Food Act No. 26 of 1980

REGULATIONS made by the Minister of Health under section 32 of the Food Act No. 26 of 1980 in consultation with the Food Advisory Committee.

Colombo

Maithripala Sirisena
Minister of Health

..................2007

Regulations

1. These regulations may be cited as the Food (Powers and duties of Authorized Officers) Regulations – 2007 and shall come into force from..................

2. An Authorized Officer appointed under section 13 of the Food Act No. 26 of 1980 shall, in addition to the powers conferred on him by section 14 of the Act, exercise and perform within the administrative area assigned to him, and the area in which he is acting, the following powers and duties:

   (1) satisfy himself that the terms and conditions of any registration issued under section 7 of the Act or any regulations published thereunder;

   (2) investigate any complaint made to him in respect of any contravention of the provisions of the Act or any regulations made thereunder;

   (3) maintain a record of all inspections and other actions taken by such officer in the exercise of his powers and the performance of his duties under these regulations and submit such reports as may be called for by the Supervising Officers, the Food Authority or the Chief Food Authority;

   (4) when an Authorized Officer is of opinion that any person engaged in the manufacture, preparation, preservation, packaging, storing, transporting, distribution or sale of any article is suffering from any infectious disease to cause such person to be examined by the medical practitioner, finds such person to be suffering from such disease, to direct such person not to engage in the manufacture, preparation, preservation, packaging, distribution or sale of any article until such person is certified by a medical practitioner to be cured of such disease.

3. The following regulations shall apply to the examination or analysis of food other than by the process of microbiological analysis:
(1) An Authorized Officer, who takes a sample under section 14 of the Act, shall notify the person from whom the sample was taken, of his intention to forward such sample to the Approved Analyst for analysis or examination under section 16 of the Act.

(2) If in the opinion of the Authorized Officer division of the quantity obtained as the sample would not render impracticable or impossible the analysis or examination, he –

(a) shall divide the sample into three parts;

(b) shall identify the three parts as owner's or vendor's portion as the case may be, the sample and the duplicate sample. Where a part bears a label affixed on the article of food by the manufacturer, the Authorized Officer may identify such part as the sample;

(c) shall permit the owner or the person from whom the sample was taken to affix his seal or place his signature or thumb impression on all three parts;

(d) shall secure such part in a manner that it cannot be opened without breaking or damaging the seals;

(e) shall deliver the part identified as the owner's portion to the owner or the person from whom the sample was taken and forward the part identified as the sample to the Approved Analyst for analysis or examination together with a memorandum in form I set out in the schedule hereto; and

(f) shall keep in safe custody, the part identified as the duplicate sample for production in Court, if legal proceedings are instituted against the owner or person from whom the sample was taken.

(3) If in the opinion of an Authorized Officer division of a sample into three parts is likely to render the analysis or examination impracticable or impossible, he shall identify the entire quantity as the sample to be sent to the Approved Analyst for analysis, label it suitably, require the owner of the person from whom he obtained the sample to affix his seal or place his signature or thumb impression on the sample, secure it in a manner that it cannot be opened without damaging the seal and forward the sample to Approved Analyst for analysis or examination together with a memorandum in form I set out in the schedule hereto.

(4) Where a sample is sent for analysis or examination under regulation (3), the approved analyst shall, if in his opinion, division of the sample would not render impracticable or impossible the analysis or examination,
divide the sample into two parts, seal the part which contains the original label, if any affixed by the manufacturer, use the other part for analysis and return the sealed part together with the original label and the report of analysis to the relevant Food Authority.

(5) (a) The quantity of the sample to be taken by an Authorized Officer shall be such as he shall deem necessary for the purpose of examination or analysis.

(6) (b) An Authorized Officer who takes a sample of food for examination or analysis shall tender the market value of such food to the seller.

(7) An Authorized Officer taking a sample of milk including standardized, toned, skimmed or flavoured milk, or cream, ice cream, ice candy or curd may add formalin as a preservative and shall indicate the addition of formalin on the label of the sample sent for analysis.

(8) Any Magistrate sending a sample produced in Court for analysis or examination under section 24 (2) of the Act shall dispatch such sample with the seals intact and after packing it again in thick paper and affixing his own seal.

4. The following regulations shall apply to the microbiological analysis of food:

(1) An Authorized Officer, who takes a sample under section 14 of the Act, shall notify the person from whom the sample was obtained of his intention forward such sample to the Approved Analyst for Microbiological Analysis.

(2) Where the sample taken under section 14 of the Act consists of a sealed container, such container shall be forwarded to the Approved Analyst unopened and intact and suitably packaged.

(3) Where the sample taken under section 14 of the Act is in bulk or contained in any package other than in sealed container, sample shall be taken under sterile conditions and transferred into a sterile container and sealed in a manner that it cannot be opened without breaking or damaging the seal.

(4) The Authorized Officer shall permit the owner or the person from whom the sample is taken for microbiological analysis to affix his seal or place his signature or thumb impression on the sample.
(5) Any sample taken for microbiological analysis shall be delivered forthwith to the Approved Analyst together with a memorandum in Form I set out in the schedule hereto.

(6) If the time taken to deliver the sample to the Approved Analyst is likely to exceed two hours, the sample shall be transported under refrigeration.

(7) No preservative shall be added to any sample which is meant for microbiological analysis.

(8) An Authorized Officer who takes a sample of food for microbiological analysis shall tender the market value of such food to the seller.


6. Interpretation: In these regulations –

"Act" means the Food Act No. 26 of 1980;
"Food" has the same meaning as in the Act;
"Labelling" has the same meaning as in the Act;
"Medical Practitioner" has the same meaning as in the Act.
"Approved Analyst" includes the "Additional Approved Analyst"

SCHEDULE

Form I

Memorandum to the Approved Analyst / Additional Approved Analyst

No: Place: (Including Address)

From:

To:

(1) The sample describe below is forwarded herewith for examination*/analysis under section 16 of the Food Act, No. 26 of 1980. I request that a report of analysis may be forwarded after examination*/analysis.

1. Nature of Sample:
2. Distinguishing Number of Sample:

3. Date and Place of Collection:

4. Area of the Authorized Officer:

5. Address to which report to be sent:

6. Nature and quantity of preservatives, if any added:

(2) The stock of the entirety (specify quantity) has been detained under section 14 (1) (e) of the Food Act No. 26 of 1980. Report of analysis may be sent expeditiously to the relevant Food Authority.

(3) The sample has been collected under Regulation 3 (3). Hence a portion of the sample duly sealed, and the original label on the food may be returned along with the report of analysis.

(4) The sample has been collected using sterilized equipment and placed in sterilized container.

Time Collected:…………………..

Time delivered:…………………..

(5) The sample sent to the Approved Analyst bears the original label. Hence the container with original label may be returned along with the report of analysis.

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Name and Signature of Authorized Officer
(Administrative Area)
Official Seal

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• Delete whatever not applicable.