

**THE MEAT AND MEAT PRODUCTS AND MEAT
BY-PRODUCTS (INSPECTION AND EXPORT) ACT**

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THE MEAT AND MEAT PRODUCTS AND MEAT
BY-PRODUCTS (INSPECTION AND EXPORT) ACT

Act
5 of 1999.

[12th March, 1999.]

Preliminary

1. This Act may be cited as the Meat and Meat Products and Meat By-products (Inspection and Export) Act. Short title.

2. In this Act—

Interpreta-
tion.

“Board” means the Licensing Board established under section 7;

“broker” means—

(a) any person who engages in the business of—

(i) buying, selling, storing or transporting for export; or

(ii) exporting or importing for re-export, any livestock, offal, meat, meat products or meat by-products; and

(b) any operator who carries out, at premises other than a processing plant, any of the activities specified in paragraph (a);

“broker house” means the place where a broker carries on the business of buying, selling or storing for export or exporting livestock, carcass, offal, meat, meat product or meat by-product;

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- “carcass” means the body of any slaughtered livestock which has been bled and dressed;
- “certificate of registration” means a certificate issued under section 12(3);
- “Director” means the person who, being a Veterinary Surgeon registered under the Veterinary Act, is for the time being the Director, Veterinary Services;
- “Inspector” means an Inspector designated as such under section 4;
- “livestock” includes cattle, sheep, swine, goat, horse, other than horse used in any sporting activity, other equine and poultry;
- “meat” means that part of the muscle of livestock which is skeletal or which is found in the tongue, diaphragm, heart, gizzard or oesophagus with or without the accompanying and overlying fat and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from the muscle tissue in the process of dressing; but does not mean muscle which is found in hips, snout or ears;
- “meat by-product” means any part of the body, other than meat, of any slaughtered livestock which is capable of being used for human consumption;
- “meat product” means any product for human consumption which is prepared in whole or in part from meat;
- “offal” means those parts of the body of any slaughtered livestock which are removed for the purpose of dressing a carcass;

“operator” means a person who engages in the business of operating a processing plant;

“poultry” means chicken, turkey, duck, guinea-fowl, goose or any other domesticated bird;

“processing plant” means a place where—

- (a) livestock is slaughtered;
- (b) carcass, offal or meat is dressed, cut, deboned, canned, cured, packed, salted, smoked, ground, emulsified, rendered or otherwise treated;
- (c) any meat product is prepared, processed, canned or packed;
- (d) any meat by-product is prepared for human consumption.

3. This Act shall apply to the inspection and certification of any carcass, offal, meat, meat product or meat by-product for export. Application of Act.

Inspectors

4. The Minister may from time to time designate as Inspectors for the purposes of this Act, public officers, or other persons, who by training and experience are, in his opinion, qualified to be so designated. Designation of Inspectors.

5.—(1) An Inspector shall have the power— Powers, duties and functions of Inspectors.

- (a) to enter a processing plant or broker house, at any time for the purpose of—
 - (i) inspecting that processing plant or broker house;
 - (ii) examining any livestock, carcass, offal, meat, meat product or meat by-product;
 - (iii) certifying for export any carcass, offal, meat, meat product or meat by-product;

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- (iv) taking samples from any livestock, carcass, offal, meat, meat product or meat by-product;
- (v) taking samples from any article or place within the processing plant or broker house in order to determine whether proper sanitary conditions are being maintained in the processing plant or broker house;
- (b) to inspect any enclosure, container, vehicle, aircraft or vessel which is used or intended to be used for the storage or transportation of livestock, carcass, offal, meat, meat product or meat by-product;
- (c) to open and examine any enclosure, container, vehicle or other storage device which is at a processing plant or broker house and which he reasonably believes contains any livestock, carcass, offal, meat, meat product or meat by-product;
- (d) to tag, label, mark or brand any livestock, carcass, offal, meat, meat product or meat by-product;
- (e) to give directives to the owner or person in charge of any enclosure or container, or the owner or person in charge of a vehicle, aircraft or vessel used in the transportation of livestock, carcass, offal, meat, meat product or meat by-product for the better carrying into effect of this Act;
- (f) to examine and, if he thinks necessary, make copies of or extracts from any records and documents in relation to any livestock, carcass, offal, meat, meat product or meat by-product which an operator or broker is required to keep pursuant to this Act;

- (g) to determine the suitability of—
 - (i) any processing plant for the processing of offal, meat, meat product or meat by-product or any broker house for the carrying on of the business of a broker; or
 - (ii) any equipment, material or other item used or found in any processing plant or broker house;
- (h) to label and tag any equipment which is not in use or which should not be in use.
- (2) It shall be the duty of an Inspector—
 - (a) to condemn and detain any livestock, carcass, offal, meat, meat product or meat by-product or any other article which is at a processing plant or broker house if he reasonably believes that there is a contravention of any provision of this Act or regulations made hereunder;
 - (b) to seize, destroy or otherwise dispose of any livestock, carcass, offal, meat, meat product, meat by-product or other article which is condemned pursuant to paragraph (a);
 - (c) to prohibit—
 - (i) the slaughter for export in a processing plant of any livestock which is unfit for human consumption;
 - (ii) the storage or sale for export in a processing plant or broker house of any livestock which is sick or diseased or any carcass, offal, meat, meat product or meat by-product which is contaminated, adulterated or unfit for human consumption;

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- (iii) the transportation for export of any livestock which is sick or diseased or any carcass, offal, meat, meat product or meat by-product which is contaminated, adulterated or unfit for human consumption;
- (iv) the slaughter for export in a processing plant of any livestock where the conditions in the processing plant are unsafe and unhygienic;
- (v) the storage for export in a processing plant, broker house, enclosure, container or other storage device of any livestock, carcass, offal, meat, meat product or meat by-product where the conditions in such processing plant, broker house, enclosure, container or other storage device are unhygienic;
- (vi) the sale for export in a processing plant or broker house of any livestock, carcass, offal, meat, meat product or meat by-product where such processing plant or broker house is unhygienic;
- (vii) the transportation for export in any container, vehicle, aircraft or vessel of any livestock, carcass, offal, meat, meat product or meat by-product where such container, vehicle, aircraft or vessel is unsafe or unhygienic.

(3) The functions of an Inspector are—

- (a) to keep records in respect of each processing plant or broker house that he inspects;
- (b) to report to the Director at such times as the Director may determine; and

(c) to report to the Director any contravention of this Act or regulations made hereunder.

(4) An Inspector shall exercise such other powers and perform such other duties and functions as may be prescribed by regulations or authorized by the Director for the better carrying into effect of this Act.

6. The Director shall issue to each Inspector an identification card and the Inspector shall, on entering, for the purposes of this Act, any processing plant, enclosure, container, vehicle, aircraft, vessel or any broker house, produce the identification card on request to the operator or other person in charge thereof.

Inspectors
to have
identifica-
tion.

Licence to Export

7. There shall be constituted a Licensing Board and the provisions of the Schedule shall have effect as to the constitution of the Licensing Board and otherwise in relation thereto.

Constitu-
tion of
Licensing
Board.
Schedule.

8.—(1) Every person who is an operator or who proposes to operate a processing plant and who is desirous of exporting any livestock, carcass, offal, meat, meat product or meat by-product processed or otherwise dealt with at that plant shall apply to the Board in the prescribed form for a licence so to do.

Application
for export
licence.

(2) An application under subsection (1) shall be accompanied by the prescribed fee and such documents or information as may be prescribed.

[The inclusion of this page is authorized by L.N. 3/2001]

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Inspection
of process-
ing plant.

9.—(1) Where an application is received under subsection (1) of section 8, the Board shall cause an Inspector to carry out an inspection of the processing plant.

(2) Where upon an inspection carried out under subsection (1) the Inspector—

- (a) is satisfied that the requirements specified in this Act or regulations made hereunder have been met he shall, in the prescribed form, certify accordingly to the Board; or
- (b) is not satisfied he shall, in the prescribed form, certify accordingly to the Board stating in detail the requirements which have not been met.

(3) The Board—

- (a) may, upon receipt of a certificate under subsection (2) (a) grant a licence, subject to such terms and conditions as it thinks fit, to the applicant authorizing him to export livestock, carcass, offal, meat, meat product or meat by-product processed or otherwise dealt with at the processing plant specified in the licence;
- (b) shall, upon receipt of a certificate under subsection (2) (b), inform the applicant in writing that the application is refused stating the reasons therefor.

(4) A licence granted under subsection (3) shall state the period of the licence and the terms and conditions under which the licence is granted.

Applicant
may make
application
after
licence
refused.

10.—(1) Where a licence has been refused under section 9(3)(b) the applicant may, after taking such measures as may be necessary to satisfy the requirements in respect of

which the licence was refused, apply in the appropriate form to the Board; and the provisions of section 9 shall apply accordingly.

(2) An application under subsection (1) shall be accompanied by the prescribed fee.

11.—(1) A licence granted under section 9 (3) (a) may be suspended by the Board for any breach of this Act or regulations hereunder or of any term or condition of the licence.

Licence
may be
suspended
or revoked.

(2) Before suspending a licence under subsection (1), the Board shall cause to be served on the operator concerned, a notice in writing stating—

- (a) its intention to suspend the licence;
- (b) that the operator is required to remedy the breach within the period specified in the notice; and
- (c) that the licence will be suspended if the operator fails to comply with that requirement.

(3) A licence granted under section 9 (3) (a) may be revoked by the Board—

- (a) if the operator is found responsible for the possessing, distribution or sale of contaminated or adulterated offal, meat, meat product or meat by-product for human consumption;
- (b) for a breach of this Act or regulations made hereunder or of a term or condition of the licence;
- (c) if the licence has been suspended on three occasions.

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(4) Where a licence is suspended under subsection (1) or revoked under subsection (2), the Board shall cause the operator of the processing plant to be informed in writing of the suspension or revocation, as the case may be, and the reasons for such suspension or revocation.

(5) Where a licence is suspended under subsection (1) the operator, after remedying the breach which gave rise to the suspension, shall so inform the Board which shall cause an inspection to be carried out and, if on inspection the breach is found to have been remedied, the Inspector who carried out the inspection shall so inform the Board and the Board shall thereupon withdraw the suspension.

Registration of Brokers

Every
broker
to be
registered.

12.—(1) Every person who is desirous of carrying on the business of a broker under this Act shall apply in the prescribed form to the Board to be registered as a broker under this Act.

(2) Upon receipt of an application under subsection (1) the Board shall cause to be carried out an inspection of any premises, container, storage facility or motor vehicle which the applicant uses or intends to use in his business as a broker under this Act.

(3) The Board may issue to any person who satisfies the requirements for the carrying on of the business of a broker under this Act a certificate of registration as a broker on such terms and conditions as it thinks fit.

(4) An application under subsection (1) shall be accompanied by the prescribed fee.

13.—(1) A certificate of registration may be suspended by the Board for any breach of this Act or regulations hereunder relating to brokers or of any term or condition of the certificate of registration.

Certificate of registration may be suspended or cancelled.

(2) Before suspending a certificate under subsection (1), the Board shall cause to be served on the broker concerned, a notice in writing stating—

- (a) its intention to suspend the certificate;
- (b) that the broker is required to remedy the breach within the period specified in the notice;
- (c) that the licence will be suspended if the broker fails to comply with that requirement.

(3) A certificate of registration may be cancelled by the Board—

- (a) if the broker knowingly buys, sells, stores, transports for export or exports or imports for re-export any contaminated or adulterated offal, meat, meat product or meat by-product for human consumption;
- (b) for a breach of this Act or regulations made hereunder or of a term and condition of the certificate of registration;
- (c) if the certificate of registration has been suspended on three occasions.

(4) Where a certificate of registration is suspended under subsection (1) or cancelled under subsection (2), the Board shall cause the broker to be informed in writing of the suspension or cancellation, as the case may be, stating the reasons for such suspension or cancellation.

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(5) Where a certificate of registration is suspended under subsection (1) the broker, after remedying the breach that gave rise to the suspension, shall so inform the Board which shall cause an inspection to be carried out.

(6) If on inspection the breach is found to have been remedied, the Inspector who carried out the inspection shall so inform the Board which shall thereupon withdraw the suspension.

Appeals

Appeals.

14.—(1) Where any person is aggrieved—

- (a) by the refusal of his application for an operator's licence or his application to be registered as a broker; or
- (b) by the suspension or revocation of his operator's licence; or
- (c) by the suspension or cancellation of his certificate of registration,

he may, after giving notice to the Board of his intention so to do, appeal to the Minister within the prescribed time and in the prescribed manner and on payment of the prescribed fee.

(2) Notice in writing of the appeal shall also be served on any Inspector who carried out an inspection under section 9 or under subsection (2) of section 12 relevant to the appeal.

(3) Where, upon any such appeal, and after taking into account any report by the Director or the Inspector referred to in subsection (2), the Minister is satisfied that the

refusal, suspension, revocation or cancellation, as the case may be—

(a) is justified, the Minister shall confirm the refusal, suspension, revocation or cancellation; or

(b) is not justified, the Minister may—

(i) rescind the refusal, suspension, revocation or cancellation and may order that a licence or certificate of registration be restored or, as the case may be, granted;

(ii) make such other order as he thinks fit.

(4) The decision of the Minister and any order made by him shall be final.

General

15.—(1) Where a licence is granted under section 9 the Board shall cause an identifying number to be assigned to the processing plant in respect of which the licence is granted.

Processing
plant to be
assigned
number.

(2) The number assigned under subsection (1) shall not be assignable to any other processing plant and shall be affixed to or stamped on any carcass, offal or meat, or stamped on any wrapper or package containing any meat product or meat by-product by an Inspector after the Inspector has examined such carcass, offal, meat, meat product or meat by-product and found it to be in good condition and fit for human consumption.

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Records
and
returns.

16.—(1) Every broker and operator shall—

- (a) keep such books, records and accounts as may be prescribed in relation to the operation of a processing plant or broker house under this Act;
- (b) permit any authorized person, during business hours, to inspect any processing plant, or broker house in which such books, records or accounts are kept and to inspect and make copies of entries in such books, records or accounts;
- (c) if required by the Minister or any authorized person, produce, at such time and place as the Minister or the authorized person may specify, any books, records, accounts or other documents relating to the operations of the processing plant or the business of a broker under this Act, as the case may be;
- (d) at such times and to such persons as the Minister or any authorized person may specify, make such returns as may be prescribed and give such other information relating to the operations of the processing plant or the business of a broker under this Act, as the case may be, as the Minister or the authorized person may require.

(2) In subsection (1) “authorized person” means the Director, an Inspector or any other person authorized by the Minister to perform functions pursuant to this Act.

Offences.

17.—(1) Every person who is an operator and who exports any livestock, carcass, offal, meat, meat product or meat by-product without having a licence under this Act, commits an offence and is liable on summary conviction in

a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, and where the offence is continued after conviction the person commits a further offence and is liable on conviction as aforesaid to a further fine of two thousand dollars per day for each day on which the offence is so continued.

(2) Any person who carries on the business of a broker under this Act without being registered, commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, and where the offence is continued after conviction he commits a further offence and is liable on conviction as aforesaid to a further fine of two thousand dollars for each day on which the offence is so continued.

(3) Any person who exports any livestock, carcass, offal, meat, meat product or meat by-product without complying with the provisions of section 15(2) commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

- (4) Any operator or broker who—
- (a) fails to keep proper books, records and accounts;
 - (b) hinders, obstructs or resists any authorized person in the lawful carrying out of any duty under paragraph (b) of section 16; or
 - (c) fails without just reason—

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- (i) to produce any books, records, accounts or other documents under paragraph (c) of section 16; or
- (ii) to make any returns or give any information required under paragraph (d) of section 16,

commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(5) Any person who assaults, hinders or obstructs an Inspector in the lawful carrying out of his duties under this Act commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(6) Any person who aids and abets any person to assault, hinder or obstruct an Inspector in the lawful carrying out of his duties under this Act commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(7) Any—

- (a) operator who operates a processing plant in any period during which his licence is suspended; or
- (b) broker who carries on the business of a broker in any period during which his registration is suspended,

commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(8) Any Inspector who with intent to gain benefit for himself or another—

- (a) fails to condemn and detain any livestock, carcass, offal, meat, meat product or meat by-product or other article in circumstances referred to in section 5 (2) (a); or
- (b) fails to seize, destroy or otherwise dispose of any livestock, carcass, offal, meat, meat product, meat by-product or any other article pursuant to section 5 (2) (a); or
- (c) fails to prohibit any matter specified in section 5 (2) (c),

commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(9) An Inspector who—

- (a) falsifies any record;
- (b) makes a report to the Director knowing the report to be false in any material particular,

commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding five

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hundred thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Regulations.

18.—(1) The Minister may make regulations for giving effect to this Act and, without prejudice to the generality of the foregoing, may make regulations with respect to—

- (a) the inspection of a processing plant or broker house;
- (b) procedures with regard to sanitation and hygiene;
- (c) facilities to be provided by an operator in any processing plant or by a broker in any broker house;
- (d) the handling of any material or product in a processing plant or broker house;
- (e) the use of chemicals or chemical compounds at any processing plant or broker house;
- (f) identifying marks for meat and containers;
- (g) handling and disposal of condemned products or other products unfit for human consumption at a processing plant or broker house;
- (h) the rendering of carcasses and other parts passed for cooking;
- (i) labelling of offal, meat, meat products and meat by-products;
- (j) the entry of goods into a processing plant or broker house;

- (k) operating procedures;
- (l) inspections, reinspections and certifications;
- (m) the keeping and inspection of records, reports and accounts;
- (n) licensing of processing plants;
- (o) registration of broker houses;
- (p) certificates to accompany shipments of offal, meat, meat product and meat by-product;
- (q) the establishment of different grades for Inspectors and their respective powers and duties;
- (r) fees to be charged for the time an Inspector spends in a processing plant or broker house;
- (s) anything required by this Act to be prescribed.

(2) Notwithstanding section 29 of the Interpretation Act, regulations made under subsection (1) may provide that on summary conviction in a Resident Magistrate's Court the offender shall be liable to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

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SCHEDULE

(Section 7)

Constitution and procedure of the Board

**Appoint-
ment of
members.**

1.—(1) The Board shall consist of the Director, Veterinary Services, the Chief Medical Officer or his nominee and the Director of Standards or his nominee.

(2) The Director, Veterinary Services, shall be the chairman of the Board.

**Acting
appoint-
ments.**

2. The Minister may appoint a person who is a Veterinary Surgeon registered under the Veterinary Act and who is employed to the Veterinary Services Division to act temporarily in the place of the chairman in the case of the chairman's absence or inability to act.

**Gazetting
of appoint-
ments.**

3. The names of all members of the Board as first constituted and every change in the membership thereof shall be notified in the *Gazette*.

**Remunera-
tion of
members.**

4. There shall be paid to the chairman and other members such remuneration (whether by way of honorarium, salary, or fees) and such allowances as the Minister may determine.

Voting.

5. The decision of the Board shall be by a majority of votes of the members, and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.

**Procedure
and meet-
ings.**

6.—(1) The Board shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) Minutes shall be kept in proper form of each meeting of the Board.

(3) Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

**Disclosure
of interest.**

7. Any member who is directly or indirectly interested in any matter which is being dealt with by the Board—

- (a) shall disclose the nature of his interest at a meeting of the Board; and
- (b) shall not be present at any meeting of the Board when the matter in which he has an interest is being deliberated unless, by unanimous decision of remaining members of the Board, he is requested to be so present; and
- (c) shall not take part in any deliberation or decision of the Board with respect to that matter when he is requested under subparagraph (b) to be present at such deliberation.