business operator shall, in relation to the operator's food business, implement and maintain an internationally accepted procedure approved by the Authority.

(3) Subsection (1) shall apply only to food business operators carrying out production, processing, distribution and associated activities at any stage after primary production including –

- (a) the transport, storage and handling of primary products at the place of production, provided that this does not substantially alter their nature;
- (b) the transport of live animals, where this is necessary to achieve the objectives; and
- (c) in the case of products of plant origin, fishery products and wild game meat, transport operations to deliver primary products, the nature of which has not been substantially altered, from the place of production to an establishment.

Food register
and traceability.

59. (1) The owner of every food handling establishment shall keep a register containing the following information –

- (a) the daily quantities of food produced, purchased, transported, distributed or sold in the food-handling establishment;
- (b) the name and address of each person –
 - (i) from whom food is supplied;
 - (ii) in the case of food distributed or sold in bulk, to whom it is distributed or sold; and
 - (iii) who transports food to, from or on behalf of the food-handling establishment;
- (c) the type, make and licence number of each vehicle which transports food to, from or on behalf of the food handling establishment;
- (d) the source of ingredients used in food production or preparation; and
- (e) the type and quantity of packaging material used in the packaging of food.

(2) Every package of food intended for sale in Guyana shall bear a label which –

- (a) permits its traceability;
- (b) sets out such particulars as may be prescribed by the

Authority from time to time.

- (3) The Authority shall ensure that there is a traceability system to -
- (a) trace back through all stages of processing to the supplier of ingredients, raw materials and primary packaging materials, including transportation, storage and distribution;
 - (b) trace forward from the supplier of ingredients, raw material and primary packaging materials through all stages of processing, including transportation, storage and distribution, to sale to the customer; and
 - (c) enable the identification of all traceable items throughout the food production chain.
- (4) A food operator shall -
- (a) establish and maintain records identifying the -
 - (i) immediate previous source of a traceable item itself;
 - (ii) immediate subsequent recipient of a traceable item, as well as the traceable item itself;
 - (b) assign an identification number and either a batch or lot number to any food processed by the food business operator; and
 - (c) make the records referred to in paragraph (a) and any identification numbers referred to in paragraph (b) available upon request to the Authority in accordance with procedures prescribed by regulations.

Operator or owner to ensure training.

60. The operator or owner of a food-handling establishment shall ensure that food handlers of the establishment are trained in food safety practices and are supervised in their activities.

Food handler suspects certain medical conditions.

61. (1) A food handler who –

- (a) knows or suspects that the food handler is suffering from or is a carrier of a disease likely to be transmitted through food; or
- (b) is afflicted with an infected wound, a skin infection, sores, diarrhoea or with any similar medical condition, or is likely for any other reason to directly or indirectly contaminate food with pathogenic micro-organisms,

shall immediately bring this condition to the knowledge of the operator of the food-handling establishment where the food handler works.

(2) An operator of a food-handling establishment shall, upon receipt of a report under subsection (1), notify the Authority of that fact and prevent the food handler concerned from working until, a registered medical practitioner certifies –

(a) that the person is free from any infectious or communicable disease likely to contaminate food; and

(b) in the case of a report in relation to subsection (1)(b), that there is no likelihood of the food handler directly or indirectly contaminating food with pathogenic micro-organisms.

(3) Where the person referred to in subsection (1) is the operator of the food-handling establishment, the person shall immediately –

(a) cease work; and

(b) report that knowledge, suspicion or affliction to the Authority.

(4) On receipt of a report under subsection (2) or (3), the Authority shall require the person to whom the report relates to submit to a medical examination by a registered medical practitioner to certify whether or not the person –

(a) is free from any infectious or communicable disease likely to contaminate food; and

(b) in the case of a report in relation to subsection (1)(b), that there is no likelihood of the food handler directly or indirectly contaminating food with pathogenic micro-organisms.

(5) Where the medical officer certifies that the person is suffering from a disease likely to contaminate food, the Authority may, by notice in writing –

(a) cancel or suspend that person's Food Handler's Permit; or

(b) prohibit the person from working in a food handling establishment until such time that the food safety is assured.

(6) A person who, after notification pursuant to subsection (5), works as a food handler, commits an offence and is liable on

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summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Operator
suspects
communicable
disease.

62. (1) Where an operator suspects that an employee of, or a person who resides at or frequents a food-handling establishment is suffering from an infectious or communicable disease likely to contaminate food, the operator shall immediately notify the Authority of the –

(a) name and address of the employee or person; and

(b) the circumstances which gave rise to the suspicion.

(2) On receipt of notification under subsection (1), the Authority shall require the person to whom the notification relates to submit to a medical examination by a registered medical practitioner to certify whether or not the person is suffering from an infectious or communicable disease likely to contaminate food.

(3) Where the medical practitioner certifies that the person is suffering from a disease likely to contaminate food, the Authority may, for the purpose of safeguarding the public health, by notice in writing –

(a) cancel or suspend that person's Food Handler's Permit; or

(b) prohibit the person from working in a food handling establishment; and

(c) in the case where the person is not an employee, require the operator to restrain him from handling food in the establishment.

(4) A person who, after a notification pursuant to subsection (3), works as a food handler, commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and imprisonment for six months.

(5) An operator who fails to comply with the instruction to restrain the person as requested by the Authority shall be guilty of an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Authority may
request medical
examination.

63. Notwithstanding a similar provision in any other written law, the Authority may require an operator and a food handler to submit to a medical examination by a Government Medical Officer of Health at a time and place specified by the Authority and at the expense of the

Authority.

Notification to person likely to contaminate food.

64. (1) Where the results of any medical examination requested by the Authority under section 63 indicate that the person examined is suffering from a disease likely to contaminate food, the Authority may, for the purpose of safe-guarding the public health, by notice in writing –

(a) prohibit that person from holding any licence or permit; and

(b) cancel that person's licence or permit.

(2) A person who, after notification of cancellation of his licence or permit under subsection (1), works without a licence or permit commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

(3) An owner or operator who knowingly employs a person whose licence or permit has been cancelled as a consequence of a medical examination referred to in section 63, commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Refusal to submit to medical examination.

65. (1) The Authority may, by notice in writing, prohibit a person who refuses to be medically examined when so required under section 63 from being concerned with or employed in a food-handling establishment.

(2) A person who works as a food handler whilst the prohibition under subsection (1) is in force commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

(3) An owner or operator who knowingly employs as a food handler, a person in relation to whom a prohibition under subsection (1) is in force, commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Authority may require suspension.

66. The Authority may require an owner or operator to suspend from work in a food handling establishment, a person who -

(a) fails to produce a Food Handler's Permit when requested to do so by the Authority;

(b) is found to be suffering from a communicable disease likely to contaminate food.

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Register of employees.

67. (1) An operator shall keep a register of employees detailing –

- (a) the name and current address of each employee;
- (b) particulars of Food Handler's Permits granted to each employee; and
- (c) any other information which the Authority may require from time to time to be kept.

(2) The register referred to in subsection (1) shall be kept at the food handling establishment and shall be made available to an inspector or any other person authorised by the Authority during the opening hours of that establishment.

Food at certain distance from floor.

68. A person who stores, sells or offers food for sale shall keep the food –

- (a) at a height not less than 60.96 centimetres above the ground or flooring;
- (b) at a temperature of 4.4 degrees Celsius, in the case of cold foods;
- (c) at a temperature of –18 degrees Celsius, in the case of frozen foods;
- (d) at a temperature of 63 degrees Celsius, in the case of hot foods; and
- (e) covered and protected from contamination or contact with animals, dust, insects, vermin, rodents or any type of waste.

Raw materials.

69. (1) An operator shall not accept raw materials or ingredients for use in the preparation of food if they are known to be, or are reasonably expected to be contaminated with parasites, pathogenic micro-organisms, or toxic, decomposed or foreign substances, that after normal sorting and preparatory or processing procedures hygienically applied by the establishment they will be unfit for human consumption.

(2) Raw materials or ingredients stored in the food-handling establishment shall be kept in appropriate containers designed to prevent harmful deterioration and to protect them from contamination.

(3) Hazardous or inedible substances, including animal foodstuffs, shall be adequately labelled and stored in separate and secure containers.

(4) An operator who fails to comply with this section commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Unsafe food. 70. (1) No one shall display for sale or sell food unsafe, injurious to health or unfit for human consumption.

(2) In determining whether any food is unsafe the Authority shall consider –

(a) the normal conditions of use of the food by the consumer and each stage of production, processing and distribution; and

(b) the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods.

(3) In determining whether any food is injurious to health, the Authority shall consider –

(a) not only the probable immediate short-term and long-term effects of that food on the health of a person consuming it, but also on subsequent generations;

(b) the probable cumulative toxic effects;

(c) the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers.

(4) In determining whether any food is unfit for human consumption the Authority shall consider whether the food based on its intended use is unacceptable for human consumption through contamination, putrefaction, deterioration or decay.

Falsely describing food. 71. (1) A person who gives, with any food sold, or displays, with any food offered or exposed for sale or has in his possession for the purpose of sales, a label, whether or not attached to or printed on the

wrapper or container, which –

- (a) falsely describes the food; or
- (b) is likely to be misleading as to the nature or substance of the food,

commits an offence of food fraud and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

(2) A person who publishes or causes to be published or is a party to a publication of any advertisement which –

- (a) falsely describes any food;
- (b) is likely to be misleading as to the nature or substance of any food,

commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

(3) A person who sells, offers or exposes for sale or has in his possession for the purpose of sale, any food the presentation of which is likely to be misleading as to the nature or substance of the food commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

(4) In proceedings for an offence under subsection (1)(b) or (2)(b), the fact that a label or advertisement in respect of which the offence is alleged to have been committed contains an accurate statement of the composition of the food shall not preclude the court from finding that the offence was committed.

(5) No labelling, advertising or presentation, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium on food or feed shall be done to mislead consumers.

Genetically
modified foods.

72. (1) A person shall not sell food that has been genetically modified unless the requirements as set out by the National Bureau of Standards have been satisfied.

(2) Any person who fails to comply with subsection (1) commits an

offence and is liable on summary conviction to a fine of twenty thousand dollars and imprisonment for six months.

Food dispensed by a vending machine or similar mechanical device.

73. (1) A person shall not offer unpackaged food for sale from vending machines.

(2) A person shall not sell, distribute, rent or lease any vending machine designed for the purpose of dispensing packaged food unless that machine is of the minimum standard stipulated by the Authority.

(3) A person shall not offer for sale any packaged food or food in liquid form in a sealed container from a vending machine or other similar machine unless the machine is so sited, designed, constructed, and kept clean and maintained in good repair and condition, as to avoid the risk of contaminating foodstuffs and harbouring pests, so far as is reasonably practicable.

(4) Where perishable food is sold from a vending machine or other similar machine, the machine shall be equipped with refrigeration apparatus including a thermostat and a thermometer and the temperature shall not exceed 4.4 degrees Celsius.

(5) The operator of a vending machine or other similar device shall keep the area surrounding such machine clean and sanitary and shall provide, beside the machine, adequate facilities for the disposal of waste.

(6) Any person who fails to comply with this section commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and imprisonment for six months.

Import and export food.

74. (1) A person who intends to import or export food shall give to the Authority a notice of the person's intention to do so.

(2) A notice of intention to export food referred to in subsection (1) shall be accompanied by written confirmation from the relevant authority of the importing country that it consents to the proposed importation which is in keeping with the law of the country of the importer.

(3) The Authority may dispense with, or modify any of the requirements under subsection (1) in relation to a notice of intention to import food where it considers it appropriate to do so on the grounds that the information to which the requirements relate is already available to the Authority .

(4) The conditions stipulated in this section shall be in addition to any requirements set out in any other law.

Approval or
refusal.

75. (1) The Authority shall review the contents of the notice referred to in section 74(1) to determine whether –

- (a) the requirements of the section are complied with;
- (b) a physical examination or a sample examination should be made in respect of the food to be imported or exported; and
- (c) the food may be released to the exporter or importer without examination.

(2) No article of food shall be imported or otherwise brought into Guyana unless it is accompanied by the prescribed documents and unless it is offered up for inspection by the Authority at the port of entry.

(3) The Minister on the advice of the Board may by regulations provide that certain articles of food shall not be imported into Guyana unless they have been produced or manufactured in accordance with any prescribed standards.

(4) An inspector or any other authorised officer may inspect any food imported into Guyana and, for the purposes of the analysis or inspection, take samples of any such food.

(5) Where samples are taken under subsection (4), an inspector or authorised officer shall, in the presence of the owner or importer or any person in apparent control of the food, seal and mark them as prescribed.

(6) Where a sample is taken pursuant to subsection (4), the consignment from which it was taken shall not be released by an inspector or authorised officer except upon production of an official analyst's certificate to the effect that the food complies with the requirements of this Act.

(7) The costs of any inspection, analysis and storage while analysis is being performed shall be borne by the importer.

(8) The importation of any food which does not comply with the provisions of this Act is prohibited.

(9) Where any article of food sought to be imported into Guyana would, if sold in Guyana constitute a contravention of this Act, the Authority may nonetheless permit its importation solely for the purpose of relabelling or reconditioning as prescribed.

(10) In the event that any relabelling or reconditioning authorised is not carried out within the prescribed time period, the importer shall export or destroy such food at the importer's expense.

(11) Where an importer fails to export or destroy imported food as required by the Authority under subsection (10), the Authority may destroy the imported food.

Obtaining
sample of food.

76. (1) Where the Authority determines that an examination of the food is not required and the requirements of section 74(2) and (3) are met, it shall notify the Commissioner-General of the Revenue Authority that the goods may be released to the importer or exporter on record upon the payment of the prescribed fee by the importer or exporter to the Authority.

(2) A decision to take a sample or to inspect food that is to be imported or exported shall be based upon the –

- (a) need to conduct a risk analysis;
- (b) nature of the food; and
- (c) past history of that kind of commodity.

(3) Where the Authority determines that an examination of any food is required, it shall notify the Commissioner-General of the Revenue Authority and the importer or exporter on record and the consignment shall be held intact pending the collection of a sample.

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

Compliance,
non-
compliance, etc.

77. (1) Where a sample of food taken under section 76(2) from a consignment –

- (a) complies with the requirements of this Act, the Authority shall authorise the release of the consignment and submit a notice to that effect;
- (b) does not comply with the requirements of this Act, the Authority shall detain the consignment and issue a notice of detention to

the Commissioner-General of the Revenue Authority and to the importer or exporter on record.

(2) The notice of detention shall be in the prescribed form and shall specify the nature of the non-compliance.

(3) The Authority may advise the importer or exporter of the right of the importer or exporter to present detailed particulars to the Authority as to how the consignment of food may be –

- (a) made eligible for import or export;
- (b) made suitable as food for human consumption; or
- (c) converted into a non-food use.

(4) An importer or exporter of food may, pursuant to subsection (3), submit to the Authority -

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

(5) The Authority shall, where the food is non-perishable, not later than five days after the submission of a notice of detention or within two days in the case of perishable goods, consider the particulars presented to it and make a determination.

(6) The Authority shall consider the new information that is submitted under subsection (4) and make a determination accordingly.

(7) Where the Authority determines that the importer or exporter has not established that the consignment of food may be -

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

the consignment of food shall be seized and destroyed under its supervision and direction.

(8) Where the Authority determines that the importer or exporter has established that the food can be made eligible for shipment, the Authority shall notify the importer or exporter of the steps that are required to be taken and the time-frame within which the food may be submitted for re-inspection and release for import or export.

(9) Where upon re-inspection the food is found not to meet the requirements for import or export, the food shall be seized and destroyed under the supervision and direction of the Authority.

(10) The importer or exporter on record shall be responsible for any costs associated with the seizure and destruction of food under subsection (9).

Offence to import, export food.

78. (1) Any person who imports or exports food in contravention of the provisions of this Act commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months.

(2) Any customs officer who releases goods without the approval of the Authority commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for six months.

Food to be inspected.

79. (1) The Minister may, by notice, publish in the *Gazette* a list of food that requires inspection by an inspector at a port of entry before exportation from Guyana or upon importation into Guyana.

(2) An importer or exporter of any food listed in accordance with subsection (1) shall ensure that the required inspection is conducted prior to the completion of import or export procedures.

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

(4) Where the Government determines that imported food or food that is to be exported does not meet the required standards established under this Act it shall notify the Authority accordingly.

Time of inspections.

80. Inspections shall be carried out during the normal business hours of the Authority or at any other reasonable time deemed necessary by the Authority.

Imported food may be held

81. The Authority may, at any time, order that any food that is imported

pending
inspection.

into Guyana be held at a particular place until an inspection or re-inspection is conducted.

Report on
activities.

82. (1) Within six months after the commencement of this Act, every operator of a food business who imports or exports food shall, not later than forty-five days after the end of the operating year, prepare and submit to the Authority a report relating to the activities for the previous calendar year including –

- (a) types and quantities of food imported or exported;
- (b) data concerning shipments of food;
- (c) food found by an importing country not to be in compliance with the statutory requirements of the importing country;
- (d) a summary of any incidents or accidents that may have occurred and any action taken regarding food found not to be safe for export;

(e) any other matter the Authority may require.

(2) The report shall be submitted both in electronic format acceptable to the Authority and in hard copy generated from the electronic format and shall be signed by the importer or exporter.

(3) Any person who fails to comply with the requirements of this section commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for six months.

Duty of persons
involved in
exportation.

83. (1) Where any person involved in the exportation of food fails to comply with any of the provisions of this Act the Authority may –

- (a) grant a grace period to the person, within which to comply with this Act in accordance with any system of monitoring and inspections carried out by designated officers;
- (b) where the contravention continues after the grace period, refuse to issue to the person, after the expiration of the grace period, any food safety certificate;
- (c) where the contravention continues after the expiration of the grace period, revoke or suspend any certificates previously issued to the person.

(2) Where the Authority revokes or suspends any certificate under

subsection (1), the revocation or suspension shall not prevent any person whose certificate has been revoked or suspended from reapplying for another certificate.

(3) The Authority shall, before revoking or suspending the certificate of any person –

- (a) furnish the person with all documents and information specifying the reasons why the certificate of the person is being revoked or suspended;
- (b) afford the person the opportunity to make written or oral representations concerning the matter.

PART XI
FOOD HAZARDS, FOOD BORNE DISEASES
AND FOOD RELATED ILLNESSES

Emergency
measures.

84. (1) Any food handler or food business operator who observes the prevalence of a food hazard or a food borne disease shall as soon as possible notify the Authority, the Chief Medical Officer and the Chief Veterinary Officer of the hazard or disease.

(2) Where there is an incidence of a food hazard or an outbreak of a food borne disease the Authority shall take emergency measures to eliminate the hazard or disease including –

- (a) declaring in the print and electronic media a food safety emergency;
- (b) prohibiting the production, processing, handling or sale of the suspected food;
- (c) recalling food that has been distributed for sale or consumption;
- (d) ordering and monitoring the destruction of suspected food;
- (e) establishing measures for the disposal of food, food products or treatment of premises, whether or not they have been found to be affected;
- (f) cause any food to be tested or examined as prescribed;
- (g) cause any food to be held or isolated in any place and prohibit the removal of food from that place for such time as

the Authority sees fit.

(3) The Authority may require the owner of a food business to bear the cost or any part of it associated with any measure taken under subsection (2).

Recall of hazardous food products.

85. (1) Where a food product which is produced, processed, manufactured, delivered for export, or exported by a person registered pursuant to this Act is found to be a health hazard, the Authority shall –

- (a) recall the food product for analysis or destruction if the food product has not yet been exported;
- (b) liaise with the competent authorities of any country which imports the food product from Guyana and ensure that the food product is –
 - (i) not released for sale upon arrival in that country; or
 - (ii) where it has already arrived in that country and released for sale, recall for analysis or destruction by the competent authority of that country.

(2) A person who produces any hazardous food products referred to in subsection (1) shall be liable for the expenses of –

- (a) recalling the food product;
- (b) analysing the food product; and
- (c) destroying the food product.

Food hazard or disease on premises.

86. (1) Where a food hazard or a food borne disease exists on any food premises, the Authority shall give the owner or occupier of the premises a written notice of the hazard or disease and call upon the owner or occupier to implement recommended measures within a stipulated time to eliminate hazard or food borne disease.

(2) In recommending corrective measures the Authority may be guided by –

- (a) National Codex Committee;
- (b) Codex Alimentarius;
- (c) good agricultural practices;

(d) good manufacturing practices;

(e) HACCP and any other relevant international standard pertaining to food safety.

(3) An owner or occupier referred to in subsection (1) shall take prompt action to implement the recommendations of the Authority within the time stipulated or any extension of time granted.

(4) An owner or occupier aggrieved by any notice referred to in subsection (1) shall request a hearing with the Authority to discuss his grievances and the Authority shall hear him within seven days of the receipt of the request.

(5) The Authority after hearing the owner or occupier may order an inspection and confirm or modify the notice according to its findings.

Non-compliance by owner.

87. (1) Where an owner or occupier on whom a notice has been served under section 86(1) and a hearing granted under section 86(4) fails to comply with the original or modified notice, the Authority may authorise an inspector to enter the premises and carry out the measures suggested in the notice or modified notice and take other actions considered necessary.

(2) The Authority shall recover from the owner or occupier the cost of any action taken under subsection (1).

Preventive measures.

88. The Authority shall conduct the following activities for the purpose of preventing or eliminating food hazards and outbreaks of food-borne diseases -

(a) carry out inspection of food and premises;

(b) maintain food-related statistics; and

(c) organise testing and analysis of food at the official laboratory.

Duty to report food related illnesses.

89. Every registered medical practitioner and food analyst shall report to the Authority and the Chief Medical Officer any incident of a food-related illness encountered in the course of their duties.

PART XII GENERAL PENALTY

A.D. 2019]

FOOD SAFETY ACT 2019

[No. 19

General
penalty.

90. Where no penalty is provided for an offence committed under this Act, that offence shall upon summary conviction be punishable by a fine of twenty thousand dollars and to imprisonment for six months.

PART XIII REGULATIONS

Regulations.

91. (1) The Minister may make regulations for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations providing for any of the following –

- (a) the qualifications, education, training and certification of persons necessary in order to carry out prescribed food businesses;
- (b) the labelling, examining, analysing, testing or grading of any food;
- (c) prescribing the procedure to be followed in connection with the taking of, and the dealing with, samples where provided for under this Act;
- (d) the qualifications, education, training and certification necessary for persons who carry out the examination, analysis, test or grading required to be done under this Act;
- (e) the taking, supplying, examining, testing and analysing of samples of food or anything related to the carrying on of a food business;
- (f) restricting or prohibiting the carrying out of commercial operations with respect to new foods, or food sources from which the foods or food sources are intended to be derived;
- (g) restricting or prohibiting the carrying out of commercial operations with respect to genetically modified food sources, or foods derived from those food sources;
- (h) restricting or prohibiting the importation of any food or a class of specified food;
- (i) providing methods, guidelines and conditions for food safety inspections;

- (j) guidelines identifying the conditions under which the seizure, forfeiture and destruction of food that presents a food safety risk may take place;
- (k) the qualifications, education, training and certification of an inspector;
- (l) the location, design, construction, alteration, operation and maintenance of premises, facilities, equipment and conveyances used in any food business;
- (m) the issuance of licences, certificates or permits, including their expiry, renewal, suspension and revocation and conditions attached to them and appeals from decisions made by authorised persons with respect to licences, certificates and permits;
- (n) providing for the procedures for the importation and exportation of food;
- (o) providing for the attire to be worn by persons at food processing premises;
- (p) the treatment and disposal of any food unfit for human consumption;
- (q) the establishment of systems to ascertain all places of origin or destination of food or anything used in or related to a food business including requiring persons who come into contact with the food, to identify themselves and to maintain records and other documents with respect to themselves in the prescribed manner and at the prescribed times;
- (r) the control of the cultivation, production, manufacture, storage, transport, packing, packaging, labelling and sale of all types of food, including food that is organically produced, genetically modified, dietetic or intended for infants or other population groups;
- (s) the preparation, handling and serving of food;
- (t) the construction, inspection and maintenance of food businesses, including hotels, boarding houses, markets, grocery stores and businesses selling street food;
- (u) the places and conditions under which animals are

slaughtered for human consumption;

- (v) the places and conditions under which poultry, fish products, dairy products and other foods of animal origin are produced, processed or packaged for sale;
- (w) the places and conditions under which crops are produced for food;
- (x) the acceptable levels of food additives, environmental contaminants, veterinary drugs, pesticides and other residues or other chemical and microbiological contaminants in foods;
- (y) the procedures to be followed by authorised officers, official analysts and official laboratories in the exercise of their functions under this Act;
- (z) the forms to be used for the purposes of this Act including applications, licences, permits, notices to remedy default and receipts for seizures and detention;
- (aa) any other matter necessary to achieve the objective of this Act.

(3) Any person who commits an offence under any regulation shall be liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for four months.

PART XIV REPEAL AND SAVINGS


Repeal and
savings.
Cap. 34:03

92. (1) Sections 5, 6, 7 and 8 of the Food and Drugs Act are repealed.

(2) Unless specifically repealed, by any provision of this Act all other legislation in force in Guyana relating to food shall remain in force.

(3) Without prejudice to subsection (2), in the event of any conflict or inconsistency between the provisions of this Act and any other law on food, the provisions of this Act shall prevail.

Passed by the National Assembly on the 15th May, 2019.



S.E. Isaacs, A.A.,

Clerk of the National Assembly.

(BILL No. 22 /2016)