

## Nru. 19

6. 12. 71

### MALTA

#### KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Dott. Anton Buttigieg, B.A., LL.D., M.P., Ministru tal-Gustizzja u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tat-22 ta' Novembru, 1971.

ATT biex jipprovdi għall-kontroll igjeniku u kontroll ieħor ta' ħwejjeġ ta' l-ikel, mediċinali u ilma tax-xorb.

C. MIFSUD

*Skrivan tal-Kamra tad-Deputati*

#### HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Dr Anton Buttigieg, B.A., LL.D., M.P., Minister of Justice and Parliamentary Affairs, and read the First time at the Sitting of the 22nd November, 1971.

AN ACT to provide for the hygienic and other control of food, drugs and drinking water.

C. MIFSUD

*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex jipprovd i għall-kontroll iġjeniku u kontroll ieħor ta' hwejjeg ta' l-ikel, mediċinali u ilma tax-xorb.*

IL-MAESTA' Tagħha r-Reġina, bil-parir u l-kunsens tal-Kamra tad-Deputati ta' Malta, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, harġet b'liġi dan li ġej: —

Titolu fil-qosor  
u bidu fis-sehh.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1971 dwar Hwejjeg ta' l-Ikel, Mediċinali u Ilma tax-Xorb.

(2) L-artikoli 2, 3, 4, 12, 13, 16, 17, 21, 23 u 28, is-subartikolu (1) ta' l-artikolu 30, u l-artikoli 42, 43, 44, 48 u 71 ta' dan l-Att għandhom jibdeu isehħu minnufih.

(3) Id-disposizzjonijiet l-oħra ta' dan l-Att għandhom jibdeu isehħu f'dik id-data li l-Ministru jista' jistabbilixxi b'avviż fil-Gazzetta tal-Gvern u l-Ministru jista' jistabbilixxi dati differenti dwar disposizzjonijiet differenti.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'oħra —

“reklam” tinkludi kull avviż, ċirkolari, tikketta, haġa li tgeżwer biha, fattura jew dokument ieħor, u kull xandira kemm bi prezentazzjoni viżwali jew bis-smiġħ jew bit-tnejn, u “tagħmel reklam” għandha tiftiehem f'dan is-sens;

“analitiku” tfisser analitiku mad-Dipartiment tas-Saħħa u, għall-finijiet ta' analiżi u eżami ta' —

(a) kull oġġett minn hwejjeġ ta' l-ikel li għalih ikun gie preskritt *standard* taht dan l-Att, tinkludi kull analitiku mqabbad fl-analisi ta' hwejjeġ ta' l-ikel fid-Dipartiment ta' l-Industrija;

(b) ħalib jew prodotti tal-ħalib, tinkludi kull analitiku mqabbad fl-analisi ta' ħalib jew prodotti ta' ħalib fl-Impriża tal-Bejgħ tal-Ħalib;

“animali” tfisser bovini, ovini, kaprini, majjali u ekwini;

“oġġett” ma tinkludix animal ħaj jew tajra;

“uffiċjal awtorizzat” tfisser kull Uffiċjal Mediku tas-Saħħa, jew uffiċjal mediku ieħor li s-Suprintendent tas-Saħħa Pubblika jagħmel f'ismu, jew kull spettur tas-saħħa;

“negozju” tfisser kull impriża jew attività li għandha x'taq-sam ma' hwejjeġ ta' l-ikel, mediċinali, jew mal-produzzjoni jew manifattura tagħhom, sew jekk isiru bi profitt sew jekk le;

“post fejn jiġi provdut ikel”, dwar ħalib tfisser kull *canteen*, każin, skola, sptar, ristorante, lukanda, post ta' l-ikel jew post ieħor fejn, fil-kors tan-negozju, isir il-bejgħ tal-ħalib sabiex jiġi ikkun-smat immedjatament hemmhekk u meta dak il-bejgħ ikun biss inċidentali għal dak in-negozju;

“vapur tal-kosta” tfisser kull vapur jew bastiment ieħor li jaħdem biss bejn parti ta' Malta u oħra;

“mahfen” tinkludi kull basket, barmil, gabarrè, pakkett jew kull haġa oħra li fiha jitqiegħdu affarijiet, sew miftuħa jew magħluqa;

“Kunsill tas-Saħħa” tfisser il-Kunsill tas-Saħħa kostitwit skond l-artikolu 6 ta' l-Ordinanza dwar il-Kostituzzjoni tad-Dipartiment tas-Saħħa;

Kap. 148.

“krema” tfisser dik il-parti tal-ħalib li tkun imxaħħma ħafna li tkun giet separata permezz ta' *skimming* jew xort'oħra;

“*dairy*” tinkludi kull depost tal-ħalib, maħzen tal-ħalib, hanut tal-ħalib, impriża għall-bejgħ tal-ħalib jew post ieħor li minnu l-ħalib jingħata b'bejgħ jew għall-bejgħ, jew li fih il-ħalib jinżamm jew jintuża għall-finijiet ta' bejgħ jew sabiex jiġi proċessat jew għal xi trattament ieħor ikun liema jkun għall-bejgħ jew sabiex jinħadem fi prodotti tal-ħalib biex jinbiegħu, jew li fih jinżammu reċipjenti wżati għall-bejgħ tal-ħalib, iżda ma tinkludix xi razzett tad-*dairy* jew post fejn jiġi provdut ikel;

“razzett tad-*dairy*” tfisser kull razzett, stalla tal-baqar, maqjel fejn jinżammu n-nghaġ jew il-mogħoż jew kull post ieħor li fih jiġi prodott ħalib nej, u tinkludi kull kamra tal-ħalib jew kamra tal-ħlib;

“gabillot tad-*dairy*” tinkludi wiehed li joqgħod f'razzett tad-*dairy* u wiehed li jżomm il-bhejjem tal-ħalib;

“*dairyman*” tinkludi wiehed li joqgħod f'*dairy* u wiehed li jaħzen il-ħalib;

“mediċinali” tinkludj kull mediċina għal użu intern jew estern, u kull antisettici, dizinfettanti u kożmetici;

“hwejjeġ ta’ l-ikel” tinkludi xorb, *chewing gum* jew prodotti oħra ta’ xorta u użu bħalhom, u oġġetti u sustanzi wżati bħala ingredjenti fit-tnejjija ta’ ikel jew xorb jew ta’ prodotti bħal dawn, iżda ma tinkludix —

- (a) ilma, annimali jew tjur ħajjin,
- (b) għalf jew hwejjeġ ta’ l-ikel ta’ annimali, tjur jew ħut, jew
- (c) oġġetti jew sustanzi wżati biss bħala mediċinali;

“Bord dwar *Standards* ta’ Hwejjeġ ta’ l-Ikel” tfisser il-Bord kostitwit taħt l-artikolu 3 ta’ dan l-Att;

“imitazzjoni ta’ krema” tfisser sustanza li waqt li ma tkunx krema jew krema rikostitwita, fis-sura tixbah il-krema u tiġi prodotta bit-tahlit ta’ żejt ta’ l-ikel jew xahmijiet ma’ l-ilma, jew waħedhom jew flimkien ma’ sustanzi oħra li la jkunu projbiti b’regolamenti magħmula skond dan l-Att, lanqas miżjuda fi kwantitajiet hekk projbiti;

“spettur” tfisser kull Veterinarju tal-Gvern jew kull persuna kwalifikata kif imiss awtorizzata bil-miktub mis-Suprintendent tas-Saħħa Pubblika biex taħdem dwar l-eżami u l-kundanna ta’ laħam;

“Malta” għandha l-istess tifsir kif mogħti lilha bl-artikolu 126 tal-Kostituzzjoni ta’ Malta;

“halib” tinkludi krema jew halib separat iżda ma tinkludix halib imnixxef jew halib kondensat;

“depost tal-halib” tfisser kamra, ċentru, depost jew post ieħor, li ma jkunx kamra tal-halib, użat għall-ġbir u/jew biex jinżamm jew jinħażen il-halib nej f’*dairy* jew li għandu x’jaqsam ma’ *dairy*;

“kamra tal-halib” tfisser kamra, maqjel, *parlour* jew post ieħor f’razzett ta’ *dairy* li fih jinħalbu l-bhejjem tal-halib;

“kamra tal-halib” tfisser kamra jew post ieħor f’razzett ta’ *dairy* fejn il-halib jissaffa, jitkessaħ, jinżamm jew jiġi maħzun qabel ma jitneħħa b’bejgħ jew xort’oħra, u tinkludi kull kamra jew post ieħor li fih jitnaddaf jew jiġi maħzun xi tagħmir jew għodda li jintuzaw għall-halib;

“ħanut tal-halib” tfisser —

(a) kull ħanut, kamra jew post ieħor li fih jew minnu l-ħalib jinżamm, jitqassam, jinbiegħ, jiġi offert jew espost għall-bejgħ f’reċipjenti magħluqin sewwa u mhux miftuħa li fihom jiġi konsenjat f’dawk il-postijiet;

(b) kull ħanut, kamra jew post ieħor li fih jew minnu l-ħalib jinbiegħ għall-konsum immedjat hemmhekk iżda fejn, fil-kors tan-negozju, il-bejgħ tal-halib, waħdu jew flimkien ma’ xi prodotti oħra tal-halib, jifforma, fil-fehma tas-Suprintendent tas-Saħħa Pubblika, parti sostanzjali minn dak in-negozju; u

(c) kull posta li fiha jew minnha l-ħalib jinbiegħ jew jinżamm, jiġi offert jew espost għall-bejgħ;

“maħzen tal-halib” tfisser kamra jew post ieħor li fih il-ħa-

lib, li ma jkunx ħalib nej, jinżamm jew jiġi maħzun fi, madwar, jew in konnessjoni ma' *dairy*;

"Ministru" tfisser il-Ministru tas-Saħħa;

"ippakkjar" tfisser li jkun jinsab ġo reċipjent, u tinkludi bottiljar;

"persuna" tinkludi kull kumpannija jew għaqda jew korp ieħor ta' persuni, sew jekk ikollu personalità ġuridika sew jekk le;

"pullam" tfisser tjur, dundjani, papri, wiżż, fargħuni, faġani, perniċi, bċieċen u summien;

"post", ħlief fl-artikolu 26 ta' dan l-Att, tfisser bini jew parti minn bini, u kull biħtha tal-faċċata, biħtha jew post ieħor ta' ħażna wżat in konnessjoni ma' bini jew parti minn bini, u tinkludi, dwar *dairies* u rżieżet ta' *dairy*, u x-xogħol ta' *dairyman* jew gabbil-lot ta' *dairy*, kull art li ma tkunx bini;

"preparazzjoni", dwar hwejjeġ ta' l-ikel, tinkludi l-manifattura u kull sura ta' trattament, u "preparazzjoni għall-bejgħ" tinkludi ippakkjar, u "tipprepara" u "tipprepara għall-bejgħ" għandhom jiftehmu f'dan is-sens;

"biċċerija pubblika" tfisser biċċerija taħt il-kontroll tal-Gvern;

"wiehed li jahzen il-ħalib", dwar ħalib, tinkludi kull persuna li tbiegħ il-ħalib, jew bl-ingrossa jew bl-imnut;

"ħalib nej" tfisser esklużivament is-sekrezzjoni safja u normali li tinkiseb mill-glandola mammali tal-baqra, tal-mogħża jew tan-nagħga mingħajr la żieda magħha u lanqas nuqqas minnha;

"krema rikostitwita" tfisser sustanza li waqt li ma tkunx krema, fis-sura tixbah il-krema u ma jkun fiha ebda ingredjent li ma jkunx derivat mill-ħalib, ħlief ingredjenti (li ma jkunux miżjuda b'qerq biex tiżdied il-kwantità, il-piż jew il-qies, jew biex jaħbu kwalità inferjuri) li jistgħu legalment ikunu jinsabu f'sustanza mibjugħa għall-konsum mill-bniedem bħala krema, jew ħlief ilma;

"Awtorità Sanitarja" tinkludi s-Suprintendent tas-Saħħa Pubblika, l-Uffiċjal Mediku Prinċipali, l-Uffiċjal Mediku Anzjan, l-Uffiċjal Mediku tas-Saħħa, kull spettur tas-saħħa, u kull uffiċjal ieħor tad-Dipartiment tas-Saħħa awtorizzat kif imiss bil-miktub mis-Suprintendent tas-Saħħa Pubblika biex jiżgura t-tħaris tad-disposizzjonijiet ta' dan l-Att u ta' kull regolamenti magħmula bis-saħħa tiegħu;

"separat", dwar ħalib, tinkludi *skimmed*;

"vapur" tinkludi kull biċċa tal-baħar;

"biċċerija" tfisser post għall-qtil ta' l-annimali, li l-laħam tagħhom ikun mahsub għall-bejgħ għall-konsum mill-bniedem, u tinkludi kull post li jkun jista' jintuża għal dan il-għan biex fiħ jinżammu l-annimali li jkunu qed jistennew għall-qatla jew biex hemm jinżammu, jew biex hemm isir xi trattament jew proċess lil, prodotti tal-qtil hemm ta' annimali;

"faċilitajiet ta' biċċerija" tfisser faċilitajiet sabiex isir ix-xogħol ta' biċċerija inklużi mpjanti u apparati u s-servizzi ta' persuni bħala biċċiera jew xort'ohra;

“posta” tinkludi kull *stand*, kamp, tinda jew *mobile canteen*, u kull vettura, sew jekk mobbli sew jekk le;

“reċipjent” tinkludi reċipjent ta’ kull xorta, kemm magħluq kemm miftuh.

## TAQSIMA I

### Disposizzjonijiet Ġenerali

Twaqqif ta’ Bord dwar *Standards* ta’ Hwejjeġ ta’ l-Ikel.

3. (1) Għandu jkun hemm Bord, li jkun magħruf bhala l-Bord dwar *Standards* ta’ Hwejjeġ ta’ l-Ikel.

(2) Dak il-Bord ikun magħmul mis-Suprintendent tas-Saħħa Pubblika bhala President, minn tliet membri nominati mill-Ministru u minn tliet membri oħra nominati mill-Ministru responsabbli għall-industrja.

(3) Il-Ministru responsabbli għall-industrja għandu jinnomina Segretarju għall-imsemmi Bord.

Regolamenti u ordnijiet magħmula mill-Ministru.

4. (1) Kull regolamenti jew ordnijiet li l-Ministru għandu s-setgħa li jagħmel skond id-disposizzjonijiet ta’ dan l-Att (barra mir-regolamenti li jsiru taħt l-artikoli 12 u 43) għandhom isiru mill-Ministru fuq il-parir tal-Kunsill tas-Saħħa.

(2) Kull regolamenti li l-Ministru għandu s-setgħa jagħmel taħt l-artikoli 12 u 43 ta’ dan l-Att għandhom isiru mill-Ministru bil-parir tal-Bord dwar *Standards* ta’ Hwejjeġ ta’ l-Ikel.

(3) Kull regolamenti jew ordnijiet magħmula mill-Ministru skond dan l-Att għandhom jitqegħdu fuq il-Mejda tal-Kamra tad-Deputati kemm jista’ jkun malajr wara li jsiru, u jekk, fi żmien għoxrin ġurnata li jibdeu mill-ġurnata li fiha daww ir-regolamenti jew l-ordnijiet jitqegħdu quddiemha, il-Kamra tad-Deputati tirriżolvi li l-imsemmija regolamenti jew ordnijiet, skond il-każ, jiġu annullati jew emendati, daww ir-regolamenti jew ordnijiet għandhom ma’ dan jieqfu mis-seħħ jew jiġu hekk emendati, iżda bla ħsara għall-validità ta’ kull haġa li tkun saret qabel bis-saħħa tagħhom jew għall-egħmil ta’ regolamenti jew ordnijiet godda, skond il-każ:

Iżda ma għandux jingħadd fil-kalkolu ta’ l-imsemmija għoxrin ġurnata ebda perijodu ta’ sitt ijiem jew aktar konsekuttivi li jkun hemm bejn żewġ seduti tal-Kamra tad-Deputati.

Zjeda ta’ sustanzi ma’ hwejjeġ ta’ l-ikel jew mediċinali, eċċ.

5. (1) Ebda persuna ma tista’ żżid xi sustanza ma’ xi hwejjeġ ta’ l-ikel bhala ingredjent fil-preparazzjoni ta’ xi hwejjeġ ta’ l-ikel, estratt jew kostitwent minn xi ikel, jew tissogġetta lil xi hwejjeġ ta’ l-ikel għal xi proċess jew trattament ieħor, f’kull każ hekk li l-hwejjeġ ta’ l-ikel isiru ta’ ħsara għas-saħħa, bil-ghan li daww il-hwejjeġ ta’ l-ikel jinbiegħu jew jitqassmu għall-konsum mill-bniedem f’dak l-istat.

(2) Ebda persuna ma għandha żżid xi sustanza ma’, jew toħroġ xi kostitwent minn, xi mediċinali hekk li ssir ħsara lill-kwalità, il-kostituzzjoni jew il-qawwa tal-mediċinali, bil-ħsieb li daww il-mediċinali jinbiegħu f’dak l-istat.

## 6. (1) Ebda persuna ma għandha —

(a) tbiegħ, jew toffri, tesponi jew tirreklama għall-bejgħ, jew

(b) tiddepożita għand, jew tikkonsenja lil, xi persuna, jew ikollha fil-pussess tagħha jew tiddepożita jew iżzomm f'maħżen ta' arja kiesha jew f'*refrigerator* għall-bejgħ jew għall-preparazzjoni tal-bejgħ, jew

(c) tqassam bhala kumpens jew xort'oħra jew iġġorr minn post għall-ieħor,

għall-konsum mill-bniedem, xi hwejjeġ ta' l-ikel li huma jew li jkunu saru ta' hsara għas-sahha jew li jkunu hżienu, saru mhux tajbin, mhux potenti jew xort'oħra mhux tajbin għall-konsum mill-bniedem, jew li kienu preparati, konservati, ippakkjati, maħżuna jew imġarra taħt kondizzjonijiet mhux sanitarji.

(2) Ebda persuna ma għandha tbiegħ, jew toffri, tesponi jew tirreklama għall-bejgħ, jew tqassam bhala kumpens jew xort'oħra xi mediċinali li tkun ġratilhom hsara fil-kwalità, fil-kostituzzjoni jew fil-qawwa.

(3) Bla hsara tad-disposizzjonijiet ta' kull liġi oħra kull persuna li tbiegħ, jew toffri, tesponi jew iżzomm għall-bejgħ, xi hwejjeġ ta' l-ikel għal skopijiet industrjali jew skopijiet oħra simili jew bhala għalf jew hwejjeġ ta' l-ikel ta' annimali għandha thares dawk il-kondizzjonijiet li s-Suprintendent tas-Sahha Pubblika jidhirlu meħtieġa biex jevita li jintużaw bhala ikel għall-konsum mill-bniedem.

(4) Jekk persuna li tkun liċenzjata skond l-artikolu 26 biex iżzomm biċċerija tinsab hatja ta' reat kontra d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, il-Qorti tista', u, f'każ li tinsab hatja għat-tieni darba jew aktar, il-Qorti għandha, barra milli tagħti l-piena skond il-liġi, tissospendi l-liċenza relattiva għal minn xahar sa sitt xhur.

## 7. (1) Id-disposizzjonijiet tas-subartikolu (1) ta' l-artikolu 6 għandhom japplikaw —

(a) dwar kull hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem li jkunu offerti bhala premju jew rigal, jew li jingħataw biex jiġu hekk offerti, dwar xi divertiment li għalih jidhol il-pubbliku, kemm bi hlas jew b'xejn, bħallikieku l-hwejjeġ ta' l-ikel kienu, jew kienu ġew, esposti għall-bejgħ minn kull persuna li jkollha x'taqsam ma' l-organizzazzjoni tad-divertiment, jew mill-persuna li tkun hekk qed tagħti l-hwejjeġ ta' l-ikel; u

(b) dwar kull hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem li jiġu offerti bhala premju jew rigal jew jingħataw għall-fini ta' reklam, jew fit-tmexxija 'l quddiem ta' kull kummerċ jew negozju, bħallikieku l-hwejjeġ ta' l-ikel kienu, jew kienu ġew, esposti għall-bejgħ mill-persuna jew mill-persuni li joffru jew jagħtu dawk il-hwejjeġ ta' l-ikel.

(2) F'dan l-artikolu, il-kelma "divertiment" tinkludi kull laqgħa soċjali, esibizzjoni, wirja, loġħa, sport jew prova ta' hila.

Projbizzjoni ta' bejgħ eċċ. ta' ċerti hwejjeġ ta' l-ikel jew mediċinali.

Ikel mogħti bhala premju, eċċ.

Bejgh ta' hwejjeg ta' l-ikel jew medicinali bi preġudizzju għax-xerrej.

8. (1) Ebda persuna ma għandha tbiegħ, bi preġudizzju għax-xerrej, xi hwejjeg ta' l-ikel maħsuba għall-konsum mill-bniedem jew xi medicinali li ma jkunux tax-xorta, sustanza jew kwalità tal-hwejjeg ta' l-ikel jew tal-medicinali mitluba minn dak ix-xerrej.

(2) F'kull proċedimenti għal reat taħt dan l-artikolu, ma tkunx difiża l-allegazzjoni li x-xerrej xtara biss bil-ħsieb ta' analiżi jew eżami u għalhekk ma kienx preġudikat.

Difiża f'ċerti proċedimenti.

9. (1) F'kull proċedimenti taħt l-artikolu 8 għal reat li jikkonsisti fil-bejgħ ta' hwejjeg ta' l-ikel li magħhom tkun żdiedet xi sustanza, jew li fil-preparazzjoni tagħhom tkun giet użata xi sustanza bħala ingredjent, jew li minnhom ikun gie estratt xi kostitwent, jew li jkunu ġew sugġettati għal xi proċess jew trattament ieħor, hlief hwejjeg ta' l-ikel li jkunu nġiebu ta' ħsara għas-saħħa, l-akkuzat jista' jiddefendi ruħu billi jipprova li dik l-operazzjoni ma tkunx saret b'qerq, u li l-oġġett kien mibjugħ billi kellu mwahħal miegħu avviz ta' daqs xieraq, stampat ċar u li jinqara u li jidher sewwa, li jgħid sew ix-xorta ta' l-operazzjoni, jew li l-oġġett kien mibjugħ f'haġa tat-tgeżwir jew maħfen li juri dak l-avviz.

(2) Id-disposizzjonijiet tas-subartikolu ta' qabel dan għandhom japplikaw dwar proċedimenti għal reat li jikkonsisti fil-bejgħ ta' xi medicinali li magħhom tkun żdiedet xi sustanza, jew li minnhom ikun gie estratt xi kostitwent, li ma jkunux medicinali li tkun saritilhom ħsara fil-kwalità, kostituzzjoni jew qawwa, kif japplikaw dwar dawk ir-reati li huma msemmija fl-imsemmi subartikolu.

(3) F'kull proċedimenti taħt l-artikolu 8 dwar hwejjeg ta' l-ikel jew medicinali li jkun fihom sustanza barranija, il-konvenut jista' jiddefendi ruħu billi jipprova li dik is-sustanza kienet konsegwenza li ma tistax tiġi evitata tal-proċess tal-ġbir jew tal-preparazzjoni.

(4) Bla ħsara ta' xi disposizzjoni speċifika oħra ta' liġi kuntrarja, f'kull proċedimenti taħt l-artikolu 8 dwar spirti mħallta l-akkuzat jista' jiddefendi ruħu billi jipprova li dak it-taħlit kien biss taħlit ma' l-ilma u li l-ispirtu dilwit kien ta' qawwa ta' mhux anqas minn —

(a) 43 fil-mija alkol assolut, volum f'volum, fil-każ ta' *whisky, brandy, rum* jew ġnibru; jew

(b) 20 fil-mija alkol assolut, volum f'volum, fil-każ ta' xorb alkoliku ieħor, hlief inbid u birra.

Preparazzjoni, eċċ. ta' hwejjeg ta' l-ikel taħt kondizzjonijiet mhux sanitarji.

10. (1) Ebda persuna ma tista' tipprepara, tikkonserva, tipakkja, iżżomm jew taħżen għall-bejgħ għall-konsum mill-bniedem xi hwejjeg ta' l-ikel taħt kondizzjonijiet mhux sanitarji.

(2) Ebda persuna ma għandha tuża fil-preparazzjoni, konservazzjoni, ippakkjar, tiżmim, hażna jew bejgħ ta' hwejjeg ta' l-ikel maħsuba għall-konsum mill-bniedem xi apparat, tagħmir, imħafen, imwieżen jew utensili, skond il-każ, li ma jkunux nodfa bizżejjed jew li jistgħu jagħtu lil dawk il-hwejjeg ta' l-ikel xi sustanza vele- nuża jew ta' ħsara.

11. Ebda persuna ma ghandha tbiegh jew tipprepara, tippakkja, toffri, tesponi, iżzomm jew taghmel reklam għall-bejgħ, għall-konsum mill-bniedem, xi oġġetti ta' l-ikel, li jaqblu ma' jew jixbhu fil-ghamla tagħhom lil xi oġġetti ieħor ta' użu komuni illi wiehed bi żball jista' jiffixkilhom miegħu, b'mod li jkun hemm periklu jew hsara għas-saħħa.

Hwejjeġ ta' l-ikel li jixbhu jew jaqblu fil-ghamla ma' oġġetti ta' użu komuni.

12. (1) Il-Ministru jista' jagħmel regolamenti dwar l-importazzjoni, l-esportazzjoni, il-preparazzjoni, il-kompożizzjoni, ir-reklam u l-bejgħ ta' hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem, u jippreskrivi l-*standards* tal-kwalità, kompożizzjoni jew proprjeta' oħra minima permissibbli ta' dawk il-hwejjeġ ta' l-ikel.

Setgħa tal-Ministru li jagħmel regolamenti dwar il-kompożizzjoni, eċċ., ta' hwejjeġ ta' l-ikel.

(2) Bla hsara għall-generalità tas-setgħa mogħtija bis-sub-artikolu (1) ta' dan l-artikolu, kull regolamenti bħal dawk jistgħu b'mod partikolari jipprovdu dwar —

(a) il-htieġa, il-projbizzjoni jew ir-regolar taż-żieda ta' xi sustanza speċifika, jew xi sustanza ta' xi klassi speċifika ma' xi hwejjeġ ta' l-ikel maħsuba għall-bejgħ għall-konsum mill-bniedem jew ma' xi klassi ta' hwejjeġ bħal dawk, jew l-użu ta' xi sustanza bħal dik bħala ingredjent fil-preparazzjoni ta' hwejjeġ ta' l-ikel bħal dawk;

(b) il-htieġa, il-projbizzjoni jew ir-regolar ta' l-użu ta' xi proċess jew trattament fil-preparazzjoni ta' xi hwejjeġ ta' l-ikel maħsuba għall-bejgħ għall-konsum mill-bniedem, jew ta' xi klassi ta' hwejjeġ ta' l-ikel bħal dawk;

(c) il-projbizzjoni jew ir-regolar tal-bejgħ, pussess għall-bejgħ, jew l-offerta, il-wiri jew ir-reklam għall-bejgħ, ta' xi sustanza speċifika, jew ta' xi sustanza ta' xi klassi speċifikata, bil-hsieb li tintuża fil-preparazzjoni ta' xi hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem, u l-pussess ta' xi sustanza bħal dik għall-użu fil-preparazzjoni ta' hwejjeġ ta' l-ikel maħsuba għall-bejgħ għall-konsum mill-bniedem;

(d) l-impożizzjoni ta' htigiet dwar, u xort'oħra r-regolar, it-tikkettjar, l-istampar, l-immarkar u r-reklamar ta' hwejjeġ ta' l-ikel maħsuba għall-bejgħ għall-konsum mill-bniedem, u d-deskrizzjonijiet li jistgħu jingħataw lil xi hwejjeġ ta' l-ikel bħal dawk;

(e) il-projbizzjoni jew ir-regolar tal-bejgħ, il-pussess għall-bejgħ, l-offerta, il-wiri jew ir-reklamar għall-bejgħ, l-importazzjoni, il-konsenja, it-tqassim, jew l-esportazzjoni, ta' xi hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem li ma jkunux skond xi regolamenti magħmula skond dan l-artikolu, jew li dwarhom ikun sar reat kontra xi wiehed mill-imsemmija regolamenti; u

(f) li tingħata s-setgħa lis-Suprintendent tas-Saħħa Pubblika li jehtieġ lil kull persuna li tmexxi negozju li jinkludi l-produzzjoni, l-importazzjoni, l-esportazzjoni, l-użu jew it-tqassim ta' xi sustanza wżata fil-proċess, preparazzjoni jew produzzjoni ta' xi hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem, li tagħti lill-imsemmi Suprintendent dawk il-partikolaritajiet li jistgħu jiġu speċifikati f'kull regolamenti bħal dawk dwar il-kompożizzjoni u l-użu ta' kull sustanza bħal dik:

Iżda ebda partikolarità jew informazzjoni oħra miksaba mis-Suprintendent tas-Saħħa Pubblika skond xi regolamenti magħ-

mula skond dan il-paragrafu ma għandha tinkixef hliet kif jista' jkun mehtieg għall-finijiet ta' xi regolamenti maghmula skond il-paragrafi (a), (b), (c) jew (e) ta' dan is-subartikolu jew għall-finijiet ta' xi proċedimenti dwar xi reat kontra xi regolamenti bhal dawk.

13. Il-Ministru jista' jagħmel regolamenti dwar l-importazzjoni, il-preparazzjoni, il-manifattura, il-kompożizzjoni, ir-reklam u l-bejgħ ta' mediċinali.

Setgħa tal-Ministru li jagħmel regolamenti dwar il-kompożizzjoni, eċċ., ta' mediċinali.

Tikkettjar ta' hwejjeġ ta' l-ikel.

14. (1) Ebda persuna ma tista' tbiegħ, jew toffri, turi jew tagħmel reklam għall-bejgħ, jew ikollha fil-pussess tagħha għall-fini ta' bejgħ, jew tagħti bħala kumpens jew xort'ohra, għall-konsum mill-bniedem, xi hwejjeġ ta' l-ikel f'mahfen mhux miftuħ, jekk ma jkunx hemm mehmuz jew imwahħhal ma', jew stampat fuq, jew inkluz fil-mahfen tikketta xierqa.

(2) Bla ħsara tad-disposizzjonijiet ta' kull regolamenti li jistgħu jsiru skond il-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 12 dik it-tikketta għandha turi —

(a) il-marka jew l-isem kummerċjali tal-hwejjeġ ta' l-ikel, jekk ikun hemm;

(b) dwar —

(i) kull hwejjeġ ta' l-ikel importati, indikazzjoni tal-pajjiż ta' l-origini;

(ii) kull hwejjeġ ta' l-ikel preparati, miżjuda, imħallta, proċessati jew xort'ohra prodotti għal kollox jew f'parti f'Malta, l-isem u l-indirizz tal-persuna, tad-ditta, tal-kumpannija jew ta' xi għaqda ohra ta' persuni li jkunu għamlu f'Malta dik il-preparazzjoni, zieda, tahlita, proċessar jew produzzjoni, skond il-każ; u

(c) dikjarazzjoni tajba tal-kontenut nett f'piż, miżura jew numru:

Izda dik id-dikjarazzjoni ma tkunx mehtieġa fuq —

(i) kull oġġetti ta' l-ikel li l-piż tagħhom, magħdud il-mahfen tagħhom, ikun inqas minn żewġ uqijiet jew 57 grammi, jew

(ii) prodotti likwidi tad-*dairy* mibjugħa f'imħafen tal-ħgieġ trasparenti, jekk ma tkunx speċifikament preskritta b'xi regolamenti maghmula skond il-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 12.

15. (1) Ikun illegali li xi persuna turi ma' xi hwejjeġ ta' l-ikel jew ma' mediċinali murija jew miżmuma għall-bejgħ, jew tagħti ma' xi hwejjeġ ta' l-ikel jew mediċinali mibjugħa, xi tikketta, sew mehmuz sew imwahħhla ma', jew stampata fuq, il-mahfen jew dak li jkunu mgeżwrin fiha sew le, li tiddekrivi b'mod falz dawk il-hwejjeġ ta' l-ikel jew mediċinali jew li tkun meqjusa li tqarraq dwar ixorta, is-sustanza jew il-kwalità tagħhom.

Tikkettjar jew reklam falz fuq hwejjeġ ta' l-ikel jew mediċinali.

(2) Ikun ukoll illegali li xi persuna tippublika, jew tkun parti f'pubblikazzjoni ta', xi reklam (li ma jkunx tikketta kif imsemmi fis-subartikolu (1) ta' dan l-artikolu) li jiddeskrivi b'mod falz xi hwejjeġ ta' l-ikel jew mediċinali jew li jkun meqjus li jqarraq dwar ix-xorta, is-sustanza jew il-kwalità tagħhom:

Izda, f'kull proċedimenti taħt dan is-subartikolu, l-akkużat jista' jiddefendi ruħu billi jipprova li hu ma kienx jaf, u li hu ma setax bid-diligenza xierqa jkun jaf, li r-reklam kien tax-xorta kif deskritt f'dan is-subartikolu.

(3) Għall-finijiet ta' dan l-artikolu, tikketta jew reklam li jkun meqjus li jqarraq biss dwar il-valur ta' nutrità jew ta' dieta ta' xi hwejjeġ ta' l-ikel għandu jitqies li jkun meqjus li jqarraq dwar il-kwalità tal-hwejjeġ ta' l-ikel.

(4) F'kull proċedimenti dwar reat taħt dan l-artikolu, l-akkużat ma jistax jiddefendi ruħu billi jipprova li t-tikketta jew ir-reklam kien fih dikjarazzjoni eżatta tal-kompożizzjoni tal-hwejjeġ ta' l-ikel jew tal-mediċinali jekk dik it-tikketta jew ir-reklam kiser b'xi mod ieħor id-disposizzjonijiet ta' dan l-artikolu.

(5) F'dan l-artikolu, "hwejjeġ ta' l-ikel" tfisser hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem.

16. (1) Il-Ministru jista' jagħmel regolamenti dwar il-kondizzjonijiet u l-prattika sanitarji u ta' ndafa li għandhom x'jaqsmu mal-bejgħ, l-importazzjoni, il-preparazzjoni, il-manigġ, it-trasport, il-ħażna, l-ippakkjar, it-tgeżwir, it-tiżmim jew il-wiri għall-bejgħ, is-servizz jew il-konsenja ta' hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem, jew xort'ohra għat-tħaris tas-saħħa pubblika dwar il-hwejjeġ fuq imsemmija.

Setgħa tal-Ministru li jagħmel regolamenti dwar iġjene ta' l-ikel.

(2) Bla ħsara tal-ġeneralità tas-setgħa mogħtija skond is-subartikolu (1) ta' dan l-artikolu, kull regolamenti bħal dawk jistgħu b'mod partikolari jipprovdu dwar —

(a) l-impożizzjoni ta' htigiet dwar il-kostruzzjoni, it-tqasim, id-drenaġġ, it-tagħmir, il-manutenzjoni, l-indaġġa, il-ventilazzjoni, id-dawl, il-fornitura u l-użu ta' ilma, ta' post li fih, jew minnu hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem jiġu prodotti jew mibjugħa, jew offerti, murija, maħżuna jew preparati għall-bejgħ (inklużi kull partijiet ta' dak il-post li fihom apparat jew utensili jitnaddfu, jew li fihom iż-żibel jintefa' jew jiġi maħżun);

(b) l-impożizzjoni ta' htigiet dwar il-provvista, il-manutenzjoni u t-tindif ta' faċilitajiet sanitarji u ta' ħasil li għandhom x'jaqsmu ma' dak il-post, ir-rimi ta' żibel u l-manutenzjoni u t-tindif ta' apparat, tagħmir, fornituri u utensili wżati f'dak il-post;

(ċ) il-projbizzjoni jew ir-regolar tal-bejgħ jew ta' l-importazzjoni ta' apparat jew utensili magħmula għall-użu fil-preparazzjoni ta' hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem u li jkun fihom materjal speċifiku jew materjal ta' klassi speċifika;

(d) il-kontroll jew xort'ohra r-regolar ta' l-użu ta' mhafen, u l-ippakkjar jew it-tgeżwir ta' xi hwejjeġ ta' l-ikel maħsuba

għall-bejgħ għall-konsum mill-bniedem jew ta' xi ingredjenti tagħhom;

(e) l-impożizzjoni ta' htigiet dwar l-ilbies milbus minn persuni f'kull post bħal dak;

(f) il-provdiment tal-prekawzjonijiet li għandhom jittieħdu biex il-ħwejjeġ ta' l-ikel jitharsu minn infezzjoni jew kontaminazzjoni;

(g) l-impożizzjoni ta' htigiet għall-persuni li jmexxu n-negozju f'dawk il-postijiet, jew għall-persuni li jaħdmu fi, dwar jew in konnessjoni ma' dawk il-postijiet, dwar kazijiet ta' mard infettuż; u

(h) ir-regular ġenerali tat-trattament u tar-rimi ta' ħwejjeġ ta' l-ikel li mhumie x tajba għall-konsum mill-bniedem.

(3) Regolamenti magħmula skond dan l-artikolu jistgħu jimponu dwar vapuri tal-kosta, posti u lokalitajiet li m'humie x tajba postijiet, kull htigiet hekk kif jistgħu jiġu mposti bis-saħħa tagħhom dwar postijiet.

(4) Għall-finijiet ta' dan l-artikolu, l-espressjoni "post" tinkludi kull *dairy* u kull razzett ta' *dairy*.

Setgħa tal-Ministru li jagħmel regolamenti dwar mediċinali.

17. Il-Ministru jista' jagħmel regolamenti dwar il-kondizzjonijiet u l-prattika sanitarji u ta' ndafa li għandhom x'jaqsmu mal-bejgħ, l-importazzjoni, il-manifattura, il-preparazzjoni, it-trasport, il-ħażna, l-ippakkjar, it-tgeżwir, it-tiżmim jew il-wiri għall-bejgħ ta' kull mediċinali.

Impjegati, eċċ., li jbatu minn ċertu mard.

18. (1) Ebda persuna ma għandha tiġi mpjegata biex taħdem fi, jew in konnessjoni ma', il-preparazzjoni jew il-manijġ ta' xi ħwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem jekk tkun taf li qed tbatu minn, jew tkun *carrier* ta', tifojde, paratifojde jew xi infezzjoni oħra salmonella jew dissenterija jew xi infezzjoni stafilokokka li x'aktarx tipproduċi avvelenament ta' l-ikel, jew xi marda oħra li l-Ministru jista', b'ordni, jiddikjara li hi marda li għaliha japplika dan l-artikolu.

(2) Ordni magħmul skond is-subartikolu (1) ta' dan l-artikolu jista' jiġi revokat, mibdul jew sostitwit b'ordni ieħor u jista' japplika għal ħwejjeġ ta' l-ikel, jew għal klassi ta' ħwejjeġ ta' l-ikel, jew għal ħwejjeġ ta' l-ikel partikolari, maħsuba għall-konsum mill-bniedem.

Kontroll ta' ħwejjeġ ta' l-ikel suspetti.

19. (1) Jekk xi uffiċjal awtorizzat ikollu raġuni biżżejjed jisospetta li xi ħwejjeġ ta' l-ikel, li minnhom ikun f'kampjun skond id-dispożizzjonijiet ta' dan l-Att, x'aktarx iġibu avvelenament ta' l-ikel jew xi marda li tittieħed mill-bniedem, hu jista' jwissi lill-persuna inkarigata minn dawk il-ħwejjeġ ta' l-ikel li ma tħallix li dak l-ikel, jew xi parti speċifikata minnu, jintuża għall-konsum mill-bniedem u, sakemm isir l-istħarriġ meħtieġ, li ma tneħħix minn fejn ikunu dawk il-ħwejjeġ ta' l-ikel mingħajr l-awtorità ta' l-imsemmi uffiċjal.

(2) Jekk, bħala riżultat ta' l-istħarriġ, l-uffiċjal awtorizzat ikun soddisfatt li l-ħwejjeġ ta' l-ikel, jew xi parti minnhom, x'aktarx iġibu avvelenament ta' l-ikel jew xi mard kif imsemmi fis-

subartikolu (1) ta' dan l-artikolu, hu għandu jaqbadhom u jneħhihom minn hemm; jekk xort'oħra, hu għandu jirtira minnufih it-twis-sija.

20. Ebda post, vettura, posta jew lokal li ma jkunx post, li jkun liċenzjat għall-bejgħ ta' xi hwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem, jew għall-preparazzjoni, wiri jew offerta għall-bejgħ, jew għall-ħażna jew konservazzjoni ta' xi hwejjeġ ta' l-ikel tali, ma jistgħu jintużaw hlief għall-fini ta' dik il-liċenza u skond il-pattijiet jew kondizzjonijiet li jistgħu jkunu annessi ma' dik il-liċenza.

Post liċenzjat, eċċ., jintuża skond il-liċenza.

21. Bla ħsara tad-disposizzjonijiet l-oħra ta' dan l-artikolu, il-Ministru jista' jagħmel regolamenti li jipprovdu dwar —

Setgħa tal-Ministru li jagħmel regolamenti dwar liċenzi ta' postijiet, eċċ.

(a) il-ħruġ ta' liċenzi dwar kull postijiet użati għall-bejgħ jew preparazzjoni għall-bejgħ ta' hwejjeġ ta' l-ikel għall-konsum mill-bniedem, jew għall-ħażna jew konservazzjoni ta' hwejjeġ ta' l-ikel maħsuba għal dak il-bejgħ;

(b) ir-registrazzjoni ta', jew il-ħruġ ta' liċenzi dwar, kull vettura, posta jew lokal li ma jkunx post użat għall-preparazzjoni, wiri jew offerta għall-bejgħ, jew għall-bejgħ, ta' hwejjeġ ta' l-ikel għall-konsum mill-bniedem; u

(ċ) is-sejba ta' Prattiki qarrieqa magħmula f'xi suq u dwar li jinżamm il-bon'ordni fih.

(2) Regolamenti magħmula skond dan l-artikolu jistgħu jsiru jew biex japplikaw b'mod ġenerali jew għal dik il-klassi jew dawk il-klassijiet ta' negozju kif jista' jiġi speċifikat f'xi regolamenti bħal dawk.

(3) Regolamenti magħmula skond dan l-artikolu jistgħu jipprovdu għar-rifjut jew għat-thassir ta' liċenza jew ta' kull registrazzjoni, jew għal kollox jew dwar parti minn dak in-negozju li għalih tkun qed issir l-applikazzjoni għal-liċenza jew għar-registrazzjoni, jew li dwaru jkun hemm liċenza jew registrazzjoni, —

(a) meta l-ħtiġiet tar-regolamenti fis-seħħ skond l-artikolu 16 ma jkunux imħarsa dwar dak in-negozju, jew

(b) meta l-post, il-vettura, il-posta jew il-lokal l-ieħor, jew xi parti minnu, jkunu xort'oħra mhux xierqa (meta jiġu konsidrati l-iġjene u b'mod partikolari il-qagħda, il-kostruzzjoni jew il-kondizzjoni ta' dak il-post, vettura, posta jew lokal ieħor, jew xi attivitajiet li jsiru hemmhekk) għall-użu għall-fini jew għall-finijiet speċifikati fl-applikazzjoni relattiva, jew kif huma fil-fatt qed jintużaw, skond il-każ.

(4) Ebda haġa f'dan l-artikolu ma għandha titqies li tapplika għal xi post użat bħala skola jew każin.

22. (1) Ebda persuna ma tista' timporta f'Malta xi hwejjeġ ta' l-ikel maħsuba għall-bejgħ għall-konsum mill-bniedem jew għall-preparazzjoni għall-bejgħ, għall-konsum mill-bniedem —

Projbizzjoni ta' l-importazzjoni ta' ċerti hwejjeġ ta' l-ikel.

(a) li jkunu saru ta' ħsara għas-saħħa b'xi operazzjoni deskritta fis-subartikolu (1) ta' l-artikolu 5;

(b) li, jekk jinbiegħu f'Malta, ikunu ta' ksur tad-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu;

(ċ) li jkunu mħassra, ħzienu jew xort'oħra mhux tajbin għall-konsum mill-bniedem; jew

(d) li fil-preparazzjoni tagħhom ikunu ntużaw xi hwejjeġ ta' l-ikel kif deskritti fil-paragrafi ta' qabel ta' dan l-artikolu.

(2) F'kull proċedimenti dwar reat kontra l-paragrafu (ċ) tas-subartikolu (1) ta' dan l-artikolu, l-akkużat jista' jiddefendi ruħu billi jipprova li fiż-żmien meta mporta l-hwejjeġ ta' l-ikel hu ma kienx jaf, u ma setax b'diligenza xierqa jsir jaf, li huma kienu mħassra, ħzienu, jew mhux tajbin għall-konsum mill-bniedem.

Preżunzjonijiet.

23. Għall-finijiet ta' dan l-Att u ta' kull regolamenti magħmula bis-saħħa tiegħu —

(a) kull oġġett komunement użat għall-konsum mill-bniedem għandu, jekk jinbiegħ jew jiġi offert, muri, miżmum jew reklam għall-bejgħ, jitqies, sakemm ma jiġix ippruvat il-kuntrarju, li nbiegħ jew, skond il-każ, li kien maħsub jew li għandu jiġi maħsub għall-bejgħ, għall-konsum mill-bniedem;

(b) kull oġġett komunement użat għall-konsum mill-bniedem, jew fil-manifattura ta' prodotti għall-konsum mill-bniedem, li jkun jinsab f'post użat għall-preparazzjoni, konservazzjoni, ippakkjar, tiżmim, hażna jew bejgħ, skond il-każ, ta' dak l-oġġett jew ta' dawk il-prodotti, għandu jitqies, sakemm ma' jiġix ippruvat il-kuntrarju, li kien maħsub għall-bejgħ, jew għall-manifattura ta' prodotti għall-bejgħ, għall-konsum mill-bniedem;

(ċ) kull sustanza li tista' tintuża fil-kompożizzjoni jew fil-preparazzjoni ta' xi oġġett li hu komunement użat għall-konsum mill-bniedem li tinsab f'post li fih dak l-oġġett jiġi preparat għandha titqies, sakemm ma jiġix ippruvat il-kuntrarju, li hi maħsuba biex tintuża għal hekk;

(d) kull mediċinali li jinsabu fil-post użat għall-preparazzjoni, ippakkjar, tiżmim, hażna, bejgħ jew tneħħija oħra ta' mediċinali, jew li jintwerew għall-bejgħ jew isir ilhom reklam, għandhom jitqiesu, sakemm ma jiġix ippruvat il-kuntrarju, li huma maħsuba għall-bejgħ.

## TAQSIMA II

### Ilma

Kontaminazzjoni ta' l-ilma.

24. (1) Ebda persuna ma tista' tikkontamina jew tniġġeż l-ilma ta' xi għajn li minnha jittiehed l-ilma biex jintuża, jew li x'aktarx jintuża, għax-xorb, jew għall-preparazzjoni ta' hwejjeġ ta' l-ikel għall-konsum mill-bniedem.

(2) Hekk ukoll ebda persuna ma tista' taħsel annimali, il-bies jew hwejjeġ oħra, jew tisqi annimali, fil-għejjun li ma jkunux qegħdin għaldaqshekk, jew tinhasel jew tghum f'għajn jew f'xi haġa oħra maħsuba għall-hażna jew għall-mixi ta' l-ilma tax-xorb pubbliku.

(3) F'dan l-artikolu u fl-artikolu li jahbat minnufih wara dan, "għajn li minnha jittiehed l-ilma" t'fisser għajn minn fejn jittiehed l-ilma u tinkludji kull għajn, bir, tank, giebja, kanal, akwedott, g'ibjun u xogħlijiet oħra ta' l-ilma.

25. (1) Jekk is-Suprintendent tas-Saħħa Pubblika jkun tal-fehma li xi ilma f'għajn jew li jinkiseb minn xi għajn li minnha jittiehed l-ilma, sew pubblika sew privata, li jkun ilma li jkun qed jintuża, jew li x'aktarx jintuża, għax-xorb jew għal finijiet domestiċi, jew fil-preparazzjoni ta' hwejjeġ ta' l-ikel għall-konsum mill-bniedem, ikun jew x'aktarx isir, hekk imniġġeż li jkun ta' ħsara għas-saħħa, l-imsemmi Suprintendent għandu, jekk ikun meħtieġ wara li jittiehdu l-kampjuni ta' dak l-ilma, jeħtieġ lil min joqgħod fil-post li minnu l-għajn li minnha jittiehed l-ilma tkun tifforma parti, bil-mezz ta' avviz bil-miktub, biex jagħmel jew jara li jsiru x-xogħlijiet meħtieġa biex id-difett jitneħħa f'dak iż-żmien li jista' jiġi stabbilit fl-avviz.

Ilma mniġġeż.

(2) Jekk min ikun joqgħod fil-post kif imsemmi fis-sub-artikolu ta' qabel dan ma jagħmilx jew ma jarax li jsiru dawk ix-xogħlijiet fl-imsemmi żmien, is-Suprintendent tas-Saħħa Pubblika għandu jirrapporta b'dan lill-Kummissarju tal-Pulizija li għandu jharrek lil min jokkupa l-post biex jidher quddiem il-Qorti tal-Maġistrati tal-Pulizija Gudizzjarja; u l-Qorti, meta ssib li l-ilma jkun imniġġeż hekk kif speċifikat fis-subartikolu (1) ta' dan l-artikolu, għandha tordna li l-għajn li minnha jittiehed l-ilma tingħalaq jew tinqata' għal dejjem jew temporanjament, skond il-każ, jew li l-ilma jitneħħa minnha jew li jintuża biss għal certi skopijiet speċifiċi biss, jew għandha tagħti dak l-ordni l-ieħor li fil-fehma tal-Qorti jkun meħtieġ biex tiġi evitata l-ħsara jew il-periklu għas-saħħa tal-persuni li jkunu qed jużaw l-ilma, jew li jkunu qed jieklu hwejjeġ ta' l-ikel ippreparati bih jew minnu.

(3) Jekk l-akkużat ma jharisx ordni tal-Qorti fiż-żmien stabbilit f'dak l-ordni, is-Suprintendent tas-Saħħa Pubblika jkun awtorizzat li jagħmel jew li jara li jsiru, għas-spejjeż ta' l-akkużat, dawk ix-xogħlijiet li jkunu meħtieġa biex isehh l-ordni:

Izda ebda haġa f'dan is-subartikolu ma għandha titqies li tolqot id-disposizzjonijiet ta' l-artikolu 58.

(4) L-ispejjeż meħtieġa għat-tħaris ta' avviz bil-miktub tas-Suprintendent tas-Saħħa Pubblika jew ta' ordni tal-Qorti għandhom jiġihallu minn min jokkupa l-post li minnu l-għajn li minnha jittiehed l-ilma tkun tifforma parti:

Izda min jokkupa l-post ikollu d-dritt għal azzjoni biex jiġbor lura l-ispejjeż kontra s-sid tal-post jekk jipprova, quddiem il-Qorti Ċivili kompetenti, li l-ilma kien imniġġeż qabel ma hu ha l-pussess tal-post, jew kien sar hekk imniġġeż minhabba xi difett fil-għajn li minnha jittiehed l-ilma jew minhabba xi haġa li hu m'huwiex responsabbli għaliha.

(5) Kull ilma fi, jew miksub minn, xi bir, tank, giebja jew *water-butt* użat f'post privat biex minnu jittiehed l-ilma għax-xorb, meta dak il-bir, it-tank, il-giebja jew il-*water-butt* ma jkunx mgħotti b'għatu li minnu ma jgħaddix trab jew ikun hekk imqieghed, mibni jew miżmum li jagħmel l-ilma ta' ġo fih hekk li jista' jiġi kontaminat, għandu, għall-finijiet ta' dan l-artikolu, jitqies li hu ta' ħsara għas-saħħa.

(6) Fis-subartikolu (5) ta' dan l-artikolu "post privat" tinkludi lukanda, post ta' allogg, ristoranti, stabbiliment li jipprovdi ikel, kazin, jew post ieħor bħal dawn.

TAQSIMA III

Laham

Għoti ta' liċenża għal biċċerija.

26. (1) Ebda persuna ma tista' tuża xi post bħala biċċerija, jew thallih hekk jintuża, jekk ma jkollhiex liċenża mis-Suprintendent tas-Saħħa Pubblika li tawtorizzaha li żżomm dak il-post bħala biċċerija:

Iżda ebda haġa f'dan is-subartikolu ma għandha tapplika għal xi post użat bħala biċċerija pubblika.

(2) Is-Suprintendent tas-Saħħa Pubblika jista' jirrifjuta kull applikazzjoni għall-ġħoti jew għat-tiġdid ta' liċenża skond dan l-artikolu jekk ikun sodisfatt li —

(a) faċilitajiet eżistenti ta' biċċerija oħra li jkun jistgħu jintużaw f'biċċerija pubblika jkun biżżejjed meta jiġu kunsiderati l-ħtiġiet xierqa tal-persuna li tapplika għall-ġħoti jew għat-tiġdid ta' dik il-liċenża u ma jkunux meħtieġa aktar faċilitajiet; jew

(b) il-ħtiġiet ta' xi regolamenti magħmula skond il-paragrafu (a) jew (b) tas-subartikolu (2) ta' l-artikolu 16 jew skond l-artikolu 28 ma jkunux tharsu dwar dak il-post.

Responsabbiltà għal biċċeriji pubbliċi.

27. Il-Veterinarji tal-Gvern ikunu responsabbli li jaraw li kull biċċerija pubblika tinzamm fi stat sanitarju u iġjeniku, tkun immexxija tajjeb u tkun mgħammra b'impjant u b'apparat tajjeb biex jintrema, jiġi ttrattat jew proċessat skart, zibel jew prodotti, li jirriżultaw mill-qtil ta' animali f'dik il-biċċerija.

Setgħa tal-Ministru li jagħmel regolamenti dwar biċċeriji.

28. (1) Il-Ministru jista' jagħmel regolamenti dwar is-servizz, it-tmexxija u t-tharis ta' kondizzjonijiet u Prattiki sanitarji u ta' ndafa f'kull biċċerija, il-ġarr ta' animali maqtula għall-post tal-bejgħ jew tal-ħażna, l-ispezzjon ta' animali għall-qatla u ta' karkassi ta' l-animali sabiex jiġi aċċertat jekk il-laham maħsub għall-bejgħ għall-konsum mill-bniedem ikunx tajjeb għal dak il-konsum, l-imbullar ta' karkassi u ta' fdal, il-markar jew l-isterilizzazzjoni ta' laħam li ma jkunx tajjeb għall-konsum mill-bniedem, jew li, għalkemm ma jkunx mhux tajjeb għall-konsum mill-bniedem, ma jkunx ser jintuża għal hekk, u dwar dawk il-ħwejjeġ ancillari jew li għandhom x'jaqsmu ma' xi haġa hawn fuq imsemmija.

(2) Bla ħsara għall-ġeneralità tas-setgħa mogħtija bis-subartikolu (1) ta' dan l-artikolu, kull regolamenti bħal dawk jistgħu jistabbilixxu l-mard u l-kondizzjonijiet li jagħmlu karkassa, parti minn karkassa jew fdal mhux tajbin għall-konsum mill-bniedem.

(3) F'dan l-artikolu, il-kelma "animal" tinkludi pullam u fniek.

Spezzjon ta' animali qabel il-qtil.

29. Kull animal maħsub biex jinbiegħ għall-konsum mill-bniedem għandu jingieħ haj, qabel il-qatla, biex jiġi spezzjonat sabiex jiġu aċċertati ż-żmien, l-istat ta' nutriment u l-kondizzjoni tas-saħħa tiegħu.

30. (1) Kull annimal li jkollu, jew hu maħsub li għandu, xi marda li tittiehed mill-bniedem, jew xi marda oħra li tista' tiġi preskrittta b'regolamenti magħmula mill-Ministru skond dan is-sub-artikolu, għandu jiġi maqtul għalih waħdu.

Kontroll tal-qtil ta' xi annimali morda.

(2) Ebda annimal marid, jew maħsub li hu marid, bir-rabbja, bil-glanders jew bl-anthrax ma għandu jinqatel f'xi biċċerija.

31. (1) Kull spettur ikollu s-setgħa li jikkundanna, wara spezzjon, il-karkassa shiha, kull parti minnha jew kull fdal jew parti minnu li fil-fehma tiegħu ma jkunx tajjeb għall-konsum mill-bniedem.

Setgħa li karkassi, eċċ. jiġu kundannati.

(2) Il-karkassa shiha, kull parti minnha jew kull fdal hekk kundannat għandu jitneħħa bil-mod kif jista' jiġi preskritt b'regolamenti magħmula skond l-artikoli 16 jew 28.

32. Ebda parti ta' annimal maqtul ma għandha tingarr mill-biċċerija qabel ma tkun giet spezzjonata u imbullata.

Spezzjon u imbullar ta' laham qabel ma jingarr mill-biċċerija.

33. Ebda persuna ma għandha —

Bejgħ ta' laham taż-żiemel.

(a) tbiegħ, jew toffri, turi jew iżzomm għall-bejgħ laham taż-żiemel fl-istess hanut li hu wżat għall-bejgħ għall-konsum mill-bniedem ta' bovini, ovini, kaprini jew majjali; jew

(b) tbiegħ, jew toffri jew turi għall-bejgħ, għall-konsum mill-bniedem laham taż-żiemel jekk mhux f'post, jew f'posta, liċenzjata għal dak l-iskop u li fuqha jkollha avviż li jkollu l-kliem "HORSE FLESH/LAĦAM TAŻ-ŻIEMEL" imqiegħed f'post fejn jidher sewwa u li jinqara faċilment.

Konsumazzjoni ta' laham taż-żiemel

34. Ebda persuna ma għandha tbiegħ, jew toffri jew turi għall-bejgħ, jew ikollha għandha sabiex tbiegħ jew biex tipprepara għall-bejgħ, għall-konsum mill-bniedem xi laham jew fdal ta' xi annimal maqtul f'Malta jekk dak il-laħam jew fdal ma jkunx imbullat kif imiss kif provdut b'regolamenti magħmula skond l-artikolu 28.

Projbizzjoni ta' bejgħ ta' laham mhux imbullat.

35. Ebda persuna ma għandha —

Projbizzjoni ta' bejgħ, eċċ. ta' certu laham.

(a) tbiegħ, jew toffri, turi jew tagħmel reklam għall-bejgħ;

(b) tiddepożita għand, jew tikkonsenja lil, xi persuna, jew ikollha fil-pussess tagħha sabiex tbiegħ jew biex tipprepara għall-bejgħ, jew

(c) tagħti bhala kumpens jew xort'oħra,

Għall-konsum mill-bniedem, xi parti minn, jew prodott immissel għal kollox jew f'parti minn, xi annimal li l-qatla tiegħu tkun projbita, jew xi karkassa jew parti minnha, jew xi fdal, skond il-każ, li ma' l-ispezzjon ikun nstab li mhux tajjeb għall-konsum mill-bniedem, jew xi laham jew fdal li hu jew li jkun sar ta' hsara għas-saħħa jew ikun qdiem, thassar, sar hażin jew xort'oħra mhux tajjeb għall-konsum mill-bniedem.

36. Ebda persuna ma għandha tuża xi post, jew parti minn post, bhala maħżen ta' l-arja kiesha biex jiġi maħżun jew konservat fih xi laham jew ogġett ieħor ta' l-ikel maħsub għall-konsum mill-

Imhażen ta' l-arja kiesha jkunu liċenzjati.

bniedem, jew thalli li hekk jintuża, jekk dak il-post, jew dik il-parti minnu, ma jkollux liċenza maħruġa għal hekk.

Projbizzjoni ta' hażna fl-arja kiesha ta' ċertu laham, eċċ.

37. Ebda persuna ma għandha tiddepożita jew iżzomm f'xi maħżen ta' l-arja kiesha jew *f'refrigerator*, sabiex jinbiegħ jew jiġi ippreparat għall-bejgħ, xi laham jew prodott tal-laħam li jkun ġie mportat bi ksur tad-disposizzjonijiet ta' l-artikoli 22 jew 38, jew xi karkassa jew parti minn karkassa jew xi laham jew fdal li, fil-fehma ta' l-uffiċjal awtorizzat jew ta' xi spettur, ikun tax-xorta, jew fl-istat jew kondizzjoni, speċifikati fl-artikolu 35.

Projbizzjoni ta' l-importazzjoni ta' ċertu laham.

38. Bla ħsara tad-disposizzjonijiet ta' l-artikolu 22, ebda persuna ma għandha timporta f'Malta għall-bejgħ, jew għall-preparazzjoni għall-bejgħ, għall-konsum mill-bniedem xi laham jew fdal tax-xorta, jew li jkun fl-istat jew kondizzjoni, speċifikati fl-artikolu 35:

Iżda f'kull proċedimenti dwar reat kontra dan l-artikolu, l-akkuzat jiddefendi ruħu billi jipprova li meta mporta dak il-laħam jew il-fdal hu ma kienx jaf, u ma setax isir jaf b'diligenza xierqa, li dak il-laħam jew il-fdal kien thassar, ħzjen jew sar mhux tajjeb għall-konsum mill-bniedem.

Infiħ ta' pullam, eċċ.

39. (1) Ebda persuna ma għandha tonfoħ xi pullam jew fniek sabiex ikunu jidhru eħxen, jew iżzommhom fl-ilma biex jibqgħu konservati, jew tagħmlilhom xi trattament biex taħbi t-thassir jew il-putrefazzjoni li tkun bdiet.

(2) Kull setgħat mogħtija bid-disposizzjonijiet jew skond id-disposizzjonijiet ta' dan l-Att lil kull uffiċjal awtorizzat dwar hwejjeġ ta' l-ikel jew laħam jistgħu jiġu eżerċitati minnu dwar pullam jew fniek.

#### TAQSIMA IV

##### Halib u Prodotti tal-Halib

Dairy u razzett tad-dairy ikollhom liċenza.

40. (1) Ebda persuna ma tista' iżzomm xi *dairy* jew razzett tad-*dairy* jekk dak id-*dairy* jew razzett tad-*dairy* ma jkollhomx liċenza maħruġa mis-Suprintendent tas-Saħħa Pubblika:

Iżda kull ħanut tal-ħalib ikun jeħtieġ biss li jkun registrat mas-Suprintendent tas-Saħħa Pubblika.

(2) (a) Ebda *dairy* jew razzett tad-*dairy* li jkurx liċenzjati skond is-subartikolu (1) ta' dan l-artikolu ma jistgħu jintużaw ħlief għall-fini ta' dik il-liċenza.

(b) Ebda *dairy* jew razzett tad-*dairy* kif intqal qabel, u ebda ħanut tal-ħalib li jkun registrat skond l-imsemmi subartikolu (1) ma jistgħu jintużaw ħlief skond dawk il-pattijiet jew kondizzjonijiet li jkunu ma', jew imposti minn, il-liċenza jew ir-registrazzjoni relattiva.

Dairyman u gabbillott tad-dairy ikunu regiſtrati.

41. (1) Ebda persuna ma tista' tmexxi n-negozju ta' *dairyman* jew ta' gabbillot tad-*dairy* jekk ma tkunx hekk regiſtrata mas-Suprintendent tas-Saħħa Pubblika.

(2) Is-Suprintendent tas-Saħħa Pubblika ma għandu jirreġistra ebda persuna bħala *dairyman* jew bħala gabillott tad-*dairy* jekk il-post jew il-posta li tkun ser tintuża minn dik il-persuna għan-negożju tagħha ma jkollhiex liċenza jew ma tkunx reġistrata, skond il-każ, skond id-disposizzjonijiet tas-subartikolu (1) ta' l-artikolu 40.

(3) Meta xi liċenza dwar xi razzett tad-*dairy* jew xi liċenza jew reġistrazzjoni dwar xi *dairy* tkun imħassra jew ma tiġix imġedda, kull persuna reġistrata skond dan l-artikolu bis-saħħa ta' dak ir-razzett jew *dairy* ma tibqax hekk reġistrata.

42. (1) Il-Ministru jista' jagħmel regolamenti għall-kontroll ta' *dairies* u rziezet tad-*dairy*.

Setgha għall-egħmil ta' regolamenti dwar *dairies* u rziezet tad-*dairy*.

(2) Bla ħsara għall-ġeneralità tas-setgha mogħtija skond is-subartikolu (1) ta' dan l-artikolu, kull regolamenti bħal dawk jistgħu b'mod partikolari jipprovdu dwar —

(a) l-ispezzjon ta' *dairies* jew ta' rziezet tad-*dairy*;

(b) ir-reġistrazzjoni u l-ispezzjon ta' bhejjem tal-ħalib;

(c) ir-reġistrazzjoni u l-ispezzjon ta' persuni mpjegati jew imħaddmin fi jew madwar *dairy* jew razzett tad-*dairy* u li jkollhom aċċess għall-ħalib, għall-prodotti tal-ħalib, mastelli jew reċipjenti oħra;

(d) ir-reġistrazzjoni u l-ispezzjon ta' persuni mħaddmin fil-manigġ, fit-trasport jew fil-ġarr ta' ħalib jew ta' prodotti tal-ħalib;

(e) it-tikkettjar, il-markar jew l-identifikazzjoni, u s-siġillar jew l-egħluq, ta' mastelli u reċipjenti oħra wżati għall-ġarr ta' ħalib, it-tikkettjar ta' reċipjenti li fihom il-ħalib jinbiegħ jew jiġi offert jew muri għall-bejgħ jew imqassam, u l-wiri ta' l-isem u ta' l-indirizz tal-bejgiegħ fuq kull posta, jew kull karrettun, karretta jew vettura oħra, li minnha jinbiegħ jew jitqassam il-ħalib; u

(f) ir-regolar tat-tkessiħ, ħażna, ippakkjar, ġarr u tqassim ta' ħalib jew ta' prodotti tal-ħalib.

F'dan is-subartikolu, —

(a) "ħalib" tfisser ħalib maħsub għall-bejgħ jew mibjugħ għall-konsum mill-bniedem, jew maħsub għall-manifattura fi prodotti għall-bejgħ għall-konsum mill-bniedem, u

(b) "prodotti tal-ħalib" tfisser prodotti tal-ħalib maħsuba għall-bejgħ jew mibjugħa għall-konsum mill-bniedem.

(3) Id-disposizzjonijiet tas-subartikoli (1) u (2) ta' dan l-artikolu jkunu bla ħsara għas-setgha tal-Ministru skond l-artikolu 16 li jagħmel regolamenti li japplikaw għal *dairy* jew għal razzett tad-*dairy*.

43. (1) Il-Ministru jista' jagħmel regolamenti dwar il-proċess, it-trattament, il-gradazzjoni, il-kompożizzjoni, il-kwalità u l-bejgħ ta' ħalib maħsub għall-konsum mill-bniedem jew għall-manifattura fi prodotti għall-konsum mill-bniedem, u li jippreskrivu —

Setgha għall-egħmil ta' regolamenti dwar ħalib.

(a) dwar halib ta' kull xorta, dak l-isem (hawnhekk iżjed 'il quddiem imsejjah "l-isem speċjali") u dawk il-ħtieġiet li japplikaw għalih, u l-kondizzjonijiet dwar l-użu tiegħu, u

(b) dwar halib li jkun jeħtieġ l-użu ta' isem speċjali, il-kondizzjonijiet dwar il-bejgħ jew reklamar tiegħu, kif jidhirlu xieraq.

(2) Bla ħsara għall-ġeneralità tas-setgħa mogħtija skond is-subartikolu (1) ta' dan l-artikolu, kull regolamenti bħal dawk jistgħu b'mod partikolari jipprovdu dwar —

(a) il-ħtieġa ta' l-użu ta' isem speċjali —

(i) relattivament għal halib li jkun ġie trattat mingħajr ma tinbidel il-kompożizzjoni tiegħu, jew għal halib li l-kontenut xaħmi tiegħu jkun ġie stabbilit skond xi regolamenti li jkunu saru skond dan l-artikolu, jew

(ii) sabiex jiddeskrivi x-xorta, il-gradazzjoni, l-oriġini u/jew l-użu maħsub ta' kull halib, jew it-ttrattament fiżiku jew il-modifika fil-kompożizzjoni li tkun saritlu, li jkun dak it-ttrattament li jista' jiġi speċifikat b'regolamenti magħmula skond dan l-artikolu, jew dik il-modifika li tkun saret kif ristretta għal kull zieda miegħu u/jew kull estratt minnu ta' kull kostitwent normali tal-halib;

(b) il-projbizzjoni jew ir-restrizzjoni, f'każijiet fejn ma saret ebda disposizzjoni espressa b'dan l-Att, taż-zieda ta' xi sustanza ma' halib, jew l-estrazzjoni mill-halib ta' xaħam jew ta' xi kostitwent ieħor, u l-bejgħ ta' halib li miegħu tkun saret dik iż-zieda, jew li minnu tkun saret dik l-estrazzjoni, jew li jkun ġie xort'ohra trattat b'mod artifiċjali;

(c) il-projbizzjoni jew ir-restrizzjoni, kif sugġetti għal dawk l-eċċezzjonijiet li jistgħu jsiru b'regolamenti jew skond regolamenti magħmula skond dan l-artikolu jew skond l-artikolu 12, tat-tqassim jew tal-bejgħ ta' halib maħsub għall-konsum mill-bniedem, bħala halib ta' deskrizzjoni speċifika li jkun fih inqas mill-kwantità speċifikata ta' xi kostitwent normali speċifikat;

(d) il-ħtieġa, bla ħsara ta' dawk l-eċċezzjonijiet kif imsemija fil-paragrafu ta' qabel dan ta' dan is-subartikolu, li krema jew halib separat isirli trattament speċifikat qabel ma jitqasam jew jinbiegħ għall-konsum mill-bniedem;

(e) id-determinazzjoni ta' liema nuqqas f'kull wieħed mill-kostitwenti normali tal-halib, jew liema proporzjon ta' ilma, f'kampjun għandu, għall-finijiet ta' dan l-Att, iqajjem preżunzjoni, sakemm ma jiġix pruvat il-kuntrarju, li l-oġġett li tteħidlu l-kampjun ikun halib miżjud;

(f) il-projbizzjoni jew ir-restrizzjoni, fil-harsien tat-ttrattament ta' bhejjem tal-halib, ta' l-użu ta' *hormones*, antibijotiċi jew mediċinali ohra li jistgħu jkunu ta' ħsara għall-valur ta' nutrizzjoni, jew għall-kwalità jew proprjetà ohra, ta' halib nej; u

(g) it-tħaris mill-periklu għas-saħħa mit-tqassim, bejgħ, offerta jew wiri għall-bejgħ ta' halib jew prodotti tal-halib infettati, kontaminati jew mahmuġin, u għall-projbizzjoni tat-tqasim jew bejgħ ta' halib jew prodotti tal-halib li jkun maħsub li huma infettati.

F'dan is-subartikolu, —

(a) “halib” tfisser halib maħsub għall-bejgħ jew mibjugħ għall-konsum mill-bniedem, jew maħsub għall-manifattura fi prodotti għall-bejgħ għall-konsum mill-bniedem; u

(b) “prodotti tal-halib” tfisser prodotti tal-halib maħsuba għall-bejgħ jew mibjugħa għall-konsum mill-bniedem.

(3) Id-disposizzjonijiet tas-subartikoli (1) u (2) ta' dan l-artikolu jkunu bla ħsara tas-setgħa tal-Ministru skond l-artikolu 12 li jagħmel regolamenti li japplikaw għal halib jew għal prodotti tal-halib.

44. (1) Regolamenti magħmula skond l-artikolu 42 jew, dwar *dairy* jew razzett tad-*dairy*, skond l-artikolu 16 jistgħu jsiru li japplikaw jew b'mod ġenerali jew għal dik il-klassi jew dawk il-klassijiet ta' postijiet jew posti kif jista' jiġi speċifikat f'kull regolamenti bħal dawk.

Applikazzjoni ta' regolamenti.

(2) Regolamenti magħmula skond l-artikoli 42 jew 43 jew, dwar halib jew prodotti tal-halib jew dwar *dairy* jew razzett tad-*dairy*, skond l-artikoli 12 jew 16 jistgħu jipprovdu għar-rifiut jew għat-tħassir ta' liċenza jew reġistrazzjoni, jew għal kolloxx jew għal xi parti minn post li għalih tkun qed issir l-applikazzjoni għal-liċenza jew għar-reġistrazzjoni jew li dwaru jkun hemm liċenza jew reġistrazzjoni, —

(a) meta l-htigiet ta' l-imsemmija regolamenti ma jiġux imħarsa dwar il-post jew il-posta;

(b) meta fil-fehma ta' l-Awtorità Sanitarja s-saħħa pubblika hija, jew x'aktarx tkun, ipperikolata b'xi għemil jew nuqqas ta' persuna li tkun qed tuża l-post jew il-posta li tkun applikat biex tiġi, jew tkun, reġistrata skond l-artikolu 41, li jkun għemil jew nuqqas dwar il-kwalità, il-ħażna jew it-tqassim ta' halib, jew

(c) meta l-post jew xi parti minnu jew il-posta jkunu xort'ohra mhux xierqa (meta jittiehdu in konsiderazzjoni l-iġjene u l-kondizzjonijiet li ikun hemm f'dak il-post jew dik il-posta) għall-użu jew għall-fini jew għall-finijiet speċifikati fl-applikazzjoni relattiva għal-liċenza jew għar-reġistrazzjoni, jew għall-fini li għalihom ikunu qed jintużaw, skond il-każ.

45. (1) Ebda persuna ma għandha żżid xi ilma, jew xi halib imnixxef jew kondensat jew likwidu rikostitwit minnhom, jew xi sustanza oħra tkun liema tkun, ma' halib li jkun maħsub għall-bejgħ għall-konsum mill-bniedem.

Zieda mal-halib.

(2) Ebda persuna ma għandha żżid xi sustanza li tagħti kulur jew toghma ma' halib maħsub għall-bejgħ għall-konsum mill-bniedem taħt l-isem ta' halib.

(3) Ebda persuna ma għandha żżid xi halib separat, jew taħlita ta' krema u halib separat, ma' halib mhux separat maħsub għall-bejgħ għall-konsum mill-bniedem.

(4) Ebda haġa fis-subartikolu (2) ta' dan l-artikolu ma għandha titqies li tfisser li xi sustanza li tagħti kulur jew toghma tista' tiżdied ma' oġġetti magħmula mill-halib jew li tagħhom il-halib ikun ingredjent jekk dik is-sustanza ma tkunx ta' l-oġġla grad ta' purità u la

tkun projbita b'regolamenti magħmula skond l-artikoli 12 jew 43 u lanqas miżjuda fi kwantitajiet hekk projbiti.

Projbizzjoni tal-bejgħ ta' certu halib.

46. (1) Ebda persuna ma għandha tbiegħ, jew toffri, turi jew tirreklama għall-bejgħ, jew ikollha fil-pussess tagħha għall-bejgħ, jew tqassam bħala kumpens jew xort'oħra, għall-konsum mill-bniedem —

(a) xi halib prodott minn animal li żmien 15-il ġurnata qabel, jew matul il-ħamest ijiem li jiġu minnufih wara, li jwelldu;

(b) il-halib ta' xi animal li jkun isofri minn xi marda tad-driegħ u l-bzieżel jew minn mastite, tuberkulożi, ta' l-ilsien u tad-dwiefer, bl-*anthrax* jew b'xi marda oħra msemmiya f'ordni magħmul mill-Ministru skond dan il-paragrafu;

(c) kull halib li jkun kontra d-disposizzjonijiet ta' kull regolamenti magħmula skond l-artikoli 12 jew 43 jew id-disposizzjonijiet ta' l-artikolu 45; jew

(d) kull halib prodott, jew proċessat, trattat, ippakkjat, miżmum jew imgarr f'postijiet jew f'posti, skond il-każ, jew taħt kondizzjonijiet li jkunu bi ksur ta' xi regolamenti magħmula skond l-artikoli 16 jew 42.

(2) Ebda persuna ma għandha tbiegħ, jew toffri jew turi għall-bejgħ, taħt l-isem ta' halib xi likwidu li meta jkun sar ikun intuża fih xi halib separat, jew xi halib innixxef jew kondensat.

(3) Ebda persuna ma għandha tuża fil-manifattura ta' prodotti għall-bejgħ għall-konsum mill-bniedem xi halib tali kif deskritt fis-subartikolu (1) ta' dan l-artikolu.

(4) Meta jittieħdu xi proċedimenti dwar reat kontra d-disposizzjonijiet tal-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu, jitqies li l-akkużat kien jaf bil-fatt li l-animal kien marid bil-marda msemmiya fl-imsemmi paragrafu jekk hu setgħa, b'attenzjoni ordinarja, sar jaf b'dak il-fatt.

Restrizzjonijiet fuq l-użu ta' ismijiet speċjali.

47. (1) Ebda persuna ma għandha għall-fini ta' bejgħ jew reklam ta' xi halib tuża isem speċjali dwar dak il-halib jew il-halib li għalih jirreferi kemm-il darba dak il-bejgħ jew ir-reklam ma jkunx skond il-htigiet u l-kondizzjonijiet li jistgħu jiġu preskritti b'regolamenti magħmula skond l-artikolu 43 dwar l-użu ta' dak l-isem speċjali.

(2) Ebda persuna ma għandha għall-fini ta' bejgħ jew reklam ta' xi halib tirreferi għal dak il-halib b'deskrizzjoni tali li b'qerq jista' jitqies li jagħti 'l min jaħseb —

(a) li isem speċjali jkun ġie preskritt dwar dak il-halib,

(b) li l-halib ikun ġie eżaminat, approvat jew klassifikat minn xi persuna kompetenti, jew

(c) li l-animali li minnhom ikun ittieħed il-halib huma hielsa mill-infezzjoni ta' xi marda.

48. Il-Ministru jista' jagħmel regolamenti li jippreskrivu —

(a) l-arej jew il-lokalitajiet li fihom bhejjem tal-halib jew xi kategorija speċifika tagħhom ma jistgħux jinżammu u l-akbar numru ta' bhejjem tal-halib jew ta' kategorija tagħhom li jistgħu jinżammu f'kull area jew lokalità; u

Setgħa għall-egħmil ta' regolamenti dwar ċerti arej.

(b) l-użu obligatorju ta' isem speċjali dwar halib mibjugh minn bejjiegh bl-imnut għall-konsum mill-bniedem f'kull area jew lokalità.

49. (1) Ebda persuna ma għandha tbiegħ, jew toffri, turi jew tirreklama għall-bejgħ, għall-konsum mill-bniedem taħt deskrizzjoni jew isem li jinkludi l-kelma "krema" (sew bħala parti komposta ta' kelma sew le) —

Użu ta' l-isem ta' "krema" dwar sostituti ta' krema.

(a) xi sustanza li tkun tixbah il-krema fis-sura, iżda li ma tkunx krema, jew

(b) xi oġġett ta' l-ikel li jkun fih xi sustanza bħal dik.

(2) Id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma għandhomx japplikaw għall-bejgħ, jew għall-offerta, wiri jew reklam għall-bejgħ, ta' xi sustanza li tkun krema rikostitwita jew imitazzjoni ta' krema, jew ta' xi oġġett li jkun fih sustanza bħal dik, taħt deskrizzjoni jew isem li bih tagħraf is-sustanza li tkun hekk, jew għall-bejgħ, jew għall-offerta, wiri jew reklam għall-bejgħ, ta' xi sustanza taħt deskrizzjoni jew isem li juri li s-sustanza m'hijiex għall-użu bħala, jew bħala sostitut għal krema.

(3) Għall-finijiet ta' dan l-artikolu, id-deskrizzjoni jew l-isem li bih sustanza jew oġġett jinbiegħ, jiġi offert, muri jew reklam għall-bejgħ, għandu jitqies li jinkludi l-kelma "krema" jekk ikun fih xi kelma oħra (komposta jew le) li tkun maħsuba li tagħti x'jaħseb lix-xerref li dik is-sustanza hija jew, skond il-każ, li l-oġġett fih jew krema jew sustanza għall-użu bħala krema.

## TAQSIMA V

### Disposizzjonijiet Penali u Oħrajn

50. (1) Bla hsara tad-disposizzjonijiet ta' dan l-artikolu, kull uffiċjal awtorizzat ikollu, meta jipproduċi, jekk ikun hekk meħtieġ, xi dokument awtentikat kif imiss li juri l-awtorità tiegħu, id-drift li —

Setgħat ta' uffiċjal awtorizzat.

(a) jidhol f'kull post, jew f'kull vettura, posta jew lokal ieħor li ma jkunx post, jew kull inġenju ta' l-ajru, vapur tal-kosta jew vapur ieħor biex jiżgura t-tħaris tad-disposizzjonijiet ta' dan l-Att u ta' kull regolamenti li jsiru bis-saħħa tiegħu, kif ukoll sabiex jiżgura jekk hemmx jew kienx hemm fuq, jew dwar, dak il-post, vettura, posta, lokal, inġenju ta' l-ajru, vapur tal-kosta jew vapur ieħor xi ksur tad-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu;

(b) jeżamina kull oġġett li għalih dan l-Att jew xi regolamenti magħmula bis-saħħa tiegħu japplikaw u jieħu, bil-ħlas tal-prezz tas-suq korrenti, kampjuni tiegħu għal analiżi, jew għal eżami batterjoloġiku jew għal eżami ieħor; u

(ċ) jaqbad u jneħhi kull oġġett bħal dak li dwaru jkun hemm raġuni biżżejjed biex jiġi maħsub li xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu tkun qed tiġi jew tkun għet miksura.

(2) Is-setgħat mogħtija lil kull uffiċjal awtorizzat skond il-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu u skond il-parag-

rafu (b), safejn jirreferu għall-eżami ta' xi oġġett, ta' l-imsemmi sub-artikolu jistgħu, meta xi uffiċjal awtorizzat hekk jehtieg, jiġu eżerċitati minn xi uffiċjal tal-pulizija.

(3) Kull uffiċjal awtorizzat jista', meta jaġixxi skond id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, ikun mgħejjun minn uffiċjal tal-pulizija.

Kap. 51.

Kap. 161.

(4) Ebda haġa li tinsab fis-subartikolu (1) ta' dan l-artikolu ma għandha titqies li tneħhi r-responsabbiltà ta' xi uffiċjal awtorizzat li ma jharisx id-disposizzjonijiet ta' l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha jew ta' l-Ordinanza dwar il-Mediċini Perikolużi jew ta' xi regolamenti jew regoli magħmula bis-saħħa tagħhom, dwar it-tehid ta' xi mediċinali jew ta' xi kampjun tagħhom.

(5) It-tehid ta' kull oġġett skond il-paragrafu (b) tas-sub-artikolu (1) ta' dan l-artikolu għandu, għall-finijiet ta' dan l-Att jew ta' kull regolamenti magħmula bis-saħħa tiegħu, jitqies li hu bejgħ ta' dak l-oġġett.

(6) Fis-subartikolu (1) ta' dan l-artikolu, l-espressjoni "kull oġġett" tinkludi —

(a) kull hwejjeġ ta' l-ikel jew mediċinali, jew kull sustanza li tkun tista' tintuża fil-kompożizzjoni jew fil-preparazzjoni ta' xi hwejjeġ ta' l-ikel jew mediċinali;

(b) kull haġa wżata jew li tista' tintuża għall-manifattura, preparazzjoni, konservazzjoni, ippakkjar jew hażna tagħha, u

(ċ) kull materjal għal tikkettjar jew reklam.

Setgħa li hwejjeġ ta' l-ikel jiġu eżaminati fil-waqt li jkunu qed jitqassmu.

51. (1) Jekk xi uffiċjal awtorizzat ikollu raġuni jaħseb li xi vettura jew mahfen ikollu fih xi hwejjeġ ta' l-ikel maħsuba għall-bejgħ għall-konsum mill-bniedem, jew li jkunu qed jitqassmu għall-bejgħ għall-konsum mill-bniedem, hu jista' jeżamina dak li jkun jin-sab fil-vettura jew fil-mahfen, u, għal dak l-għan, hu jista', jekk ikun meħtieġ, iżomm il-vettura jew il-mahfen.

(2) Meta xi uffiċjal awtorizzat, wara li jkun għamel eżami kif provdut fis-subartikolu (1) ta' dan l-artikolu, isib xi hwejjeġ ta' l-ikel li fil-fehma tiegħu jkunu maħsuba għall-konsum mill-bniedem u li dwarhom ikollu raġuni biżżejjed li jaħseb li xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu jkunu ġew miksura, hu jista' jaqbad u jneħhi dawk il-hwejjeġ ta' l-ikel.

Tneħhija, eċċ., ta' hwejjeġ ta' l-ikel maqbuda.

52. (1) Ebda persuna, mingħajr il-permess bil-miktub ta' l-Awtorità Sanitarja jew ta' uffiċjal awtorizzat, ma għandha tneħhi, tibdel, tbaas jew xort'ohra tmiss b'xi mod xi oġġett maqbud skond id-disposizzjonijiet ta' dan l-Att.

(2) Kull oġġett hekk maqbud jista', skond kif jidhirlha l-imsemmija Awtorità jew l-uffiċjal, jew jinżamm jew jiġi maħzun fil-lokal jew fil-post fejn kien inqabad jew jitneħħa u jitqiegħed f'dak il-lokal jew il-post l-ieħor kif l-imsemmija Awtorità jew l-uffiċjal jista' jordna.

Tehid ta' kampjuni.

53. (1) Meta xi kampjun ta' xi oġġett jittieħed skond id-disposizzjonijiet ta' l-artikolu 50 ta' dan l-Att, l-uffiċjal awtorizzat għan-

du jiehu kwantità xierqa minn dak l-oġġett u għandu jinforma lill-persuna li tkun dak il-ħin inkarigata minn dak l-oġġett (f'dan l-artikolu imsejha "il-bejjiegħ") li hu bi ħsiebu jibgħat il-kampjun għal analisi jew eżami.

(2) Meta jittiehed xi kampjun kif intqal qabel, il-kwantità hekk meħuda għandha tinqasam fi tliet partijiet bejn wieħed u iehor indaqs, li minnhom parti waħda tingħata lill-bejjiegħ u ż-żewġ partijiet l-oħra jinżammu mill-uffiċjal awtorizzat għal analisi jew eżami.

(3) Kull parti ta' xi kampjun meħud kif intqal qabel għandha —

(a) tiġi ssiġillata b'dak il-mod li ma tkunx tista' tinfetaħ mingħajr ma jinkiser is-siġill; u

(b) tiġi iffirmata, jew ikollha mwahħla magħha tikketta ffirmata, kemm mill-bejjiegħ kif ukoll mill-uffiċjal awtorizzat:

Iżda, meta fil-fehma ta' l-uffiċjal awtorizzat, taqsima tal-kwantità meħuda ma tkunx raġonevolment prattikabbli jew tkun ittellef fl-analisi jew fl-eżami, l-imsemmi uffiċjal għandu, minkejja dak kollu li hemm fid-disposizzjoni tas-subartikolu (2) ta' dan l-artikolu, iqis li l-kwantità kollha meħuda bħala li hija l-kampjun, għandu jissigillat hekk li ma jkunx jista' jinfetaħ mingħajr ma jinkiser is-siġill, u għandu jkollu l-firma tiegħu u dik tal-bejjiegħ imnizzla fuq jew fuq tikketta li tkun imwahħla tajjeb miegħu:

Iżda wkoll, jekk il-bejjiegħ ma jkunx jista' jew ma jkunx irid jiffirma l-kampjun, jew xi parti minnu, jew it-tikketta, skond il-każ, il-firma fuqhom ta' l-uffiċjal awtorizzat tkun biżżejjed:

Iżda wkoll, jekk il-bejjiegħ ma jkunx jista' jew ma jkunx irid ikun preżenti matul it-teħid tal-kampjun, l-uffiċjal awtorizzat jista' jiehu l-kampjun minkejja n-nuqqas ta' dak il-bejjiegħ u, f'dak il-każ, id-disposizzjonijiet ta' dan l-artikolu dwar il-firma tal-bejjiegħ ma japplikawx.

(4) Meta uffiċjal awtorizzat jiehu kampjun minn makna tal-bejgħ awtomatika, id-disposizzjonijiet tas-subartikoli ta' qabel ta' dan l-artikolu japplikaw daqslikieku r-riferenza għall-bejjiegħ kienet sostitwita b'riferenza għall-persuna li isimha jkun jidher fuq il-makna bħala li hi s-sid tagħha jew għall-persuna li hi responsabbli għaliha.

(5) Meta uffiċjal awtorizzat jiehu kampjun ta' xi oġġett importat qabel ma dak l-oġġett jiġi rtirat mill-importatur jew mill-aġent jew mir-rappreżentant tiegħu, id-disposizzjonijiet tas-subartikoli (1), (2) u (3) ta' dan l-artikolu għandhom japplikaw daqslikieku minflok ir-riferenza għall-bejjiegħ kienet sostitwita b'riferenza għall-importatur tiegħu.

54. Kull persuna, li ma tkunx uffiċjal awtorizzat, li tkun xtrat ħwejjeġ ta' l-ikel maħsuba għall-konsum mill-bniedem jew xi mediċinali, jew xi sustanza li tista' tintuża fil-kompożizzjoni jew preparazzjoni ta' xi ħwejjeġ ta' l-ikel bħal dawk jew mediċinali, tista' tibgħat kampjun tagħhom lill-analitiku għall-analisi jew għal eżami iehor:

Iżda, meta dik il-persuna tavża lill-bejjiegħ tal-ħwejjeġ ta' l-ikel, tal-mediċinali jew tas-sustanza, skond il-każ, bil-ħsieb tagħha

Kull persuna jista' jkollha ħwejjeġ ta' l-ikel, eċċ., analizzati.

li tibghat kampjun tagħhom biex jiġi analizzat jew eżaminat, għandha ssir il-proċedura msemmija fl-artikolu 53 għat-tehid ta' kampjun daqs-likieku r-riferenzi għall-uffiċjal awtorizzat kienu riferenzi għax-xerrej.

Tehid ta' proċedimenti kriminali.

55. Meta jkun hemm raġuni biżżejjed biex wiehed jaħseb li xi persuna tkun kisret xi waħda mid-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu, il-Pulizija għandha, fuq ir-rapport ta' l-Awtorità Sanitarja, tiegħu proċedimenti kriminali kontra l-hati quddiem il-Qorti kompetenti.

Setgħa tal-Qorti li tinnomina esperti.

56. (1) Meta jkunu ttiehdu xi proċedimenti kif imsemmija fl-artikolu 55 ta' dan l-Att, il-Qorti tista' tordna li kull oġġetti maqbuda jew kull kampjun mehud skond id-disposizzjonijiet ta' dan l-Att jiġi eżaminat minn esperti nominati mill-Qorti.

(2) Jekk l-oġġett maqbud jew il-kampjun mehud ikollu jiġi analizzat, il-Qorti għandha tinnomina, sabiex isir l-analisi, analitiku wiehed jew aktar impjegat mad-Dipartiment tas-Saħħa:

Iżda —

(a) meta l-proċedimenti quddiem il-Qorti jkunu dwar xi oġġett ta' l-ikel li jkun ġie preskritt *standard* dwaru skond dan l-Att, l-analitiku jew l-analitici li jiġu nominati mill-Qorti jistgħu jkunu wiehed jew aktar mill-analitici mpjegati fl-analisi ta' hwej-jeġ ta' l-ikel fid-Dipartiment ta' l-Industrija; u

(b) meta l-proċedimenti quddiem il-Qorti jkunu dwar reat kontra xi waħda mid-disposizzjonijiet tat-Taqsima IV ta' dan l-Att jew kontra xi regolamenti magħmula skond dik it-Taqsima, jew jinkludu xi reat bħal dak, l-analitiku jew l-analitici li għandhom jiġu nominati mill-Qorti jistgħu jkunu wiehed jew iżjed mill-analitici mpjegati fl-analisi tal-halib jew ta' prodotti tal-halib fl-Impriża għall-Bejgh tal-Halib:

Iżda wkoll, jekk xi wiehed mill-imsemmija analitici jkun diġà għamel dik l-analisi qabel ma jkunu nbdew il-proċedimenti, il-Qorti titolbu li jikkonferma r-rapport tiegħu bil-ġurament iżda tista' wkoll tehtieg lil dak l-analitiku li jagħmel aktar sħarriġ u tista' wkoll tinnomina esperti oħra biex jagħtu l-fehma tagħhom fuq ir-riżultat ta' l-analisi hekk magħmula.

(3) L-eżami jew l-analisi għandhom isiru fuq l-oġġetti kollha maqbuda jew fuq parti biss minnhom kif il-Qorti, bil-parir, jekk ikun mehtieg, ta' l-esperti, tordna.

(4) Il-persuna jew il-persuni nominati kif intqal qabel għandhom jagħmlu lill-Qorti rapport bil-miktub liema rapport jiġi konfermat bil-ġurament u jinqara fil-Qorti miftuħa għall-pubbliku.

Reati u pieni.

57. (1) Kull min ifixkel b'xi mod lil xi persuna fil-qadi ta' dmirijietha skond dan l-Att jew skond xi regolamenti magħmula bis-saħħa tiegħu, jew min jirrifjuta li jagħti kampjun lil Uffiċjal Awtorizzat skond id-disposizzjonijiet ta' dan l-Att, jew xort'oħra jfixkel it-tehid ta' xi kampjun bħal dak minn Uffiċjal Awtorizzat, jew min jonqos li jagħti xi informazzjoni li jkun mehtieg li jagħti skond jew għall-finijiet tad-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu, jew min, meta jagħti dik l-informazzjoni, bid-dehen jagħmel dikjarazzjoni falza jew qarrieqa dwar dan, ikun hati ta' reat kontra dan l-Att.

(2) Kull persuna li tikser jew li tonqos milli tħares xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu tkun ħatja ta' reat kontra dan l-Att.

(3) Kull min jinsab ħati ta' reat kontra dan l-Att jeħel, meta jinsab ħati għall-ewwel darba, multa ta' mhux inqas minn ħamsin lira u mhux iżjed minn mitejn lira jew prigunerija għal żmien ta' minn xahar sa tliet xhur jew dik il-multa u prigunerija flimkien, u, meta jinsab ħati għat-tieni darba u għad-drabi ta' wara, multa ta' mhux inqas minn mitt lira u mhux iżjed minn erba' mitt lira jew prigunerija għal żmien ta' minn xahrejn sa sitt xhur jew dik il-multa u prigunerija flimkien:

Iżda, meta r-reat ikun, fil-fehma tal-Qorti, ta' natura ħafifa, il-piena li għandha tingħata tkun multa ta' minn ħamsa sa għaxar liri fil-każ ta' l-ewwel reat u ta' minn għaxra sa għoxrin lira fil-każ tat-tieni reat jew reat sussegwenti:

Iżda wkoll, fil-każ ta' reat permanenti, il-ħati jeħel ukoll multa ta' mhux iżjed minn ħames liri għal kull gurnata li matulha r-reat ikompli wara li jkun instab ħati:

Iżda fl-aħħarnett, meta l-ħati jkun jista' jeħel piena akbar skond il-Kodiċi Kriminali jew skond xi liġi oħra, għandhom japplikaw id-disposizzjonijiet ta' dak il-Kodiċi jew tal-liġi l-oħra.

58. (1) Meta persuna tinsab ħatja ta' reat kontra dan l-Att, il-Qorti għandha, meta jkun meħtieġ, barra li tagħti l-piena, tordna lill-ħati li jneħħi kull inkonvenjent li jinqala' mir-reat jew, jekk iċ-ċirkostanzi hekk jeħtieġu, li jħares il-liġi, f'kull każ f'dak iż-żmien li jista' jiġi stabbilit mill-Qorti għal dak l-għan, u, f'każ ta' nuqqas ta' tħaris ta' xi ordni bħal dak, hu jeħel multa oħra ta' mhux iżjed minn ħames liri għal kull gurnata ta' nuqqas ta' tħaris wara li jgħaddi iż-żmien stabbilit kif intqal qabel.

Tneħħija ta' inkonvenjenti, eċċ.

(2) Il-Qorti tista' wkoll tordna li l-inkonvenjent jitneħħa jew li l-liġi tiġi xort'oħra nforzata mill-Pulizija għas-spejjeż tal-ħati, li, f'dan il-każ, jista' jiġi mgieġhel iħallas lura dik l-ispiza b'mandat maħrugh mill-imsemmija Qorti.

(3) Jekk il-ħati jkun nieqes minn Malta jew ikun ħarab jew, minħabba diżordni mentali jew imħabba deficjenza oħra fiżika, ma jkunx jista' jidher quddiem il-Qorti u l-Awtorità Sanitarja tiċcertifika bil-gurament li jkun meħtieġ b'urġenza li dak l-inkonvenjent jitneħħa jew li l-liġi għandha xort'oħra tiġi nforzata, il-Qorti għandha tordna li iċ-ċitazzjoni tiġi notifikata lir-rappreżentant leżittmu tal-ħati jew lill-persuna li jkollha l-kustodja tal-ħati jew lill-persuna li jkollha f'idejha l-amministrazzjoni tal-proprjetà tiegħu jew, fin-nuqqas ta' xi rappreżentant jew persuna magħrufa kif intqal qabel, lil żewġ jew mart jew iben jew bint il-ħati. F'kull każ bħal dan, jekk l-inkonvenjent jew in-nuqqas ta' tħaris tal-liġi jiġu ppruvati, il-Qorti għandha tapplika d-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu jew, f'każijiet xierqa, id-disposizzjonijiet tas-subartikolu (1).

(4) Meta minħabba xi raġuni n-notifika taċ-ċitazzjoni kif provdut fis-subartikolu (3) ta' dan l-artikolu ma tkunx tista' ssir jew meta l-ħati ma jkunx magħruf jew ma jkunx hemm ħjiel tal-persuna li tkun responsabbli għall-inkonvenjent jew għan-nuqqas ta' tħaris tal-liġi, il-Qorti għandha tapplika d-disposizzjonijiet tas-subartikolu (2)

ta' dan l-artikolu fuq rikors biss ta' l-Awtorità Sanitarja li tikkonferma bil-gurament li hemm dak l-inkonvenjent jew dak in-nuqqas ta' tharis u l-urgenza li l-inkonvenjent ghandu jitnehha jew li l-ligi tigi infurzata.

(5) F'kull wiehed mill-kazijiet ittrattati fis-subartikoli (3) u (4) ta' dan l-artikolu, il-Qorti ghandha, safejn ghandu x'jaqsam l-għoti ta' xi piena għar-reat, taġġorna l-proċedimenti sakemm il-ħati jkun jista' jattendi għall-proċeduri jew jerga' lura Malta jew isir magħruf u jkun jista' jidher quddiemha.

(6) Ebda żmien stabbilit mill-Qorti skond is-subartikolu (1) ta' dan l-artikolu ma jista' jiġi mġedded aktar minn darba.

Konfiska ta' hwejjeġ ta' l-ikel, eċċ., u thassir ta' liċenza.

59. (1) Meta reat kontra xi waħda mid-disposizzjonijiet ta' dan l-Att jew xi regolamenti magħmula bis-saħha tiegħu jiġi ppruvat li jkun sar, il-Qorti għandha tordna l-konfiska tal-hwejjeġ ta' l-ikel jew tal-mediċinali, skond il-każ, li għalihom ikun jirreferi r-reat, ukoll jekk il-persuna akkużata tkun giet liberata mill-Qorti:

Iżda l-Qorti tista' fid-diskrezzjoni tagħha, u fuq it-talba tal-persuna misjuba hatja ta' xi reat tali, thalli lil dik il-persuna li tuża dawk il-hwejjeġ ta' l-ikel għal xi għan industrijali, jew, fil-każ li jkunu ġew importati, li tesportahom mill-ġdid wara li l-imsemmija hwejjeġ ta' l-ikel ikunu ġew hekk trattati kif il-Qorti tkun ordnat sabiex ma jkunux jistgħu jintużaw għall-konsum mill-bniedem:

Iżda wkoll, qabel ma tagħti l-imsemmi permess, il-Qorti għandha tisma' bil-gurament lill-Awtorità Sanitarja u għandha tordna li jiġi sospiż l-ordni għall-konfiska ta' l-imsemmija hwejjeġ ta' l-ikel sakemm ighaddi ż-żmien stabbilit mill-Qorti għall-hwejjeġ ta' l-ikel li jkunu biex jiġu esportati mill-ġdid jew jiġu trattati kif intqal qabel taħt it-tmexxija ta' l-imsemmija Awtorità.

(2) Bla ħsara tad-dispożizzjonijiet tas-subartikolu (3) ta' l-artikolu 21 ta' dan l-Att, meta xi persuna tkun misjuba hatja ta' reat kontra xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħha tiegħu, il-Qorti li hekk issibha hatja għandha, fuq it-talba tas-Suprintendent tas-Saħha Pubblika, tissospendi għall-perijodu ta' minn xahar sa sitt xhur kif il-Qorti jidhirlha xieraq kull liċenza f'isem dik il-persuna.

Reati minn kumpannija, eċċ.

60. Meta l-persuna hatja ta' reat kontra xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħha tiegħu tkun kumpannija jew għaqda jew korp ieħor ta' persuni, kull persuna li, fiż-żmien ta' l-egħmil tar-reat, kienet direttur, *manager*, segretarju jew uffiċjal ieħor bħal dawn ta' dik il-kumpannija, għaqda jew korp ieħor ta' persuni jew kienet tidher li qed taġixxi f'xi kariga bħal dik titqies li tkun hatja ta' dak ir-reat kemm-il darba ma tipprovax li dak ir-reat ikun sar mingħajr it-tagħrif tagħha u li kienet eżerċitat id-deligenza kollha xierqa biex ma jsirx ir-reat.

Ħlas ta' drittijiet għal analiżi, eċċ., u kumpens għal ħsarat ta' oġġetti.

61. (1) Meta persuna tkun instabet hatja ta' reat kontra xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħha tiegħu, il-Qorti tista', barra milli tikkundanna lil min jagħmel ir-reat għall-piena li għandha tigi applikata skond il-ligi, tordnalha li thallas id-drittijiet, jew parti minnhom, li jkollhom jithallsu lill-persuna jew lill-persuni li jkunu għamli l-esami jew l-analiżi, skond il-każ, skond id-dispożizzjonijiet ta' l-artikolu 56 ta' dan l-Att.

(2) Meta persuna tkun akkużata b'reat kontra xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu iżda tinsab mhux hatja ta' dak ir-reat, il-Qorti tista', jekk jidhrilha xieraq skond iċ-ċirkostanzi tal-każ, tordna lill-Gvern, kif rappreżentat mid-Dipartiment tas-Saħħa, li jhallas lil dik il-persuna ammont stabbilit mill-Qorti bħala kumpens għal xi ħsara li tkun saret fl-oġġetti maqbuda jew f'xi parti minnhom, bl-eżami jew bl-analisi msemmi fis-subartikolu (1) ta' dan l-artikolu.

62. Persuna akkużata b'reat kontra xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu jkollha, fuq informazzjoni mogħtija minnha lill-Qorti fil-ġurnata stabbilita għas-smiġ tal-kawża u qabel ma jibda s-smiġ tagħha, id-dritt li xi persuna, li minħabba l-egħmil jew in-nuqqas tagħha hija tallega li r-reat kontra d-disposizzjonijiet in kwistjoni jkun sar, tingieb quddiem il-Qorti fil-proċedimenti; u jekk, wara li l-egħmil tar-reat ikun gie ippruvat, l-akkużat oriġinali jipprova għas-sodisfazzjon tal-Qorti li l-imsemmija persuna l-oħra tkun għamlet ir-reat mingħajr it-tagħrif, il-kunsens jew ir-rieda tiegħu, l-imsemmija persuna l-oħra tiġi akkużata bir-reat u l-akkużat oriġinali għandu jiġi liberat, bla ħsara tad-disposizzjonijiet ta' l-artikolu 59 ta' dan l-Att.

Meta l-akkużat jakkuża persuna oħra bħala l-hati.

63. (1) Bla ħsara tad-disposizzjonijiet ta' dan l-artikolu, f'kull proċedimenti dwar reat skond dan l-Att jew skond regolamenti magħmula bis-saħħa tiegħu, li jkun reat li jikkonsisti fil-bejgħ, jew offerta, wiri jew reklam għall-bejgħ, jew li jkollu fil-pussess tiegħu għall-bejgħ, xi oġġett jew sustanza, l-akkużat ikun jista' jiddefendi ruhu billi jipprova —

Meta garanzija tista' tingieb bħala difiża.

(a) li hu jkun xtrah bħala oġġett jew sustanza li tista' legalment tinbiegħ jew xort'oħra trattata kif intqal qabel, jew, skond il-każ, li tkun tista' tiġi hekk miċ-ċirkostanzi jew trattata taht l-isem jew id-deskrizzjoni jew għall-għan li bih jew li għalih ikun bieġħha jew ittratta biha, u b'garanzija bil-miktub f'dak is-sens;

(b) li hu ma kellu ebda raġuni li jaħseb, fiż-żmien ta' l-egħmil tar-reat allegat, li kien xort'oħra; u

(ċ) li kienet, fiż-żmien ta' l-egħmil tar-reat allegat, fl-istess stat bħal meta kien xtraha.

(2) Ebda garanzija mogħtija minn persuna residenti barra minn Malta ma tkun difiża f'xi proċedimenti kif imsemmija qabel jekk l-akkużat ma jipprova li hu kien ha l-passi xierqa kollha b'x jizgura, u fil-fatt hu kien jemmen, l-eżattezza tad-dikjarazzjoni li tinsab f'dik il-garanzija.

(3) Meta l-akkużat f'xi proċedimenti bħal dawk ikun impjegat jew aġent tal-persuna li tkun xtrat l-oġġett jew is-sustanza taht garanzija, hu jkollu dritt li japplika d-disposizzjonijiet ta' dan l-artikolu bl-istess mod kif il-prinċipal tiegħu kien ikollu dritt jagħmel li kieku kien l-akkużat.

(4) Meta l-akkużat f'xi proċedimenti bħal dawk ikun gie liberat bis-saħħa tad-disposizzjonijiet ta' qabel ta' dan l-artikolu, jistgħu jinbdew proċedimenti godda kontra l-persuna li tkun allegata li għamlet il-garanzija li l-akkużat fil-proċedimenti oriġinali kien qagħad fuqha.

(5) Għall-finijiet ta' dan l-artikolu u ta' l-artikolu li jahbat wara dan, isem jew deskrizzjoni mniżzla f'fattura għandha titqies li hija garanzija bil-miktub li l-oġġett jew is-sustanza li għaliha tirreferi t-tniżzil tista' tinbiegh jew xort'ohra tiġi trattata taht dak l-isem jew dik id-deskrizzjoni.

Reati dwar  
garanziji  
mogħtija.

**64.** (1) Akkużat li, f'xi proċedimenti skond dan l-Att, bir-rieda japplika għal xi oġġett jew sustanza garanzija mogħtija dwar xi oġġett ieħor jew sustanza ohra jkun hati ta' reat kontra dan l-Att.

(2) Persuna li, dwar xi oġġett jew sustanza mibjugħa minnha, li tkun oġġett jew sustanza li dwarha tista' teċċepixxi garanzija skond id-disposizzjonijiet ta' l-artikolu 63 ta' dan l-Att, tagħti lixxerrej garanzija falza bil-miktub, tkun hati ta' reat kontra dan l-Att, kemm-il darba ma tipprovax li meta tat il-garanzija hija kellha raġuni taħseb li d-dikjarazzjonijiet jew id-deskrizzjoni li tkun tinsab fiha kienet eżatta jew li tkun tat dik il-garanzija iktar minn sena qabel ma l-proċedimenti jkunu nbdeu kontriha.

Uffiċjal  
prosekutur.

**65.** (1) Meta l-proċedimenti jkunu nbdeu mill-Pulizija, kull Uffiċjal Mediku tas-Saħħa, Veterinarju tal-Gvern jew spettur tas-saħħa, inkarigati mis-Suprintendent tas-Saħħa Pubblika, jista' jgħib l-akkuża quddiem il-Qorti, iġib provi u jmexxi l-kawża minflok il-Pulizija.

(2) Id-dikjarazzjoni bil-ġurament ta' kull wiehed mill-uffiċjali msemmija fis-subartikolu (1) ta' dan l-artikolu fis-sens li jkun gie inkarigat mis-Suprintendent tas-Saħħa Pubblika għall-għan li jin-sab f'dak is-subartikolu tkun prova finali tal-fatt jekk l-imputat jitlob il-prova tiegħu.

Xieħda mill-  
uffiċjal  
prosekutur.

**66.** (1) Kull wiehed mill-uffiċjali msemmija fis-subartikolu (1) ta' l-artikolu 65 ta' dan l-Att jista' jissejjaħ bħala xhud fuq it-talba ta' l-akkużat.

(2) Meta, iżda, ix-xieħda ta' dak l-uffiċjal tkun mitluba mill-Pulizija, l-imsemmi uffiċjal għandu jinstema' qabel ma jibda d-dmirijiet ta' uffiċjal prosekutur, kemm-il darba l-htieġa tax-xieħda tiegħu ma tinqalax aktar tard fil-proċedimenti.

Ġbir ta' danni  
mill-parti li  
tbat l-ħsara.

**67.** Kull danni li jkunu dovuti dwar xi reat kontra dan l-Att għandhom jingabru mill-parti li tbat l-ħsara bħala dejn ċivili.

Distruzzjoni  
bil-kunsens.

**68.** Meta xi hwejjeġ ta' l-ikel jew xi mediċinali jkunu ġew maqbuda skond id-disposizzjonijiet ta' dan l-Att, u s-sid tagħhom jagħti l-kunsens bil-miktub biex daww il-hwejjeġ ta' l-ikel jew il-mediċinali jiġu distrutti, is-Suprintendent tas-Saħħa Pubblika jista' jordna li l-imsemmija hwejjeġ ta' l-ikel jew mediċinali jiġu distrutti bla preġudizzju għat-teħid ta' xi proċedimenti kontra l-persuna responsabbli għar-reat.

Liċenzi.

**69.** (1) Kull liċenza maħruġa skond id-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu tiskadi fil-31 ta' Diċembru tas-sena tal-ħruġ jew tat-tiġdid tagħha.

(2) Ebda liċenza maħruġa skond xi disposizzjoni ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu ma għandha titqies li teħles mill-htieġa ta' xi liċenza ohra jew permess ieħor impost b'xi disposizzjoni ohra ta' dan l-Att jew ta' xi regolamenti jew ta' xi liġi ohra li tkun f'dak iż-żmien fis-seħħ.

70. Kull reat kontra d-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula bis-saħħa tiegħu għandu, għall-finijiet tal-Kodiċi Kriminali, jitqies li hu kontravvenzjoni, ukoll jekk il-piena preskritta għal reat partikolari tkun akbar minn dawk imsemmija fl-imsemmi Kodiċi għal kontravvenzjonijiet.

Reati jitqiesu li huma kontravvenzjonijiet.  
Kap. 12.

71. (1) Il-Ministru jista' b'ordni, jirrevoka l-Ordinanza dwar il-*Hwejjeġ ta' l-Ikel, Mediċinali, u Ilma tax-Xorb*:

Revoka tal-Kap. 54 u Riżerva.

Izda kull ordni bħal dak jista' jirreferi jew għall-Ordinanza kollha jew għal dawk id-disposizzjonijiet tagħha kif jistgħu jissemmew f'xi ordni bħal dak:

Izda wkoll kull revoka bħal dik għandha tkun bla ħsara għall-validità ta' kull haġa li tkun saret jew li tkun naqset milli ssir legalment bis-saħħa tagħhom jew għal xi proċedimenti meħuda jew li għandhom jittiehdu skond id-disposizzjoni jew id-disposizzjonijiet hekk revokati.

(2) Kull regolamenti jew ordnijiet magħmula, jew kull liċenza mogħtija, skond id-disposizzjonijiet ta' l-Ordinanza dwar il-*Hwejjeġ ta' l-Ikel, Mediċinali u Ilma tax-Xorb* qabel ir-revoka tad-disposizzjoni li tagħti s-setgħa għandhom, safejn ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att, jew ta' xi regolamenti magħmula bis-saħħa tiegħu, ikomplu fis-seħħ u jkollhom effett daqs-likieku kienu saru jew ġew mogħtija skond id-disposizzjoni relattiva ta' dan l-Att.

## Għanijiet u Raġunijiet

Il-Għan ta' dan l-Abbozz huwa li jagħmel liġi ġdida, miktuba fuq il-*htigiet* moderni, dwar il-produzzjoni, l-importazzjoni u l-bejgħ ta' *hwejjeġ ta' l-ikel u mediċinali*.

Skond id-disposizzjonijiet ta' dan l-Abbozz, il-Ministru għandu s-setgħa li jagħmel leġislazzjoni sussidjarja bil-parir jew tal-Kunsill tas-Saħħa jew tal-Bord<sup>1</sup> dwar *Standards ta' Hwejjeġ ta' l-Ikel*.

Il-Bord dwar *Standards ta' Hwejjeġ ta' l-Ikel*, li jitwaqqaf meta l-Abbozz *għdid* isir liġi, ikun magħmul minn rappreżentanti tad-Dipartiment tas-Saħħa u rappreżentanti tad-Dipartiment ta' l-Industrija, bis-Suprintendent tas-Saħħa Pubblika bħala president. Ix-xogħol ta' dan il-Bord ikun li jagħti parir lill-Ministru tas-Saħħa dwar *hwejjeġ* li għandhom x'jaqsmu ma' *standards* minimi ta' *hwejjeġ ta' l-ikel*.

**A BILL**  
**entitled**

*AN ACT to provide for the hygienic and other control of food, drugs and drinking water.*

BE IT ENACTED by Her Majesty the Queen, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement.

1. (1) This Act may be cited as the Food, Drugs and Drinking Water Act, 1971.

(2) Sections 2, 3, 4, 12, 13, 16, 17, 21, 23 and 28, subsection (1) of section 30, and sections 42, 43, 44, 48 and 71 of this Act shall come into force forthwith.

(3) The other provisions of this Act shall come into force on such date as the Minister may appoint by notice in the Government Gazette and the Minister may appoint different dates in respect of different provisions.

Interpretation.

2. In this Act, unless the context otherwise requires —

“advertisement” includes any notice, circular, label, wrapper, invoice or other document, and any broadcast whether by visual or acoustic presentation or by both, and “to advertise” shall be construed accordingly;

“analyst” means any analyst attached to the Department of Health and, for the purposes of the analysis and examination of —

(a) any article of food for which a standard has been prescribed under this Act, includes any analyst engaged in the analysis of food at the Department of Industry;

(b) milk or milk products, includes any analyst engaged in the analysis of milk or milk products at the Milk Marketing Undertaking;

“animals” means bovines, ovines, caprines, swine and equines;

“article” does not include a live animal or bird;

“authorised officer” means any Medical Officer of Health, or other medical officer deputed by the Superintendent of Public Health, or any health inspector;

“business” means any undertaking or activity in connection with food, drugs, or their production or manufacture, whether carried on for profit or not;

“catering premises”, in relation to milk, means any canteen, club, school, hospital, restaurant, hotel, eating house or other premises where, in the course of a business, the sale of milk is carried on for the purpose of immediate consumption thereon and where such sale is only incidental to that business;

“coastal ship” means any ship or other craft plying exclusively between one part of Malta and another;

“container” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“Council of Health” means the Council of Health constituted under section 6 of the Department of Health (Constitution) Ordinance; Cap: 148.

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

“dairy” includes any milk depot, milk store, milk shop, milk marketing undertaking or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or for the purpose of processing or of any other treatment whatsoever for sale or for the purpose of manufacture into milk products for sale, or in which vessels used for the sale of milk are kept, but does not include any dairy farm or catering premises;

“dairy farm” means any farm, cowshed, sheep-pen, goat-pen or any other premises in or on which raw milk is produced, and includes any milk room or milking room;

“dairy farmer” includes an occupier of a dairy farm and a keeper of milch animals;

“dairyman” includes an occupier of a dairy and a purveyor of milk;

“drug” includes any medicine for internal or external use, and any antiseptics, disinfectants and cosmetics;

“food” includes drink, chewing gum or other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include —

- (a) water, live animals or birds,
- (b) fodder or feeding stuffs for animals, birds or fish, or
- (c) articles or substances used only as drugs;

“Food Standards Board” means the Board constituted under section 3 of this Act;

“imitation cream” means a substance which, not being cream or reconstituted cream, resembles cream in appearance and is produced by emulsifying edible oils or fats with water, either by themselves or with other substances which are neither prohibited by regulations made under this Act, nor added in quantities so prohibited;

“inspector” means any Government Veterinary Surgeon or other suitably qualified person authorised in writing by the Superintendent of Public Health to act in relation to the examination and condemnation of meat;

“Malta” has the same meaning as is assigned to it by section 126 of the Constitution of Malta;

“milk” includes cream and separated milk, but does not include dried milk or condensed milk;

“milk depot” means a room, centre, depot or other premises, not being a milk room, used for the collection and/or keeping or storage of raw milk in or about, or in connection with, a dairy;

“milking room” means any room, shed, parlour or other premises in or about a dairy farm in which milch animals are milked;

“milk room” means a room or other premises in or about a dairy farm in which raw milk is strained, cooled, kept or stored prior to disposal by way of sale or otherwise, and includes any room or other premises in which any equipment or utensil used for milk is cleansed or stored;

“milk shop” means —

(a) any shop, room or other premises at or from which milk is kept, supplied, sold, offered or exposed for sale in properly closed and unopened vessels in which it is delivered to those premises;

(b) any shop, room or other premises at or from which milk is sold for immediate consumption thereon but where, in the course of a business, the sale of milk, alone or together with any milk products, forms, in the opinion of the Superintendent of Public Health, a substantial part of that business; and

(c) any stall at or from which milk is sold or is kept, offered or exposed for sale;

“milk store” means a room or other premises in which milk, other than raw milk, is kept or stored in or about, or in connection with, a dairy;

“Minister” means the Minister of Health;

“packaging” means containing in any vessel, and includes bottling;

“person” includes any company or other association or body of persons, whether vested with legal personality or not;

"poultry" means fowls, turkeys, ducks, geese, guinea-fowls, turtle-doves, pheasants, partridges, pigeons and quails;

"premises", except in section 26 of this Act, means a building or part of a building, and any forecourt, yard or place of storage used in connection with a building or part of a building, and includes, in relation to dairies and dairy farms, and the trade of dairyman or dairy farmer, any land other than buildings;

"preparation", in relation to food, includes manufacture and any form of treatment, and "preparation for sale" includes packaging; and "to prepare" and "to prepare for sale" shall be construed accordingly;

"public slaughterhouse" means a slaughterhouse under Government control;

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

"raw milk" means exclusively the fresh, normal secretion obtained from the mammary gland of the cow, goat or sheep without either any addition thereto or any extraction therefrom;

"reconstituted cream" means a substance which, not being cream, resembles cream in appearance and contains no ingredient not derived from milk, except ingredients (not added fraudulently to increase bulk, weight or measure, or to conceal inferior quality) which may lawfully be contained in a substance sold for human consumption as cream, or except water;

"Sanitary Authority" includes the Superintendent of Public Health, the Principal Medical Officer, the Senior Medical Officer, the Medical Officer of Health, any health inspector, and any other officer attached to the Department of Health duly authorised in writing by the Superintendent of Public Health to ensure the observance of the provisions of this Act and of any regulations made thereunder;

"separated", in relation to milk, includes skimmed;

"ship" includes any sea-going craft;

"slaughterhouse" means a place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping, or for subjecting to any treatment or process, products of the slaughtering of animals there;

"slaughterhouse facilities" means facilities for carrying on the activities of a slaughterhouse including plant and apparatus and the services of persons as slaughtermen or otherwise;

"stall" includes any stand, marquee, tent or mobile canteen, and any vehicle, whether movable or not;

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

## PART I

### General Provisions

3. (1) There shall be a Board, to be known as the Food Standards Board.

Constitution of  
Food Standards  
Board.

(2) Such Board shall consist of the Superintendent of Public Health as Chairman, of three members appointed by the Minister and of three other members appointed by the Minister responsible for industry.

(3) The Minister responsible for industry shall appoint a Secretary to the said Board.

Regulations and orders by Minister.

4. (1) Any regulations or orders which the Minister is empowered to make under the provisions of this Act (other than regulations made under sections 12 and 43) shall be made by the Minister on the advice of the Council of Health.

(2) Any regulations which the Minister is empowered to make under sections 12 and 43 of this Act shall be made by the Minister on the advice of the Food Standards Board.

(3) Any regulations or orders made by the Minister under this Act shall be laid on the Table of the House of Representatives as soon as may be after they are made, and if, within the next twenty days beginning with the day on which such regulations or orders are laid before it, the House of Representatives resolves that the said regulations or orders, as the case may be, be annulled or amended, such regulations or orders shall thereupon cease to have effect or shall be so amended, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations or orders, as the case may be:

Provided that there shall not be included in the computation of the said twenty days any period of six or more consecutive days intervening between any two sittings of the House of Representatives.

Adding of substances to food or drugs, etc.

5. (1) No person shall add any substance to any food, use any substance as an ingredient in the preparation of any food, abstract any constituent from any food, or subject any food to any other process or treatment, in each case as to render the food injurious to health, with intent that the food may be sold or supplied for human consumption in that state.

(2) No person shall add any substance to, or abstract any constituent from, any drug as to affect injuriously the quality, constitution or potency of the drug, with intent that the drug may be sold in that state.

Prohibition of sale etc. of certain food or drugs.

6. (1) No person shall —

(a) sell, or offer, expose or advertise for sale, or

(b) deposit with, or consign to, any person, or have in his possession or deposit or keep in a cold-air store or refrigerator for the purpose of sale or of preparation for sale, or

(c) supply by way of compensation or otherwise or convey from one place to another,

for human consumption, any food which is or is rendered injurious to health or is deteriorated, unsound, unwholesome or otherwise unfit for human consumption, or which was prepared, preserved, packaged, stored or conveyed under insanitary conditions.

(2) No person shall sell, or offer, expose or advertise for sale, or have in his possession for the purpose of sale, or supply by way of compensation or otherwise any drug injuriously affected in its quality, constitution or potency.

(3) Saving the provisions of any other law any person who sells, or offers, exposes or keeps for sale, any food for industrial or other similar purposes or as fodder or feeding stuff for animals shall comply with such conditions as the Superintendent of Public Health may deem necessary in order to prevent it from being used as food for human consumption.

(4) If a person licensed under section 26 to keep a slaughterhouse is found guilty of an offence against the provisions of subsection (1) of this section, the Court may, and, in the case of a second or subsequent conviction the Court shall, besides awarding punishment according to law, suspend the relative licence from one month to six months.

7. (1) The provisions of subsection (1) of section 6 shall apply — Food offered as prize, etc.

(a) in relation to any food intended for human consumption which is offered as a prize or reward, or which is given away to be so offered, in connection with any entertainment to which the public are admitted, whether on payment or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment, or by the person so giving away the food; and

(b) in relation to any food intended for human consumption which is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, as if the food were, or had been exposed for sale by the person or persons offering or giving away the food.

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

8. (1) No person shall sell, to the prejudice of the purchaser any food intended for human consumption or any drug which is not of the nature, substance or quality of the food or drug demanded by such purchaser. Sale of food or drugs to the prejudice of the purchaser.

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

9. (1) In any proceedings under section 8 for an offence consisting of the sale of food to which any substance has been added, or in the preparation of which any substance has been used as an ingredient, or from which any constituent has been abstracted, or which has been subjected to any other process or treatment, other than food thereby rendered injurious to health, it shall be a defence for the defendant to prove that the operation in question was not carried out fraudulently, and that the article was sold having attached thereto a notice of adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation or was sold in a wrapper or container displaying such a notice. Defence in certain proceedings.

(2) The provisions of the preceding subsection shall apply in relation to proceedings for an offence consisting of the sale of any drug to which any substance has been added, or from which any

constituent has been abstracted, other than a drug thereby injuriously affected in its quality, constitution or potency, as they apply in relation to any such offence as is mentioned in the said subsection.

(3) In any proceedings under section 8 in respect of any food or drug containing some extraneous matter, it shall be a defence for the defendant to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.

(4) Saving any other specific provision of law to the contrary, in any proceedings under section 8 in respect of any adulterated spirits it shall be a defence for the defendant to prove that such adulteration consisted solely in the admixture of water and that the diluted spirit was of a strength not below —

(a) 43 per cent absolute alcohol, volume in volume, in the case of whisky, brandy, rum or gin; or

(b) 20 per cent absolute alcohol, volume in volume, in the case of other alcoholic drinks, except wine and beer.

Preparation, etc. of food under insanitary conditions.

10. (1) No person shall prepare, preserve, package, keep or store for sale for human consumption any food under insanitary conditions.

(2) No person shall use in the preparation, preservation, packaging, keeping, storage or sale of food intended for human consumption any apparatus, equipment, containers, scales or utensils, as the case may be, which are not sufficiently clean or which might transmit to such food any poisonous or noxious substance.

Articles of food equal or similar in appearance to other articles of common use.

11. No person shall sell or prepare, package, offer, expose, keep or advertise for sale, for human consumption, any article of food, equal or similar in appearance to any other article of common use for which it might be inadvertently mistaken, so as to cause risk or injury to health.

Power of Minister to make regulations in respect of composition, etc., of food.

12. (1) The Minister may make regulations regarding the importation, exportation, preparation, composition, advertising and sale of food intended for human consumption, and prescribing standards of minimum permissible quality, composition or other property of such food.

(2) Without prejudice to the generality of the power granted under subsection (1) of this section, any such regulations may in particular make provision for —

(a) requiring, prohibiting or regulating the addition of any specific substance, or any substance of any specific class, to any food intended for sale for human consumption or to any class of such food, or the use of any such substance as an ingredient in the preparation of such food;

(b) requiring, prohibiting or regulating the use of any process or treatment in the preparation of any food intended for sale for human consumption, or of any class of such food;

(c) prohibiting or regulating the sale, possession for sale, or offer, exposure or advertisement for sale, of any specific substance, or of any substance of any specific class, with a view to its use in the preparation of any food intended for human consumption, and the possession of any such substance for use in the preparation of food intended for sale for human consumption;

(d) imposing requirements as to, and otherwise regulating, the labelling, stamping, marking or advertising of any food intended for sale for human consumption, and the descriptions which may be applied to any such food;

(e) prohibiting or regulating the sale, possession for sale, offer, exposure or advertisement for sale, importation, consignment, or delivery, or exportation, of any food intended for human consumption which does not comply with any regulations made under this section, or in relation to which an offence has been committed against any of the said regulations; and

(f) enabling the Superintendent of Public Health to require any person who carries on a business which includes the production, importation, exportation, use or distribution of any substance used in the process, preparation or production of any food intended for human consumption, to furnish to the said Superintendent such particulars as may be specified in any such regulations regarding the composition and use of any such substance:

Provided that any particulars or other information obtained by the Superintendent of Public Health pursuant to any regulations made under this paragraph shall not be disclosed except as may be necessary for the purposes of any regulations made under paragraphs (a), (b), (c) or (e) of this subsection or for the purposes of any proceedings for any offence against any such regulations.

13. The Minister may make regulations regarding the importation, preparation, manufacture, composition, advertisement and sale of drugs.

Power of Minister to make regulations in respect of composition, etc., of drugs.

14. (1) No person shall sell, or offer, expose or advertise for sale, or have in his possession for the purpose of sale, or supply by way of compensation or otherwise, for human consumption, any food in an unopened container, unless there is attached or affixed to or printed on or included in the container a proper label.

Labelling of food.

(2) Without prejudice to the provisions of any regulations which may be made under paragraph (d) of sub-section (2) of section 12 such label shall show —

(a) the brand or trade name of the food, if any;

(b) in respect of —

(i) any imported food, an indication of the place of origin;

(ii) any food prepared, blended, mixed, processed or otherwise wholly or partly produced in Malta, the name and address of the person, firm, company or other association of persons who shall have carried out in Malta such preparation, blending, mixing, processing or production, as the case may be; and

(c) a correct declaration of the net contents in terms of weight, measure or number:

Provided that such declaration shall not be required on —

(i) any article of food the weight of which, including its container, is less than two ounces or 57 grammes, or

(ii) fluid dairy products sold in transparent glass containers,

unless specifically prescribed by any regulations made under paragraph (d) of subsection (2) of section 12.

False labeling or advertisement of food or drugs.

15. (1) It shall not be lawful for any person to display with any food or drug exposed or kept for sale, or to give with any food or drug sold, any label, whether attached or affixed to or printed on the container or wrapper thereof or not, which falsely describes such food or drug or which is calculated to mislead as to its nature, substance or quality.

(2) It shall likewise be unlawful for any person to publish, or to be a party to the publication of, an advertisement (other than a label referred to in subsection (1) of this section) which falsely describes any food or drug or which is calculated to mislead as to its nature, substance or quality:

Provided that, in any proceedings under this subsection, it shall be a defence for the defendant to prove that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as is described in this subsection.

(3) For the purposes of this section, a label or advertisement which is calculated to mislead only as to the nutritional or dietary value of any food shall be deemed to be calculated to mislead as to the quality of the food.

(4) In any proceedings for an offence under this section, it shall not be a defence to prove that the label or advertisement contained an accurate statement of the composition of the food or drug if such label or advertisement contravened in some other respect the provisions of this section.

(5) In this section, "food" means food intended for human consumption.

Power of Minister to make regulations in respect of food hygiene.

16. (1) The Minister may make regulations regarding sanitary and cleanly conditions and practices in connection with the sale, importation, preparation, handling, transport, storage, packaging, wrapping, keeping or exposing for sale, service or delivery of food intended for human consumption, or otherwise for the protection of the public health in connection with the matters aforesaid.

(2) Without prejudice to the generality of the power granted under subsection (1) of this section, any such regulations may in particular make provision for—

(a) imposing requirements as to the construction, layout, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water supply and use, of premises in, at or from which food intended for human consumption is produced or sold, or is offered, exposed, stored or prepared for sale (including any parts of such premises in which apparatus or utensils are cleansed, or in which refuse is disposed of or stored);

(b) imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises, the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils used in such premises;

(c) prohibiting or regulating the sale or importation of apparatus or utensils designed for use in the preparation of food intended for human consumption and containing any specific material or material of any specific class;

(d) controlling or otherwise regulating the use of containers, and the packaging or wrapping of any food intended for sale for human consumption or of any ingredients thereof;

(e) imposing requirements as to the clothing worn by persons in any such premises;

(f) prescribing the precautions to be taken for protecting food against infection or contamination;

(g) imposing obligations on persons carrying on the business in such premises, or on persons working in, about or in connection with such premises, in regard to cases of infectious illness; and

(h) regulating generally the treatment and disposal of any food unfit for human consumption.

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

(4) For the purposes of this section, the expression "premises" includes any dairy and any dairy farm.

17. The Minister may make regulations regarding sanitary and cleanly conditions and practices in connection with the sale, importation, manufacture, preparation, transport, storage, packaging, wrapping, keeping or exposing for sale of any drug.

Power of Minister to make regulations in respect of drugs.

18. (1) No person shall be employed or work in, or in connection with, the preparation or the handling of any food intended for sale for human consumption if he is aware that he is suffering from, or is the carrier of, typhoid fever, paratyphoid fever or any other salmonella infection or dysentery or any staphylococcal infection likely to cause food poisoning, or any other disease which the Minister may, by order, declare to be a disease to which this section applies.

Employees, etc., suffering from certain diseases.

(2) An order made under subsection (1) of this section may be revoked, varied or substituted by a subsequent order and may apply to any food, or any class of food, or any particular food, intended for sale for human consumption.

19. (1) If any authorised officer has reasonable grounds for suspecting that any food, of which he has taken a sample under the provisions of this Act, is likely to cause food poisoning or any disease communicable to human beings, he may intimate the person in charge of the food not to allow such food, or any specified portion thereof, to be used for human consumption and, until the neces-

Control of suspected food.

sary investigations are completed, not to remove such food without the authority of the said officer.

(2) If, as a result of the investigations, the authorised officer is satisfied that the food, or any portion thereof, is likely to cause food poisoning or any such disease as is referred to in subsection (1) of this section, he shall seize and remove it; otherwise, he shall forthwith withdraw the intimation.

Licensed premises, etc. to be used in accordance with licence.

**20.** No premises, vehicle, stall or place other than premises, which are licensed for the sale of any food intended for human consumption, or for the preparation, exposure or offer for sale, or for the storage or preservation of any such food, may be used otherwise than for the purpose of such licence and in accordance with any terms or conditions as may be attached to that licence.

Power of Minister to make regulations in respect of licensing of premises, etc.

**21.** (1) Subject to the other provisions of this section, the Minister may make regulations providing for —

(a) the issue of licences in respect of any premises used for the sale or preparation for sale of food for human consumption, or the storage or preservation of food intended for such sale;

(b) the registration of, or the issue of licences in respect of, any vehicles, stalls or places other than premises used for the preparation, exposure or offer for sale, or sale, of food for human consumption; and

(c) the detection of any fraudulent practices committed in any market and for the preservation of order therein.

(2) Regulations made under this section may be made to apply either generally or to such class or classes of business as may be specified in any such regulations.

(3) Regulations made under this section may provide for the refusal or cancellation of a licence or of any registration, either wholly or in respect of a part of the business for which the licence or registration is applied for or is held, —

(a) where the requirements of regulations in force under section 16 are not complied with in relation to that business, or

(b) where the premises, vehicle, stall or other place, or any part thereof, are otherwise unsuitable (having regard to considerations of hygiene and in particular to the situation, construction or condition of such premises, vehicle, stall or other place, or to any activities carried on therein) for use for the purpose or purposes specified in the relative application, or for which they are actually used, as the case may be.

(4) Nothing in this section shall be deemed to apply to any premises used as a school or club.

Prohibition on importation of certain food.

**22.** (1) No person shall import into Malta any food intended for sale or for preparation for sale, for human consumption —

(a) which has been rendered injurious to health by means of any operation described in subsection (1) of section 5;

(b) which, if sold in Malta, would constitute a violation of the provisions of this Act or of any regulations made thereunder;

(c) which is unsound or unwholesome or otherwise unfit for human consumption; or

(d) in the preparation of which any such food as is described under the preceding paragraphs of this subsection has been used.

(2) In any proceedings for an offence against paragraph (c) of subsection (1) of this section, it shall be a defence for the defendant to prove that at the time when he imported the food he did not know, and could not with reasonable diligence have ascertained, that it was unsound or unwholesome, or unfit for human consumption.

23. For the purposes of this Act and of any regulations made thereunder — Presumptions.

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

(b) any article commonly used for human consumption, or in the manufacture of products for human consumption, which is found on premises used for the preparation, preservation, packaging, keeping, storage or sale, as the case may be, of that article or those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;

(c) any substance capable of being used in the composition or preparation of any article commonly used for human consumption which is found on premises on which that article is prepared shall be presumed, until the contrary is proved, to be intended for being so used;

(d) any drug which is found on premises used for the preparation, packaging, keeping, storage, sale or other disposal of drugs, or which is exposed for sale or advertised, shall be presumed, until the contrary is proved, to be intended for sale.

## PART II

### Water

24. (1) It shall not be lawful for any person to contaminate or pollute the water of any source of supply being water which is used, or is likely to be used, for drinking purposes, or in the preparation of food for human consumption. Contamination of water.

(2) It shall likewise be unlawful for any person to wash any animals, clothes or other things in, or to water any animals at, any fountain not specially reserved for that purpose, or to wash himself or bathe in any fountain or other works used for the storage or passage of public drinking water.

(3) In this section and in the next succeeding section, "source of supply" means source of water supply and includes any spring, well, tank, cistern, conduit, aqueduct, reservoir and other waterworks.

Polluted water.

25. (1) If the Superintendent of Public Health is of opinion that any water in or obtained from any source of supply, whether public or private, being water which is used, or is likely to be used, for drinking or domestic purposes, or in the preparation of food for human consumption, is, or is likely to become, so polluted as to be prejudicial to health, the said Superintendent shall, if need be after causing the taking of samples of such water, require the occupier of the premises of which the source of supply forms part, by means of a notice in writing, to do or to carry out the works necessary to remedy the defect within such time as may be fixed in the notice.

(2) If the occupier referred to in the preceding subsection fails to do or to carry out such works within the said time, the Superintendent of Public Health shall report the fact to the Commissioner of Police who shall summon the occupier to appear before the Court of Magistrates of Judicial Police; and the Court, on being satisfied that the water is polluted to the extent specified in subsection (1) of this section, shall make an order directing the source of supply to be permanently or temporarily closed or cut off, as the case may be, or the water therefrom to be removed or to be used for certain specific purposes only, or shall make such other order as appears to the Court to be necessary to prevent injury or danger to the health of persons using the water, or consuming food prepared therewith or therefrom.

(3) If the defendant fails to comply with an order of the Court within the time limit fixed in such order, the Superintendent of Public Health shall be authorised to do or to carry out, at the expense of the defendant, such works as may be necessary to giving effect to the order:

Provided that nothing in this subsection shall be deemed to affect the provisions of section 58.

(4) The expenses necessary for compliance with a written notice of the Superintendent of Public Health or with an order of the Court shall be borne by the occupier of the premises of which the source of supply forms part:

Provided that such occupier shall have a right of action for reimbursement against the owner of the premises if he proves, before the competent Civil Court, that the water was unwholesome before he had taken possession of the premises, or had become so unwholesome owing to some defect in the source of supply or to some cause for which he is not liable.

(5) Any water in, or obtained from, any well, tank, cistern or water-butt used in any private premises for the supply of water for drinking purposes, when such well, tank, cistern or water-butt is not covered by a dust-tight cover or is so placed, constructed or kept as to render the water therein liable to contamination, shall, for the purposes of this section, be deemed to be prejudicial to health.

(6) In subsection (5) of this section, "private premises" includes any hotel, lodging-house, restaurant, catering establishment, club, or other similar premises.

## PART III

## Meat

26. (1) No person shall use any premises as a slaughterhouse, or permit them to be so used, unless he holds a licence by the Superintendent of Public Health authorising him to keep those premises as a slaughterhouse:

Licensing of slaughterhouses.

Provided that nothing in this subsection shall apply in relation to any premises used as a public slaughterhouse.

(2) The Superintendent of Public Health may refuse any application for the grant or renewal of a licence under this section if he is satisfied that —

(a) existing alternative slaughterhouse facilities available in public slaughterhouses are adequate having regard to the reasonable requirements of the person applying for the grant or renewal of such licence and no additional facilities are required; or

(b) the requirements of any regulations made under paragraph (a) or (b) of subsection (2) of section 16 or under section 28 are not complied with in respect of those premises.

27. The Government Veterinary Surgeons shall be responsible for seeing that any public slaughterhouse is kept in a sanitary and hygienic condition, is properly managed and is provided with suitable plant or apparatus for disposing of, treating or processing waste matters, refuse or by-products, resulting from the slaughter of animals in such slaughterhouse.

Responsibility for public slaughterhouses.

28. (1) The Minister may make regulations respecting the service, conduct and observance of sanitary and cleanly conditions and practices in any slaughterhouse, the conveyance of slaughtered animals to the place of sale or storage, the inspection of animals intended for slaughter and of carcasses of animals for the purpose of ascertaining whether meat intended for sale for human consumption is fit for such consumption, the stamping of carcasses and offal, the staining or sterilisation of meat which is unfit for human consumption, or which, though not unfit for human consumption, is not intended therefor, and such matters as are ancillary or related to any of the above mentioned purposes.

Power of Minister to make regulations in connection with slaughterhouses.

(2) Without prejudice to the generality of the power granted under subsection (1) of this section, any such regulations may determine the diseases and conditions which render a carcass, part of a carcass or offal unfit for human consumption.

(3) In this section, the word "animal" includes poultry and rabbits.

29. Every animal intended for sale for human consumption shall be subjected alive, before slaughtering, to inspection for the purpose of ascertaining its age, state of nutrition and condition of health.

Inspection of animals prior to slaughtering.

30. (1) Any animal affected, or suspected of being affected, with any disease communicable to man, or with any other disease as may be prescribed by regulations made by the Minister under this subsection, shall be slaughtered separately from other animals.

Control of slaughter of certain diseased animals.

(2) No animal affected, or suspected of being affected, with rabies, glanders or anthrax shall be slaughtered in any slaughterhouse.

Power to condemn carcasses, etc.

31. (1) Any inspector shall have power to condemn, after inspection, the whole carcass, any part thereof or any offal of any animal if such carcass or that part thereof or that offal is regarded by him as being unfit for human consumption.

(2) The whole carcass, any part thereof or any offal so condemned shall be disposed of in the manner as may be prescribed by regulations made under sections 16 or 28.

Inspection and stamping of meat before removal from slaughterhouse.

32. No portion of any slaughtered animal shall be removed from the slaughterhouse until it has been subjected to an inspection and stamped.

Sale of horse-flesh.

33. No person shall —

(a) sell, or offer, expose or keep for sale the flesh of equines in the same shop used for the sale for human consumption of any meat of bovines, ovines, caprines or swine; or

(b) sell, or offer or expose for sale, for human consumption the flesh of equines elsewhere than in premises, or in a stall, licensed for that purpose and over or on which a notice bearing the words "HORSEFLESH/ LAHAM TAŻ-ZIEMEL" is displayed in a conspicuous position and is easily legible.

Prohibition of sale of un-stamped meat.

34. No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale or of preparation for sale, for human consumption any meat or offal of any animal slaughtered in Malta unless such meat or offal is duly stamped as provided by regulations made under section 28.

Prohibition of sale, etc. of certain meat.

35. No person shall —

(a) sell, or offer, expose or advertise for sale;

(b) deposit with, or consign to, any person, or have in his possession for the purpose of sale or of preparation for sale, or

(c) supply by way of compensation or otherwise, for human consumption, any part of, or product derived wholly or partly from, any animal the slaughter whereof is forbidden, or any carcass or any part thereof, or any offal, as the case may be, which on inspection has been found to be unfit for human consumption, or any meat or offal which is or is rendered injurious to health or is deteriorated, unsound, unwholesome or otherwise unfit for human consumption.

Cold-air stores to be licensed.

36. No person shall use any premises, or part of a premises, as a cold-air store for the storage and preservation therein of any meat or other article of food intended for human consumption, or to permit them to be so used, unless such premises, or such part thereof, are covered by a licence issued for the purpose.

37. No person shall deposit or keep in any cold-air store or refrigerator, for the purpose of sale or of preparation for sale, any meat or meat product which has been imported in contravention of the provisions of section 22 or 38, or any carcass or part of a carcass or any meat or offal which, in the opinion of any authorised officer or of any inspector, is of the kind, or in the state or condition, specified in section 35.

Prohibition of cold-storing of certain meat, etc.

38. Saving the provisions of section 22, no person shall import into Malta for sale, or for preparation for sale, for human consumption any meat or offal of the kind, or in the state or condition, specified in section 35:

Prohibition of importation of certain meat.

Provided that in any proceedings for an offence against this section, it shall be a defence for the defendant to prove that at the time when he imported such meat or offal he did not know, and could not with reasonable diligence have ascertained, that such meat or offal was deteriorated, unsound or unwholesome, or unfit for human consumption.

39. (1) No person shall inflate any poultry or rabbit for the purpose of making it appear fatter, or keep it in water for purposes of preservation, or subject it to any treatment to conceal its deterioration or incipient putrefaction.

Inflation of poultry, etc.

(2) Any powers conferred by or under the provisions of this Act on any authorised officer in relation to food or meat may be exercised by him in relation to poultry or rabbits.

## PART IV

### Milk and Milk Products

40. (1) It shall not be lawful for any person to keep any dairy or dairy farm unless such dairy or dairy farm is covered by a licence issued by the Superintendent of Public Health:

Dairy and dairy farm to be licensed.

Provided that any milk shop needs only to be registered with the Superintendent of Public Health.

(2) (a) No dairy or dairy farm which is licensed under subsection (1) of this section may be used otherwise than for the purpose of such licence.

(b) No such dairy or dairy farm, and no milk shop which is registered under the said subsection (1) may be used otherwise than in accordance with any terms or conditions as may be attached to, or imposed by, the relevant licence or registration.

41. (1) No person may carry on the trade of dairyman or of dairy farmer unless he is registered as such with the Superintendent of Public Health.

Dairyman and dairy farmer to be registered.

(2) The Superintendent of Public Health shall not register any person as dairyman or as dairy farmer unless the premises or stall to be used by such person for the purposes of his trade is covered by a licence or is registered, as the case may be, in accordance with the provisions of subsection (1) of section 40.

(3) Where any licence in respect of any dairy farm or any licence or registration in respect of any dairy is cancelled or is not renewed, any person registered under this section in virtue of such farm or dairy shall cease to be so registered.

Power to make regulations regarding dairies and dairy farms.

42. (1) The Minister may make regulations for the control of dairies and of dairy farms.

(2) Without prejudice to the generality of the power granted under subsection (1) of this section, any such regulations may in particular provide for —

- (a) the inspection of dairies and of dairy farms;
- (b) the registration and inspection of milch animals;
- (c) the registration and inspection of persons employed or engaged in or about a dairy or a dairy farm and who have access to milk, milk products, churns or other vessels;
- (d) the registration and inspection of persons who are engaged in the handling, transport or conveyance of milk or of milk products;
- (e) the labelling, marking or identification, and the sealing or closing, of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold or offered or exposed for sale or delivered, and the display of the vendor's name and address on any stall, or any cart, barrow or other vehicle, from which milk is sold or delivered; and
- (f) the regulating of the cooling, storage, packaging, conveyance and distribution of milk or of milk products.

In this subsection, —

- (a) "milk" means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption, and
- (b) "milk products" means milk products intended for sale or sold for human consumption.

(3) The provisions of subsections (1) and (2) of this section shall be without prejudice to the power of the Minister under section 16 to make regulations applying to a dairy or a dairy farm.

Power to make regulations regarding milk.

43. (1) The Minister may make regulations regarding the processing, treatment, grading, composition, quality and sale of milk intended for human consumption or for manufacture into products for human consumption, and prescribing —

- (a) in relation to milk of any description, such designation (hereinafter referred to as "special designation") and such requirements applicable thereto, and such conditions as to the use thereof, and
  - (b) in relation to milk requiring the use of a special designation, such conditions as to the sale or advertisement thereof,
- as he considers appropriate.

(2) Without prejudice to the generality of the power granted under subsection (1) of this section, any such regulations may in particular make provision for —

(a) requiring the use of a special designation —

(i) in connection with milk which has been treated without altering its composition, or milk the fat content of which has been standardized in accordance with any regulations made under this section, or

(ii) for the purpose of describing the type, grade, origin and/ or intended use of any milk, or the physical treatment or the modification in composition to which it has been subjected, being such treatment as may be specified by regulations made under this section, or such modification as is restricted to any addition hereto and/ or any abstraction therefrom of any normal constituent of milk;

(b) prohibiting or restricting, in cases where no express provision is made by this Act, the addition of any substance to milk, or the abstraction from milk of fat or any other constituent, and the sale of milk to which any such addition, or from which any such abstraction, has been made, or which has been otherwise artificially treated;

(c) prohibiting or restricting, subject to such exceptions as may be allowed by or under the regulations made under this section or under section 12, the delivery or sale of milk intended for human consumption, as milk of any specified description containing less than a specified quantity of any specified normal constituent;

(d) requiring, subject to such exceptions as are referred to in the preceding paragraph of this subsection, cream or separated milk to be subjected to a specified treatment before being delivered or sold for human consumption;

(e) determining what deficiency in any of the normal constituents of milk, or what proportion of water, in a sample shall, for the purposes of this Act, raise a presumption, until the contrary is proved, that the article sampled is adulterated milk;

(f) prohibiting or restricting, in the care of treatment of milch animals, the use of hormones, antibiotics or other drugs which may affect injuriously the nutritional value, or the quality or other property, of raw milk; and

(g) preventing danger to health from the supply, sale, offer or exposure for sale of infected, contaminated or dirty milk or milk products, and for prohibiting the supply or sale of milk or of milk products suspected of being infected.

In this subsection, —

(a) "milk" means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption; and

(b) "milk products" means milk products intended for sale or sold for human consumption.

(3) The provisions of subsections (1) and (2) of this section shall be without prejudice to the power of the Minister under section 12 to make regulations applying to milk or to milk products.

44. (1) Regulations made under section 42 or, in relation to a dairy or a dairy farm, under section 16 may be made to apply

Application of regulations.

either generally or to such class or classes of premises or stalls as may be specified in any such regulations.

(2) Regulations made under sections 42 or 43 or, in relation to milk or milk products or to a dairy or a dairy farm, under sections 12 or 16 may provide for the refusal or cancellation of a licence or registration, either wholly or in respect of any part of the premises for which the licence or registration is applied for or is held, —

(a) where the requirements of the said regulations are not complied with in relation to the premises or stall;

(b) where it appears to the Sanitary Authority that the public health is, or is likely to be, endangered by any act or default of a person using the premises or stall who has applied to be, or is, registered in pursuance of section 41, being an act or default in relation to the quality, storage or distribution of milk, or

(c) where the premises or any part thereof or the stall are otherwise unsuitable (having regard to considerations of hygiene and to conditions existing at such premises or stall) for use for the purpose or purposes specified in the relative application for a licence or for registrations, or for which they are actually used, as the case may be.

Adulteration  
of milk.

45. (1) No person shall add any water, or any dried or condensed milk or liquid reconstituted therefrom, or any other substance whatsoever, to milk intended for sale for human consumption.

(2) No person shall add any colouring or flavouring substance to milk intended for sale for human consumption under the designation of milk.

(3) No person shall add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for sale for human consumption.

(4) Nothing in subsection (2) of this section shall be deemed to imply that any colouring or flavouring substance can be added to things made from milk or of which milk is an ingredient unless such substance is of the highest standard of purity and is neither prohibited by regulations made under sections 12 or 43 nor added in quantities so prohibited.

Prohibition  
of sale  
of certain  
milk.

46. (1) No person shall sell, or offer, expose or advertise for sale, or have in his possession for sale, or supply by way of compensation or otherwise, for human consumption —

(a) any milk produced by animals within 15 days before, or during the five days immediately after, parturition;

(b) the milk of any animal suffering from any disease of the udder or teats or from mastitis, tuberculosis, foot-and-mouth disease, anthrax or any other disease named in an order made by the Minister under this paragraph;

(c) any milk being in contravention of the provisions of any regulations made under sections 12 or 43 or of the provisions of section 45; or

(d) any milk produced, or processed, treated, packaged, kept or conveyed in premises or stalls, as the case may be, or under conditions which would constitute a violation of the provisions of any regulations made under sections 16 or 42.

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

(3) No person shall use in the manufacture of products for sale for human consumption any such milk as is described under subsection (1) of this section.

(4) When any proceedings are taken in respect of an offence against the provisions of paragraph (b) of subsection (1) of this section, it shall be presumed that the defendant was cognisant of the fact that the animal was suffering from the disease referred to in the said paragraph if he could, with ordinary care, have ascertained such fact.

47. (1) No person shall for the purpose of the sale or advertisement of any milk use a special designation in respect of that milk or of the milk to which it refers unless such sale or advertisement conforms with the requirements and conditions as may be prescribed by regulations made under section 43 in respect of the use of such special designation.

Restrictions  
on use  
of special  
designations.

(2) No person shall for the purpose of the sale or advertisement of any milk refer to that milk by any such description as might be calculated falsely to suggest —

(a) that a special designation has been prescribed in connection with that milk,

(b) that the milk is tested, approved or graded by any competent person, or

(c) that the animals from which the milk is derived are free from the infection of any disease.

48. The Minister may make regulations prescribing —

(a) the areas or localities in which milch animals or any specific category thereof may not be kept and the maximum number of milch animals or of any specific category thereof which may be kept in any area or locality; and

(b) the compulsory use of a special designation in respect of milk sold by retail for human consumption in any area or locality.

Power to make  
regulations in  
respect of  
retain areas.

49. (1) No person shall sell, or offer, expose or advertise for sale, for human consumption under a description or designation which includes the word "cream" (whether or not as part of a composite word) —

(a) any substance which resembles cream in appearance, but is not cream, or

(b) any article of food containing any such substance.

(2) The provisions of subsection (1) of this section shall not apply to the sale, or offer, exposure or advertisement for sale,

Use of  
designation  
"cream" in  
relation to  
cream  
substitutes.

of any substance being reconstituted or imitation cream, or of any article containing such a substance, under a description or designation which identifies the substance as such, or to the sale, or offer, exposure or advertisement for sale, of any substance under a description or designation which indicates that the substance is not for use as, or as a substitute for, cream.

(3) For the purposes of this section, the description or designation under which a substance or article is sold, or offered, exposed or advertised for sale, shall be deemed to include the word "cream" if it includes any other word (composite or otherwise) which is calculated to lead a purchaser to suppose that the substance is or, as the case may be, the article contains either cream or a substance for use as cream.

## PART V

### Penal and other Provisions

Powers of  
authorised  
officer.

50. (1) Subject to the provisions of this section, any authorised officer shall, on producing, if so required, some duly authenticated document showing his authority, have a right to —

(a) enter any premises, or any vehicle, stall or place other than premises, or any aircraft, coastal ship or other ship for ensuring compliance with the provisions of this Act and of any regulations made thereunder, as well as for the purpose of ascertaining whether there is or has been on, or in connection with, such premises, vehicle, stall, place, aircraft, coastal ship or other ship any contravention of the provisions of this Act or of any regulations made thereunder;

(b) examine any article to which this Act or any regulations made thereunder apply and take, on payment of the current market value, samples thereof for analysis, or for bacteriological or other examination; and

(c) seize and remove any such article in relation to which reasonable ground for suspicion exists that any provision of this Act or of any regulations made thereunder is being or has been contravened.

(2) The powers conferred upon any authorised officer under paragraph (a) of subsection (1) of this section and under paragraph (b), in so far as they relate to the examination of any article, of the said subsection may, when any authorised officer so requires, be exercised by any police officer.

(3) Any authorised officer may, when acting under the provisions of subsection (1) of this section, be assisted by a police officer.

(4) Nothing contained in subsection (1) of this section shall be deemed to exonerate any authorised officer from non-compliance with the provisions of the Medical and Kindred Professions Ordinance or of the Dangerous Drugs Ordinance or of any regulations or rules made thereunder, in connection with the taking of any drug or any sample thereof.

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Cap. 161.

(5) The taking of any article under paragraph (b) of subsection (1) of this section shall, for the purposes of this Act or of any regulations made thereunder, be deemed to be a sale of that article.

(6) In subsection (1) of this section, the expression "any article" includes —

(a) any food or drug, or any substance capable of being used in the composition or preparation of any food or drug;

(b) any thing used or capable of being used for the manufacture, preparation, preservation, packaging or storage thereof; and

(c) any labelling or advertising matter.

51. (1) If any authorised officer has reason to suspect that any vehicle or container contains any food which is intended for sale for human consumption, or which is in the course of delivery after sale for human consumption, he may examine the contents of the vehicle or container, and, for that purpose, he may, if necessary, detain the vehicle or container.

Power to examine food in course of delivery.

(2) When any authorised officer, after having effected an examination as provided in subsection (1) of this section, finds any food which appears to him to be intended for human consumption and in relation to which he has reasonable ground for suspecting that any provision of this Act or of any regulations made thereunder has been contravened, he may seize and remove such food.

52. (1) No person, without the written permission of the Sanitary Authority or of an authorised officer, shall remove, alter, tamper or otherwise interfere in any way with any article seized under the provisions of this Act.

Removal, etc., of articles seized.

(2) Any article so seized may, at the option of the said Authority or officer, either be kept or stored at the place or premises where it was seized or be removed to such other place or premises as the said Authority or officer may direct.

53. (1) When any sample of any article is taken in accordance with the provisions of section 50 of this Act, the authorised officer shall take a suitable quantity of such article and shall inform the person having the charge for the time being of such article (in this section referred to as "the seller") that he intends to submit the sample for analysis or examination.

Taking of samples.

(2) When any sample is taken as aforesaid, the quantity so taken shall be divided into three approximately equal parts, one part thereof to be handed over to the seller and the other two parts to be retained by the authorised officer for analysis or examination.

(3) Each part of any sample taken as aforesaid shall —

(a) be sealed in such manner that it cannot be opened without breaking the seal; and

(b) be signed, or bear affixed to it a tag signed, by both the seller and the authorised officer:

Provided that, where in the opinion of the authorised officer, division of the quantity taken is not reasonably practicable or

would interfere with analysis or examination, the said officer shall, notwithstanding the provision of subsection (2) of this section, consider the whole quantity taken as being the sample, shall seal the same in such a manner that it cannot be opened without breaking the seal, and shall have his signature and that of the seller affixed thereon or on a tag securely attached thereto:

Provided further that, if the seller is unable or refuses to sign the sample, or any part thereof, or the tag, as the case may be, the signature thereon of the authorised officer shall be sufficient:

Provided also that, if the seller is unable or refuses to be present during the taking of the sample, the authorised officer may take the sample notwithstanding the absence of such seller and, in that case, the provisions of this section referring to the signature of the seller shall not apply.

(4) Where an authorised officer takes a sample from an automatic vending machine, the provisions of the preceding subsections of this section shall apply as if for the reference to the seller there were substituted a reference to the person whose name appears on the machine as being the owner thereof or person responsible therefor.

(5) Where an authorised officer takes a sample of any imported article before such article is withdrawn by the importer or his agent or representative, the provisions of subsections (1), (2) and (3) of this section shall apply as if for the reference to the seller there were substituted a reference to the importer thereof.

Any person may have food, etc., analysed.

54. Any person, other than an authorised officer, who has purchased any food intended for human consumption or any drug, or any substance capable of being used in the composition or preparation of any such food or drug, may submit a sample thereof to the analyst for analysis or other examination:

Provided that, where such person notifies the seller of the food, drug or substance, as the case may be, of his intention to submit a sample thereof to be analysed or examined, the procedure set out in section 53 for the taking of a sample shall be followed as if the references to the authorised officer were references to the purchaser.

Institution of criminal proceedings.

55. Where there is reasonable cause to believe that any person has contravened any of the provisions of this Act or of any regulations made thereunder, the Police shall, on the report of the Sanitary Authority, institute criminal proceedings against the offender before the competent Court.

Power of Court to appoint experts.

56. (1) Where any proceedings as are referred to in section 55 of this Act are instituted, the Court may direct that any articles seized or any sample taken in accordance with the provisions of this Act be examined by experts appointed by the Court.

(2) If the article seized or the sample taken has to be analysed, the Court shall appoint, for carrying out the analysis, one or more of the analysts attached to the Department of Health:

Provided that —

(a) where the proceedings before the Court are in respect of any article of food for which a standard has been prescribed

under this Act, the analyst or analysts to be appointed by the Court may be one or more of the analysts engaged in the analysis of food at the Department of Industry; and

(b) where the proceedings before the Court are in respect of an offence against any of the provisions under Part IV of this Act or any regulations made under that Part, or include any such offence, the analyst or analysts to be appointed by the Court may be one or more of the analysts engaged in the analysis of milk or milk products at the Milk Marketing Undertaking:

Provided further that, if any one of the said analysts shall have already made such analysis before the proceedings were instituted, the Court shall require him to confirm his report on oath but it may also require such analyst to make further inquiries and it may also appoint other experts to give an opinion based on the result obtained from the analysis so made.

(3) The examination or analysis shall be made on all the articles seized or on only a part thereof as the Court, with the advice, if necessary, of the experts, shall direct.

(4) The person or persons appointed as aforesaid shall make to the Court a report in writing which report shall be confirmed on oath and read out in open Court.

57. (1) Whosoever obstructs in any manner any person in the execution of his duties under this Act or under any regulations made thereunder, or who refuses to give a sample to any Authorised Officer under the provisions of this Act, or otherwise hinders the taking of any such sample by an Authorised Officer, or who fails to give any information which he may be required to give under or for the purposes of the provisions of this Act or of any regulations made thereunder, or who, in giving such information, knowingly makes any false or misleading statement in respect thereof, shall be guilty of an offence against this Act.

Offences and penalties.

(2) Any person who contravenes or fails to comply with any provision of this Act or of any regulations made thereunder shall be guilty of an offence against this Act.

(3) Any person who is found guilty of an offence against this Act shall, on a first conviction, be liable to a fine (*multa*) of not less than fifty pounds and not exceeding two hundred pounds or to imprisonment for a term from one to three months or to both fine and such imprisonment, and, on a second or subsequent conviction, to a fine (*multa*) of not less than one hundred pounds and not exceeding four hundred pounds or to imprisonment for a term from two to six months or to both such fine and such imprisonment:

Provided that, where the offence is, in the opinion of the Court, of a slight nature, the punishment awardable shall be of a fine (*multa*) of from five to ten pounds in the case of a first offence and of from ten to twenty pounds in the case of a second or subsequent offence:

Provided further that, in the case of a continuing offence, the offender shall moreover be liable to a further fine (*multa*) not exceeding five pounds for each day during which the offence continues after conviction:

Provided finally that, where the offender is liable to a heavier punishment under the Criminal Code or under some other law, the provisions of that Code or that other law shall apply.

Abatement of nuisance, etc.

58. (1) Where a person is found guilty of an offence against this Act, the Court shall, where necessary, besides awarding punishment, order the offender to abate any nuisance arising from the offence or, if the circumstances so require, to comply with the law, in either case within such time as shall be fixed by the Court for the purpose, and, in case of non-compliance with any such order, he shall be liable to a further fine (*multa*) not exceeding five pounds for every day of non-compliance after the expiration of the said time fixed as aforesaid.

(2) The Court may also order that the nuisance be abated or the law be otherwise enforced by the Police at the expense of the offender, who, in such case, may be made to refund such expense under a warrant issued by the same Court.

(3) If the offender is absent from Malta or has absconded or is, on account of mental disorder or other physical incapacity, unable to appear in Court and the Sanitary Authority certifies on oath that it is urgently required that the nuisance be abated or that the law be otherwise enforced, the Court shall order the summons to be served on the lawful representative of the offender or on the person having the custody of the offender or on the person having the management of his property or, in default of any known representative or person as aforesaid, on the offender's husband or wife or son or daughter. In any such case, if the nuisance or non-compliance with the law is proved, the Court shall apply the provisions of subsection (2) of this section or, in appropriate cases, the provisions of subsection (1).

(4) Where for any reason service of the summons as provided in subsection (3) of this section cannot be effected or where the offender is not known or it is not known who is the person responsible for the nuisance or non-compliance with the law, the Court shall apply the provisions of subsection (2) of this section on the sole application of the Sanitary Authority confirming on oath the existence of such nuisance or non-compliance and the urgency that the nuisance be abated or the law enforced.

(5) In any of the cases dealt with in subsections (3) and (4) of this section, the Court shall, so far as regards the award of any punishment for the offence, adjourn the proceedings until the offender is fit to stand trial or return to Malta or becomes known and can appear before it.

(6) No time fixed by the Court under subsection (1) of this section may be extended more than once.

Forfeiture of food, etc., and revocation of licences.

59. (1) Where an offence against any of the provisions of this Act or of any regulations made thereunder is proved to have been committed, the Court shall order the forfeiture of the food or drug, as the case may be, to which the offence relates, even though the person charged may have been acquitted by the Court:

Provided that the Court may, in its discretion, and on the demand of the person convicted of any such offence, permit such

person to use such food for some industrial purpose, or, in case it had been imported, to re-export it, after the said food has been so dealt with as the Court shall have directed in order to prevent it from being used for human consumption:

Provided further that, before granting the said permission, the Court shall hear on oath the Sanitary Authority and shall direct a stay of the order for the forfeiture of the said food until the expiration of the time fixed by the Court for the food in question to be re-exported or dealt with as aforesaid under the direction of the said Authority.

(2) Saving the provisions of subsection (3) of section 21 of this Act, where any person is convicted of an offence against any of the provisions of this Act or of any regulations made thereunder, the Court so convicting him shall, at the request of the Superintendent of Public Health, suspend for a period from one month to six months as the Court may deem proper any licences in the name of such person.

60. When the person guilty of an offence against any of the provisions of this Act or of any regulations made thereunder is a company or an association or other body of persons, every person who, at the time of commission of the offence, was a director, manager, secretary or other similar officer of such company, association or other body of persons or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

Offences by a company, etc.

61. (1) Where a person has been found guilty of an offence against any of the provisions of this Act or of any regulations made thereunder, the Court may, besides sentencing the offender to the punishment applicable according to law, order him to pay the fees, or part thereof, due to the person or persons who shall have made the examination or the analysis, as the case may be, under the provisions of section 56 of this Act.

Payment of fees for analysis, etc., and compensation for damages to articles.

(2) Where a person is charged with an offence against any of the provisions of this Act or of any regulations made thereunder but is found not guilty of such offence, the Court may, if it deems fit according to the circumstances of the case, order the Government, as represented by the Department of Health, to pay such person an amount fixed by the Court as compensation for any damage caused in the articles seized or in any part thereof, by the examination or analysis referred to in subsection (1) of this section.

62. A person charged with an offence against any of the provisions of this Act or of any regulations made thereunder shall, upon information given by him to the Court on the day appointed for the trial of the case and before the hearing commences, be entitled to have any person, to whose act or default he alleges that the contravention of the provisions in question was due, brought before the Court in the proceedings; and if, after the commission of the offence has been proved, the original defendant proves to the

Charging by defendant for another person as actual offender.

satisfaction of the Court that the said other person had committed the offence without his knowledge, consent or connivance, the said other person shall be convicted of the offence and the original defendant shall be acquitted, saving the provisions of section 59 of this Act.

When warranty  
may be pleaded  
as defence.

63. (1) Subject to the provisions of this section, in any proceedings for an offence under this Act or any regulations made thereunder, being an offence consisting of selling, or offering, exposing or advertising for sale, or having in his possession for the purpose of sale, any article or substance, it shall be a defence for the defendant to prove —

(a) that he purchased it as being an article or substance which could lawfully be sold or otherwise dealt with as aforesaid, or, as the case may be, could lawfully be so sold or dealt with under the name or description or for the purpose under or for which he sold or dealt with it, and with a written warranty to that effect;

(b) that he had no reason to believe, at the time of the commission of the alleged offence, that it was otherwise; and

(c) that it was, at the time of the commission of the alleged offence, in the same state as when he purchased it.

(2) No warranty given by a person resident outside Malta shall be a defence in any proceedings as aforesaid unless the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained in such warranty.

(3) Where the defendant in any such proceedings is an employee or an agent of the person who purchased the article or substance under a warranty, he shall be entitled to rely on the provisions of this section in the same way as his employer or principal would have been entitled to do if he had been the defendant.

(4) Where the defendant in any such proceedings has been acquitted under the foregoing provisions of this section, new proceedings may be taken against the person by whom the warranty relied on by the defendant in the original proceedings is alleged to have been given.

(5) For the purposes of this and the next following section, a name or description entered in an invoice shall be deemed to be a written warranty that the article or substance to which the entry refers can be sold or otherwise dealt with under that name or description.

Offences in  
relation to  
warranties  
given.

64. (1) A defendant who, in any proceedings under this Act, wilfully applies to any article or substance a warranty given in relation to any other article or substance shall be guilty of an offence against this Act.

(2) A person who, in respect of any article or substance sold by him, being an article or substance in respect of which a warranty might be pleaded under the provisions of section 63 of this

Act, gives to the purchaser a false warranty in writing, shall be guilty of an offence against this Act, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate or that he gave such warranty more than a year before proceedings were taken against him.

65. (1) Where the proceedings are instituted by the Police, any Medical Officer of Health, Government Veterinary Surgeon or health inspector, deputed by the Superintendent of Public Health, may lay the charge before the Court, produce evidence and plead the case instead of the Police.

Prosecuting officer.

(2) The sworn statement by any of the officers mentioned in subsection (1) of this section to the effect that he has been deputed by the Superintendent of Public Health for the purpose therein mentioned shall be conclusive evidence of the fact should the proof thereof be required by the accused.

66. (1) Any of the officers mentioned in subsection (1) of section 65 of this Act may be called as a witness at the request of the accused.

Evidence of prosecuting officer.

(2) Where, however, the evidence of such officer is required by the Police, the said officer shall be heard before he assumes the duties of prosecuting officer, unless the necessity of his evidence arises at a later stage of the proceedings.

67. Any damages due in respect of any offence against this Act shall be recoverable by the injured party as a civil debt.

Recovery of damages by injured party.

68. Where any food or any drug has been seized under the provisions of this Act, and the owner thereof consents in writing to the destruction of such food or drug, the Superintendent of Public Health may direct that the said food or drug be destroyed, without prejudice to the taking of any proceedings against the person responsible for the offence.

Destruction with consent.

69. (1) Any licence issued under the provisions of this Act or of any regulations made thereunder shall lapse on the 31st day of December of the year of its issue or renewal.

Licences.

(2) No licence issued under any provision of this Act or of any regulations made thereunder shall be deemed to exempt from the requirement of any other licence or permit imposed by any other provision of this Act or by any regulations or other law in force for the time being.

70. Any offence against the provisions of this Act or of any regulations made thereunder shall, for the purposes of the Criminal Code, be deemed to be contraventions, even though the punishment prescribed for the particular offence be heavier than those laid down in the said Code for contraventions.

Offences deemed to be contraventions.

Cap. 12.

71. (1) The Minister may, by order, repeal the Food, Drugs and Drinking Water Ordinance:

Repeal of Cap. 54 and Saving.

Provided that any such order may refer either to the whole Ordinance or to such of its provisions as may be referred to in any such order:

Provided further that any such repeal shall be without prejudice to the validity of anything lawfully done or omitted to be done thereunder or to any proceedings taken or to be taken under the provision or provisions so repealed.

(2) Any regulations or orders made, or any licence granted, under the provisions of the Food, Drugs and Drinking Water Ordinance prior to the repeal of the empowering provision shall, in so far as they are not inconsistent with the provisions of this Act, or of any regulations made thereunder, continue in force and have effect as if they had been made or granted under the relative provision of this Act.

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### Objects and Reasons

The object of this Bill is the enactment of a new law, drafted on the basis of modern requirements, dealing with the production, importation and sale of food and drugs.

According to its provisions, the Minister of Health is empowered to make subsidiary legislation on the advice of either the Council of Health or the Food Standards Board.

The Food Standards Board, which is to be constituted when the new Bill becomes law, will be composed of representatives of the Department of Health and representatives of the Department of Industry, under the chairmanship of the Superintendent of Public Health. The function of this Board is to advise the Minister of Health on matters relating to minimum food standards.