



## REPUBLIC OF VANUATU

### FOOD (CONTROL) (AMENDMENT) ACT NO. 27 OF 2009

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# REPUBLIC OF VANUATU

**Assent:** 19/10/2009

**Commencement:** 09/11/2009

## **FOOD (CONTROL) (AMENDMENT) ACT NO. 27 OF 2009**

An Act to amend the Food (Control) Act [CAP 228].

Be it enacted by the President and Parliament as follows-

### **1 Amendment**

The Food (Control) Act [CAP 228] is amended as set out in the Schedule.

### **2 Commencement**

This Act commences on the day on which it is published in the Gazette.

## **SCHEDULE**

### **AMENDMENTS OF THE FOOD (CONTROL) ACT [CAP 228]**

#### **1 Subsection 1(1)**

Insert in its correct alphabetical position,

“ “Director” means the Director of the Department of Public Health;”

#### **2 Sections 5, 7, 8, 12, 46 and 52**

Delete “Chief Food Authority” (wherever occurring in these sections), substitute “Director”

#### **3 After Part 3**

Insert

### **“PART 3A – FOOD FORTIFICATION**

#### **11A Definition**

For the purpose of this part:

“food fortification” means the addition of micronutrients to food in order to improve the nutritional status of that food.

#### **11B Food fortification standards**

(1) The Minister of Health may from time to time by Order issue standards in respect of the fortification of any food:

(a) manufactured or prepared for sale or sold in Vanuatu; or

(b) imported into Vanuatu.

(2) Without limiting the generality of subsection (1), standards may be issued under that subsection for the purposes of, or in relation to any or all of the following:

(a) the composition of food;

- (b) the production, manufacture, and preparation of food;
- (c) the storage of food;
- (d) the labelling of food;
- (e) the promotion and advertising of food;
- (f) the sampling and testing of food to determine its composition or safety.

**11C Preconditions for issuing standards for food fortification**

- (1) When issuing any food fortification standard under subsection 11B(1), the Minister must take into account the following:
  - (a) the impact of the measure on the health status of the population of Vanuatu;
  - (b) any Pacific regional standards for food fortification;
  - (c) Vanuatu's obligations under any relevant international treaty, agreement, convention or protocol;
  - (d) such other matters as the Minister considers necessary or appropriate."

**4 After section 39**

Insert

**“39A Penalty notices**

- (1) An authorized officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under any provision of this Act or the regulations.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay within a time and to a person specified in the notice the amount of penalty

prescribed by the regulations for the offence if dealt with under this section.

- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.
- (6) The regulations may:
  - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and
  - (b) prescribe the amount of penalty payable for the offence if dealt with under this section; and
  - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.”

**5 Paragraph 53(2)(m)**

Delete “.”, substitute “;”

**6 After paragraph 53(2)(m)**

Insert

SCHEDULE  
AMENDMENTS OF THE FOOD (CONTROL)  
ACT [CAP 228]

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- “(n) the fees or other charges to be payable with respect to any matter done under this Act.”