

A BILL

ENTITLED

AN ACT to Amend the Processed Food Act and the Processed Food (General) Regulations, 1959.

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BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Processed Food (Amendment) Act, 2017, and shall be read and construed as one with the Processed Food Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title and construction.

2. Section 5(1) of the principal Act is amended by deleting paragraph (c), and substituting therefor the following—

Amendment of section 5 of principal Act.

“(c) distribute or sell or have in possession for distribution or for sale or attempt to distribute or sell any prescribed food that is unwholesome.”

Amendment
of section 8
of principal
Act.

3. Section 8 of the principal Act is amended—

- (a) in the marginal note, by deleting the word “exported” and substituting therefor the word “distributed”;
- (b) in subsection (1)(a), by deleting the word “export” and substituting therefor the word “distribution”; and
- (c) in subsection (2), by deleting the word “export” wherever it appears and substituting therefor, in each case, the word “distribute”.

Amendment
of section 10
of principal
Act.

4. Section 10 of the principal Act is amended by deleting the word “export” wherever it appears and substituting therefor, in each case, the word “distribution”.

Amendment
of section 12
of principal
Act.

5. Section 12(1)(b) of the principal Act is amended by deleting the word “export” and substituting therefor the word “distribution”.

Amendment
of section 13
of principal
Act.

6. Section 13(1) of the principal Act is amended—

- (a) by deleting paragraph (c), and substituting therefor the following—

“(c) prescribing grades and standards of purity, composition, quality, quantity, weight or other property in respect of any food to be manufactured, prepared or processed for distribution or for sale;

- (b) in paragraph (e), by deleting—

- (i) the word “export” where it appears immediately after the word “who” and substituting therefor the word “distribute”; and
- (ii) the word “export” where it appears immediately after the word “for” and substituting therefor the word “distribution”; and

- (c) in paragraph (i), by deleting the word “exportation” and substituting therefor the word “distribution”.

7. Section 14 of the principal Act is amended, in the marginal note, by deleting the word “export”, and substituting therefor, the word “distribution”. Amendment of section 14 of principal Act.

8. Section 18 of the principal Act is amended— Amendment of section 18 of principal Act.

(a) in the marginal note, by deleting the word “export” and substituting therefor the word “distribution”; and

(b) by deleting the word “export” and substituting therefor the word “distribution”.

9.—(1) The provisions of the Processed Food (General) Regulations, 1959, specified in the first column of the Schedule are amended in the manner specified respectively in relation to them in the second column of the Schedule. Amendment of Processed Food (General) Regulations, 1959.

(2) The amendments specified in the second column of the Schedule, shall be read and construed as one with the Regulations.

SCHEDULE

(Section 9)

Amendment to the Processed Food (General) Regulations, 1959

<u>Provision</u>	<u>Amendment</u>
Regulation 11	Delete the words "Certificate of Export or a Certificate of Approval, as the case may be" and substitute therefor the words "Certificate of Approval".
Regulation 12	Repeal
Regulation 13	Repeal
Regulation 14	Repeal
Regulation 15	Repeal
Regulation 16	Repeal
Regulation 21	Delete the words "Every Certificate of Export and every" and substitute therefor the word "Every".
Third Schedule	Delete Form B and Form C.

Passed in the House of Representatives this 10th day of October, 2017.

PEARNEL P. CHARLES, CD., JP, MP

Speaker

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Processed Food Act and the Processed Food (General) Regulations, 1959, to remove the requirement for Export Certificates to facilitate the implementation of the Automated System for Customs Data (ASYCUDA), a web-based system, designed to transform the Jamaica Customs Agency into a paperless operation through the use of electronic documents.

The removal of the Export Certificate provisions will shorten the process for the export of processed food, constitute a positive step towards a more trade facilitatory regime and bring Jamaica further in line with international best practices which recommend a risk-based approach towards production.

This Bill, therefore, seeks to amend the Processed Food Act and the Processed Food (General) Regulations, 1959, to give effect to that decision.

KARL SAMUDA
Minister of Industry, Commerce,
Agriculture and Fisheries.

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AN ACT to Amend the Processed Food Act
and the Processed Food (General)
Regulations, 1959.

As passed in the Honourable House of Representatives

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SECTION 5 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

5.—(1) No person shall—

- (a)
(c) export or sell or have in his possession for export or for sale or attempt to export or sell any prescribed food that is unwholesome.
... ..

SECTION 8 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

8.—(1) An inspector shall, in the course of his duties under this Act and in such manner as may be prescribed—

- (a) issue in respect of any prescribed food a certificate to the effect that the provisions of this Act have been complied with and that such food is fit for export, or for sale, as the case may be, whenever he is satisfied that it is proper to do so; or
... ..

(2) No person shall export or sell or attempt to export or sell—

- (a)

SECTION 10 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

10.—(1) An inspector may at any reasonable time—

- (a) enter any place where he reasonably believes any article to which this Act applies is manufactured, prepared, processed, packed, stored or kept for export or for sale, examine such article and take samples thereof free of charge and examine anything that he reasonably believes is used or is capable of being used for the manufacture, preparation, processing, packing, storing or keeping of such article;
... ..

- (d) inspects, certify or tag in accordance with this Act any articles of food that are manufactured, prepared, processed, stored or kept for export or for sale;
... ..

(2) An inspector shall not certify as being fit for export or for sale any articles in an establishment where the sanitary conditions do not comply with the provisions of this Act.
... ..

SECTIONS 12, 13 and 14 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

12.—(1) Where the provisions of this Act or the lawful directions of an inspector are not being complied with in an establishment the Minister may—

- (a) ...
- (b) withhold the certification for export or for sale, as the case may be, of any articles prepared therein; and

13.—(1) The Minister may make regulations not inconsistent with the provisions of this Act for carrying the purposes and provisions of this Act into effect and in particular but without prejudice to the generality of the foregoing may make regulations—

- (a) ...
- (c) prescribing grades and standards of purity, composition, quality, quantity, weight or other property in respect of any food to be manufactured, prepared or processed for exported or for sale;
- (e) requiring persons who export or sell any prescribed food or who manufacture, prepare, process, pack, store or keep such food for export or for sale to maintain such books and records as the Minister may consider necessary for the proper administration and enforcement of this Act;
- (i) with respect to the exportation of any prescribed food and the manner in which and the conditions under which the control of such exportation shall be exercised;

14.—(1) A draft of all regulations proposed to be made under paragraphs (b), (c) and (j) of section 13 shall be published in the *Gazette* so as to permit representations to be made to the Bureau by any person concerning any provision of the regulations to which that person objects.

SECTION 18 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

18. In a prosecution for an offence against this Act, any unwholesome food found in an establishment shall be deemed to be for use therein in the course of manufacture, preparation or processing for export or for sale, or to be for export or for sale until the contrary is proved.

REGULATION 11 OF THE PROCESSED FOOD (GENERAL)
REGULATIONS, 1959 WHICH IT IS PROPOSED TO AMEND

11.—(1) No common carrier shall receive for carriage or carry and no person shall consign, ship or transport any prescribed food unless a Certificate of Export or a Certificate of Approval, as the case may be, signed by an inspector, has been issued in respect of the particular consignment.

REGULATIONS 12, 13, 14, 15 AND 16 OF THE PROCESSED FOOD
(GENERAL) REGULATIONS, 1959 WHICH IT IS PROPOSED
TO REPEAL

12. Every application for a Certificate of Export shall be in the form prescribed in Form B of the Third Schedule and shall be made in duplicate, at least eight days before the date of export, to the inspector assigned for the inspection of the establishment who upon completing the inspection, and having passed the consignment for shipment, shall initial and return the duplicate copy to the applicant, forward the original to the Director of the Bureau of Standards and shall forthwith issue to the applicant a Certificate of Export.

13. The Certificate of Export shall be in the form prescribed in Form C of the Third Schedule, shall be issued in quadruplicate and shall be serially numbered.

14.—(1) The inspector shall submit the original of the Certificate of Export to the Director of the Bureau of Standard and three copies to the applicant.

(2) The applicant shall deliver the duplicate and triplicate copies to the officer of Customs and shall transmit the quadruplicate copy to the consignee.

(3) The officer of Customs shall cause the duplicate copy to be attached to the appropriate shipping bill and shall retain the triplicate copy.

15. Except as provided in regulation 14, no Certificate of Export shall be issued by an inspector unless he is satisfied that the prescribed food in respect of which the application is made has been duly inspected and marked in accordance with the provisions of these Regulations.

16. A Certificate of Export for prescribed foods otherwise qualifying for export certification but not labelled or marked in accordance with these Regulations may be issued for the export of such prescribed foods out of the Island if they comply with the established trade conditions of the importing country:

Provided—

- (a) the establishment letter, number or code is marked or embossed on the container;
- (b) the contract of sale states the grade established by these Regulations, or the shipper furnishes a signed statement of the grade ordered and an inspection on that basis has been made before the shipment is removed from the establishment; and
- (c) no label or mark on the container misrepresents the grade or contains any statement of grade inconsistent with the standards established by these Regulations.

REGULATION 21 OF THE PROCESSED FOOD (GENERAL) REGULATIONS, 1959 WHICH IT IS PROPOSED TO AMEND

21. Every Certificate of Export and every Certificate of Approval issued under these Regulations shall remain valid for the period of six months after the issue thereof, and shall then expire.

THIRD SCHEDULE TO THE PROCESSED FOOD (GENERAL) REGULATIONS, 1959 WHICH IT IS PROPOSED TO AMEND

THE PROCESSED FOOD (GENERAL) REGULATIONS, 1959

THIRD SCHEDULE

FORM A — [Deleted]

FORM B

(Regulation 12)

Place.....

Date.....

To:

Bureau of Standards,

I/We hereby make application for inspection and "Certificate of Export" for the following shipment for export out of Jamaica:

Name of product.....

Code(s).....
 Grade claimed.....Brand.....
 Number of packages.....
 Size and number per case.....
 Final destination.....
 Name of carrier.....
 Date to go forward.....

I/We hereby declare that the said products are sound, wholesome and fit for human food; that they comply in every respect with the provisions of the Processed Food Act and the regulations made thereunder.

Name of applicant.....
 Signature.....

FORM C

(Regulation 13)

BUREAU OF STANDARDS
 Kingston, Jamaica
 CERTIFICATE OF EXPORT

No.

This is to certify that I have received an application for a Certificate of Export duly executed by the applicant.

Exporter
 Address

	Products	Code	Grade	Brand
Item 1	.....	.....	.....	.....
Item 2	.....	.....	.....	.....
Item 3	.....	.....	.....	.....
Number of cases				
	Size and number per case			
Item 1	.....		
Item 2	.....		
Item 3	.....		

Shipping Marks

Destination

.....

.....

Carrier

I certify that, on the date stated below, I inspected samples believed by me to be representative of the above lot(s) and that the markings and the grade(s) of the shipment as shown by the said samples meet the requirements of the Processed Food Act and the regulations made thereunder.

In consideration of the declaration of the shipper, I hereby grant Certificate of Export.

This Certificate shall be valid until the.....
 day of..... 19..... and shall then expire.

Date.....

.....
Inspector under Processed Food Act