

No. 9 – 2019

I assent,

[L.S.]

Sgd. P. L. Allen

Governor-General.

30th day of August 2019

AN ACT to Amend the Food Storage and Prevention of Infestation Act; and for connected matters.

[The date notified by the Minister bringing the Act into operation]

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

1.—(1) This Act may be cited as the Food Storage and Prevention of Infestation (Amendment) Act, 2019, and shall be read and construed as one with the Food Storage and Prevention of Infestation Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title, construction and commencement.

(2) This Act shall come into operation on a day appointed by the Minister by notice published in the *Gazette*.

Amendment
of section 2
of principal
Act.

2. Section 2 of the principal Act is amended—

(a) in the definition of “article to which this Act applies” by inserting immediately after the word “storing” the word “, transporting”;

(b) by inserting immediately before the definition of “container” the following definition—

““Chief Food Storage Officer” means the person for the time being in charge of the operations of the Division;”;

(c) by inserting next after the definition of “container”, the following definitions—

“ “contamination” means any unsanitary condition including the presence of bacteria, pesticide residues, mycotoxins, bacterial toxins, pathogenic micro-organisms or any biological, physical or chemical hazard in numbers or under conditions which involve an immediate or potential risk to the health of consuming individuals;

“device” includes any readable electronic item;

“Division” means the entity responsible for the food storage and prevention of infestation in the Ministry responsible for the administration of this Act;

“document” means, in addition to a document in writing, any thing or manner in which information of any description is recorded or stored;”;

(d) by deleting the definitions of “food” and “infestation” and inserting, next after the definition of “document” the following definitions—

“ “equipment” includes sampling equipment and pesticide application equipment;

“food” means any substance ingested by man or animal to provide for their biological needs, including any substance used in the composition of feeds, or the preparation of food or animal feed, but does not include crops before they are harvested;

“infestation” means the presence of fungi, insects, arachnids, rodents or other animals in numbers, as determined by the inspector or under conditions, which involve an immediate or potential risk of loss or damage to or contamination of food, and including all other pests so identified as being capable of causing infestation;”;

- (e) by deleting the definition of “place” and substituting therefor the following—

““place” includes any premises or building;”.

3. Section 4 of the principal Act is amended—

Amendment
of section 4
of principal
Act.

- (a) in subsection (1), by—
- (i) inserting in paragraph (a) immediately after the words “any place” the words “(wherever situated)”;
 - (ii) inserting in paragraph (b) immediately after the word “applies”, the words “and may charge and recover from the owner or person in possession of the article the expenses reasonably incurred in opening and examining such container”;
 - (iii) inserting in paragraph (c) immediately after the word “food” the words “(wherever situated)”;
 - (iv) inserting in paragraph (d) immediately before the word “article” the words, “defective equipment, or any device or document or”;

- (v) deleting from paragraph (e) the word “article” and substituting therefor the words, “equipment, device or article found to be in a dangerous state or injurious to the health of human beings, animals or plants, which has been”;
- (vi) inserting in paragraph (f) immediately after the word “infested” the words, “or contaminated”;
- (vii) deleting from paragraph (g) the words “liable to infestation” and substituting therefor the words “, contaminated or liable to such infestation or contamination”;
- (viii) inserting in paragraph (h) immediately after the word “infestation”, wherever it appears, the words, “or contamination”;
- (ix) deleting the full stop appearing at the end of paragraph (i), substituting therefor a semicolon, and inserting next after paragraph (i) the following as paragraph (j)—
 - “ (j) prohibit any place, which is found to be infested or contaminated, from being used to sell, store, manufacture or transport food.”;

(b) by inserting next after subsection (2), the following as subsection (2A)—

“ (2A) Subject to subsection (3), an inspector may charge and recover from the owner or person who has responsibility for an article referred to in subsection (2), the amount of any expenses reasonably incurred in connection with the seizure or removal of such article.”.

Amendment
of section 5
of principal
Act.

4. Section 5 of the principal Act is amended in subsection (1), by deleting the words “are rodents, insects, mites or fungi in numbers or under conditions which involve an immediate or potential risk that infestation” and substituting therefor the words “is an immediate or potential risk that infestation or contamination”.

5. Section 6 of the principal Act is amended in subsection (1)(b) by deleting the words “liable to infestation” and substituting therefor the words “contaminated or liable to such infestation or contamination”.

Amendment
of section 6
of principal
Act.

6. Section 7 of the principal Act is amended by—

Amendment
of section 7
of principal
Act.

(a) renumbering the section as section 7(1);

(b) deleting from subsection (1) as renumbered—

(i) the words “if it comes to his knowledge that any infestation” and substituting therefor “and the Chief Storage Officer if it comes to the person’s knowledge that any infestation or contamination”;

(ii) from paragraph (b), the word “premises” wherever it appears, and substituting therefor in each case the word “place”; and

(c) inserting next after subsection (1) as renumbered, the following—

“ (2) Any person who fails to issue a notice for the circumstances described under subsection (1), commits an offence and shall be liable on conviction, before a Judge of a Parish Court, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year.”.

7. Section 8 of the principal Act is amended in—

Amendment
of section 8
of principal
Act.

(a) paragraph (a), by inserting immediately after the word “infestation” the words “or contamination”;

(b) paragraph (f), by inserting immediately after the word “infestation” the words “or contamination”;

(c) paragraph (g), by inserting immediately after the word “infestation” the words “or contamination”.

“ Repeal and
replacement
of section 9
of principal
Act.

8. The principal Act is amended by deleting section 9 and substituting therefor the following—

“Offences.

9.—(1) Subject to the provisions of section 10, any person who contravenes any of the provisions under this Act, or any regulations made or directions given thereunder for which no specific penalty is provided—

(a) shall be liable upon summary conviction before a Judge of a Parish Court—

(i) in the case of a first offence without damage, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years;

(ii) where damage is caused due to the commission of an offence, to a fine not exceeding four million dollars or to imprisonment for a term not exceeding four years;

(iii) in the case of a second or subsequent offence committed regardless of whether or not damage is caused, to a fine not exceeding five million dollars or to imprisonment for a term not exceeding five years;

(b) shall be liable, on conviction on indictment, before a Circuit Court to—

- (i) in the case of a first offence without damage, to a fine or to imprisonment for a term not exceeding seven years;
- (ii) if damage is caused due to the commission of an offence, to a fine or to imprisonment for a term not exceeding ten years;
- (iii) in the case of a second or subsequent offence committed regardless of whether or not damage is caused, to a fine or to imprisonment for a term not exceeding fifteen years.

(2) Any person—

- (a) who assaults or obstructs any officer appointed under this Act, acting in the execution of such officer's duties; or
- (b) who removes from any container any seal affixed by an officer under this Act,

commits an offence and is liable, on summary conviction, before a Judge of a Parish Court, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years.

(3) An officer who purposefully fails to discharge his functions under this Act, commits an offence and shall be liable, on conviction before a Judge of a Parish Court, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years.

(4) In any proceedings for an offence under this Act the production of a certificate, the proof of the issuance of a direction or other document, in the prescribed form, shall be sufficient evidence of the facts stated therein, unless the contrary is shown.

(5) Any officer appointed under this Act who uses any power afforded to that officer for personal gain, commits an offence, and shall be liable on conviction, before a Judge of a Parish Court, to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years.

(6) In this section “damage” means harm or endangerment to a person’s health.”

Insertion of new section 9A in principal Act.

9. The principal Act is amended by inserting next after section 9, the following as section 9A—

“ Minister may amend monetary penalties.

9A. The Minister may by order subject to affirmative resolution amend the monetary penalties prescribed in this Act.”

Amendment of section 10 of principal Act.

10. Section 10 of the principal Act is amended in subsection (2) by deleting the word “inspector” and substituting therefor the words “Chief Food Storage Officer”.

Amendment of the Food Storage and Prevention of Infestation (Amendment) Regulations, 1973.

11.—(1) The provisions of the Food Storage and Prevention of Infestation (Amendment) Regulations, 1973, specified in the first column of the Schedule to this Act are amended in the manner set out in relation thereto in the second column of that Schedule.

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

SCHEDULE (Section 11)

Amendment of Food Storage and Prevention
of Infestation Regulations, 1973

Provision	Amendment
Regulation 2	<ol style="list-style-type: none">1. Delete from the definition of “operator” the word “licensed” and substitute therefor the word “certified”;2. Insert next after the definition of “operator” the following definition— “ “pest” includes insects, arachnids, fungi, bacteria, viruses or other micro-organisms, rodents or other animals, which pose an immediate or potential risk of loss, damage or contamination of any article to which the Act applies;”.
New regulation 2A	<p>Insert next after regulation 2 the following—</p> <p>“ PART IA.—<i>Transportation</i></p> <p>2A.—(1) Food shall not be transported with any toxic substance.</p> <p>(2) Prior to use for transportation of food any container previously used for the transportation of a toxic substance, shall be cleaned by a method prescribed by the Chief Food Storage Officer.</p> <p>(3) Any person who fails to comply with the requirements of this regulation commits an offence.”.</p>
New regulation 2B	<p>Insert immediately after the heading in Part II the following as regulation 2B—</p> <p>“ 2B.—(1) Food shall not be stored in a storage area with a toxic substance, unless there is an impermeable partition between the food and the toxic substance.</p> <p>(2) Every container used in the storage of food shall be properly labeled.</p> <p>(3) Any person who fails to comply with the requirements of this regulation commits an offence.”.</p>

Provision	Amendment
Regulation 3	<ol style="list-style-type: none"> 1. In paragraph (1), delete the words “four inches” and substitute therefor the words “ten centimetres”. 2. In paragraph (2), delete— <ol style="list-style-type: none"> (a) from subparagraph (a) the words “two feet” and substitute therefor the words “sixty centimetres”; (b) from subparagraph (b) the words “one foot” and substitute therefor the words “thirty centimetres”; (c) from subparagraph (c) the words “four feet” and substitute therefor the words “1.2 metres”; (d) from subparagraph (d) the words “two feet” and substitute therefor the words “sixty centimetres”. 3. Insert next after paragraph (3) the following— <p style="margin-left: 2em;">“ (3A) Any owner of the business who fails to comply with the requirements of this regulation commits an offence”.</p>
Regulation 4	<ol style="list-style-type: none"> 1. Delete paragraph (1) and substitute therefor the following— <p style="margin-left: 2em;">“ (1) Any building in which food is kept for sale or used for the manufacture or storage of food, shall—</p> <ol style="list-style-type: none"> (a) be of sound construction; (b) be maintained in sound condition; (c) be, in the case of— <ol style="list-style-type: none"> (i) fabrication of the walls (other than partition walls), weather proof; and (ii) the floors, impermeable; and (d) in the case of all interior wall surfaces and floors be— <ol style="list-style-type: none"> (i) finished so as to provide a reasonably smooth surface;

Provision	Amendment
	(ii) maintained in good condition;
	(iii) free from open cracks, crevices, holes or any other conditions of disrepair, whether similar to the foregoing or not, such as might induce pests to harbor therein;
	(e) in the case of walls and other partitions, be painted from floor to ceiling in white or any other colour approved by the Chief Food Storage Officer;
	(f) as respects any opening for ventilation, be covered on the inside with mesh wire having no more than twenty openings for every twenty-five millimetres.”.
	2. In subsection (4), delete the words “quarter inch” and substitute therefor the words “six millimetres”.
	3. Insert next after paragraph (4) the following—
	“ (5) Any owner of the business who fails to comply with the requirements of this regulation commits an offence.”.
New regulation 5A	Insert immediately after the heading with respect to Part IV, the following as regulation 5A—
	“ 5A.—(1) Any person who intends to conduct disinfection operations in or around any article to which this Act applies, shall be certified by the Chief Food Storage Officer.
	(2) Any person who fails to comply with the requirements of this regulation commits an offence.”.

Provision <hr style="width: 10%; margin: auto;"/>	Amendment <hr style="width: 10%; margin: auto;"/>
Regulation 6	<p>Delete the regulation and substitute therefor the following—</p> <p style="margin-left: 40px;">“ 6.—(1) All containers in which food is packed, stored or kept and are not destroyed immediately after use, shall be properly cleaned and where necessary disinfected.</p> <p style="margin-left: 40px;">(2) Destruction, cleaning and disinfestations under paragraph (1), shall be carried out in such manner and within such time as the Chief Food Storage Officer may determine.</p> <p style="margin-left: 40px;">(3) Any person who fails to comply with this regulation commits an offence.”.</p>
Regulation 8	<p>1. In paragraph (2)(a)(ii), insert immediately after the word “used” the words “and the active ingredients and formulation”.</p> <p>2. In paragraph (2)(b), delete the word “licence” and substitute therefor the word “certificate”.</p> <p>3. Insert next after paragraph (2), the following as paragraphs (3) and (4)—</p> <p style="margin-left: 40px;">“ (3) The Chief Food Storage Officer shall issue to an owner of any place where disinfection is carried out under this regulation a certificate in the form prescribed as Form 1 in the Fifth Schedule.</p> <p style="margin-left: 40px;">(4) Any person who fails to comply with the requirements of this regulation commits an offence.”.</p>
Regulation 9	<p>Renumber regulation 9 as paragraph (1) of regulation 9, and insert next after paragraph (1) as renumbered, the following—</p> <p style="margin-left: 40px;">“ (2) Any person, other than operators or persons employed to and working under the direct supervision of such operators, who fails to comply with this regulation commits an offence.”.</p>

Provision	Amendment
Regulation 10	<p>1. Renumber regulation 10 as paragraph (1) of regulation 10.</p> <p>2. In paragraph (1) of regulation 10, as renumbered, delete the word “licence” and substitute therefor the word “certificate”.</p> <p>3. Insert next after paragraph (1) of regulation 10, as renumbered, the following—</p> <p style="padding-left: 40px;">“ (2) Any operator who fails to comply with the requirements under paragraph (1) commits an offence.”.</p>
Regulation 11	<p>Renumber regulation 11 as regulation 11(1) and insert next after paragraph (1) as renumbered, the following—</p> <p style="padding-left: 40px;">“ (2) Any operator who fails to comply with the requirements under paragraph (1) commits an offence.”.</p>
Regulation 12	<p>Delete regulation 12 and substitute therefor the following—</p> <p style="padding-left: 40px;">“</p> <p style="padding-left: 80px;">12.—(1) Any person whose business consists of the manufacture, storage or keeping of food and who undertakes in the course of that business to handle or apply substances as permitted by the foregoing regulations of this Part, shall comply with the relevant requirements specified in the Third Schedule.</p> <p style="padding-left: 80px;">(2) An employee of the person referred to in paragraph (1), who in the course of his employment is required to handle or apply substances shall—</p> <p style="padding-left: 120px;">(a) be provided by his employer with any protective equipment</p> <p style="padding-left: 40px;">”</p>

Provision	Amendment
	<p>(including protective clothing) and any facilities specified in the Third Schedule appropriate to the substances which he is required to handle or apply; and</p> <p>(b) be required by his employee to use the equipment and facilities provided.</p> <p>(3) Any person who fails to comply with this regulation commits an offence.”.</p>
Regulation 14	<p>1. Delete the word—</p> <p style="padding-left: 40px;">(a) “licence” wherever it appears and substitute therefor in each case, the word “certificate”;</p> <p style="padding-left: 40px;">(b) “licensed” in paragraph (2)(d) and substitute therefor the word “certified”.</p> <p>2. Insert as paragraph (1) next after the words “Fourth Schedule”, the words, in the appropriate form as set out in any of the Forms 2A to 2E of the Fifth Schedule”.</p>
Regulation 16	<p>In paragraph (2)—</p> <p style="padding-left: 40px;">(a) insert immediately after the words “sent by telegraph”, the words, “electronic mail or facsimile”;</p> <p style="padding-left: 40px;">(b) delete the words “given by telegraph”, and substitute therefor the words “such telegraph, electronic mail or facsimile”.</p>
Regulation 18	<p>1. In the marginal note, delete the words “No. 1” and substitute therefor the numeral “3”.</p> <p>2. Delete the words “Form No. 1” and substitute therefor the words “Form 3”.</p>

<u>Provision</u>	<u>Amendment</u>
Regulation 19	<p>1. Delete from the marginal note the words “Form No. 2”, “Form No. 3”, “Form No. 4”, “Form No. 5” and “Form No. 6” and substitute therefor, respectively, the words “Form 4”, “Form 5”, “Form 6”, “Form 7” and “Form 8”.</p> <p>2. In paragraph (1), delete—</p> <ul style="list-style-type: none">(a) from subparagraph (a) the words “Form No. 2” and substitute therefor the words “Form 4”;(b) from subparagraph (b) the words “Form No. 3” and substitute therefor the words “Form 5”;(c) from subparagraph (c) the words “Form No. 4” and substitute therefor the words “Form 6”;(d) from subparagraph (d) the words “Form No. 5” and substitute therefor the words “Form 7”. <p>3. In paragraph (2), delete the words “Form No. 6” and substitute therefor the words “Form 8”.</p>
Regulation 20	<p>Delete the regulation and substitute therefor the following—</p> <p>“ 20. An Inspector may take photographs of any part of a place or vehicle, or use a recording device to record images of any part of any place or vehicle entered by such inspector, under section 4(1) or 5(2) of the Act.”.</p>
New regulations 22 and 23	<p>Insert next after regulation 21, the following as regulations 22 and 23—</p> <p>“ 22.—(1) The Chief Food Storage Officer shall issue a certificate of compliance in the form prescribed as Form 9 in the Fifth Schedule to the owner of the premises, where it is determined that the owner of the premises has complied with the provisions of these Regulations.</p> <p>(2) A certificate issued under paragraph (1), shall be valid for a period of one year from the date of the issuance thereof.</p>

<u>Provision</u>	<u>Amendment</u>
	<p>(3) The owner of the premises shall display the certificate referred to in paragraph (1) in a conspicuous place on the premises.</p> <p>23.—(1) The Chief Food Storage Officer may suspend a certificate issued under regulation 22, where there is any contravention of the provision of these Regulations.</p> <p>(2) Where there is a breach of these Regulations the Chief Food Storage Officer shall issue a notice to the owner of the premises in the form prescribed as Form 10 in the Fifth Schedule no later than the time stated in the notice.</p> <p>(3) The owner of the premises, who receives a notice under paragraph (2), shall adhere to the recommendations for remedying the breach referred to in the notice within the time stated in the notice.</p> <p>(4) Where an owner to whom a notice is issued under paragraph (2) fails to remedy the breach concerned, within the time specified in the notice, the Chief Food Storage Officer shall revoke the certificate issued under regulation 22.</p> <p>(5) An owner or occupier may on revocation of a certificate issued to that owner or occupier under this regulation reapply in the form prescribed.”.</p>
New regulation 24	<p>Insert next after the new regulation 23 the following—</p> <p>“ 24. The offences specified in the first column of the Sixth Schedule shall incur the penalties specified in relation thereto in the second column of that Schedule.”.</p>
First Schedule	<p>1. Delete paragraph 1(2) and substitute therefor the following—</p> <p>“ (2) For the purposes of this Schedule, the Local Authority in respect of any parish shall be the Municipal Corporation of that parish.”.</p>

Provision

Amendment

2. In paragraph 3, delete—

(a) from subparagraph (a)—

- (i) the words “2 feet 4 inches” wherever they appear and substitute therefor, in each case, the words “70 centimetres”;
- (ii) the words “12 inches” and substitute therefor the words “30 centimetres”;
- (iii) the words “4 inches” and substitute therefor the words “10 centimetres”;

(b) from subparagraph (b), the words “24 inches” and substitute therefor the words “60 centimetres”.

3. In paragraph 4(1), delete the words “24 inches” and substitute therefor the words “60 centimetres”.

4. In paragraph 5, delete—

- (a) the words “6 inches” and substitute therefor the words “15 centimetres”;
- (b) the words “2 inches” and substitute therefor the words “5 centimetres”.

5. In paragraph 6, delete—

(a) from subparagraph (1)—

- (i) the words “2 inches” and substitute therefor the words “5 centimetres”;
- (ii) the words “6 inches” and substitute therefor the words “15 centimetres”;

(b) from subparagraph (3), the words “one-quarter inch” and substitute therefor the words “6 millimetres”.

Provision

Amendment

6. In paragraph 7, delete—

- (a) the words “6 inches” wherever they appear and substitute therefor, in each case, the words “15 centimetres”;
- (b) the words “2 inches” and substitute therefor the words “5 centimetres”.

7. In paragraph 9, delete the words “one-quarter inch” and substitute therefor the words “6 millimetres”.

8. In paragraph 10, delete the words “one-quarter inch” and substitute therefor the words “6 millimetres”.

9. In paragraph 11, delete the words—

- (a) “one-quarter inch” and substitute therefor the words “6 millimetres”;
- (b) “12 inches” and substitute therefor the words “30 centimetres”.

10. Delete paragraph 13 and substitute therefor the following—

“ 13. All windows capable of being operated shall be covered with metal formed hardware cloth screens or tight-fitting metal screens.”.

11. In paragraph 14, delete—

- (a) from subparagraph (c)(ii)—
 - (i) the words “12 inches” and substitute therefor the words “30 centimetres”;
 - (ii) the words “9 inches” and substitute therefor the words “23 centimetres”;
 - (iii) the words “one-quarter inch” and substitute therefor the words “6 millimetres”;

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Amendment

- (b) from subparagraph (c)(iii)—
 - (i) the words “18 inches” and substitute therefor the words “45 centimetres”;
 - (ii) the words “one-quarter inch” and substitute therefor the words “6 millimetres”;
- (c) from subparagraph (c)(iv)—
 - (i) the words “18 inches” and substitute therefor the words “45 centimetres”;
 - (ii) the words “9 inches” and substitute therefor the words “23 centimetres”;
 - (iii) the words “one-quarter inch” and substitute therefor the words “6 millimetres”;
- (d) from subparagraph (c)(v)—
 - (i) the words “1 inch” and substitute therefor the words “25 millimetres”;
 - (ii) the words “one-quarter inch” and substitute therefor the words “6 millimetres”;
 - (iii) the words “18 inches” wherever they appear and substitute therefor, in each case, the words “45 centimetres”;
- (e) from subparagraph (c)(vi)—
 - (i) the words “1 inch” and substitute therefor the words “25 millimetres”;

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Amendment

- (ii) the words “24 inches” and substitute therefor the words “60 centimetres”;
 - (iii) the words “one-quarter inch” and substitute therefor the words “6 millimetres”;
 - (iv) the words “18 inches” and substitute therefor the words “45 centimetres”;
 - (f) from subparagraph (c)(vii)—
 - (i) the words “18 inches” and substitute therefor the words “45 centimetres”;
 - (ii) the words “one-quarter inch” and substitute therefor the words “6 millimetres”;
 - (g) from subparagraph (c)(viii), the words “one-quarter inch” and substitute therefor the words “6 millimetres”.
12. In paragraph 15, delete the words “one-quarter inch” and substitute therefor the words “6 millimetres”.
13. In paragraph 16, delete the words “3 feet” and substitute therefor the words “90 centimetres”.
14. In paragraph 17, delete the words “one-quarter inch” and substitute therefor the words “6 millimetres”.
15. In paragraph 18, delete—
- (a) the words “3 feet” and substitute therefor the words “90 centimetres”;
 - (b) the words “one-quarter inch” and substitute therefor the words “6 millimetres”.
16. In paragraph 19, delete the words “one-quarter inch” and substitute therefor the words “6 millimetres”.

Provision
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Amendment
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17. In paragraph 25(2), delete the words “twelve inches” and substitute therefor the words “30 centimetres”.

18. In paragraph 26, delete the words “6 inches” and substitute therefor the words “15 centimetres”.

19. In paragraph 27(2), delete the words “one-quarter inch” and substitute therefor the words “6 millimetres”.

Provision —	Amendment —
Second Schedule	<p>Delete the Second Schedule and substitute therefor the following—</p> <p>“ SECOND SCHEDULE (Regulations 9 and 19)</p> <p style="text-align: center;"><i>Part I</i></p> <p>Phosphine Mixtures of phosphine and carbon dioxide</p> <p style="text-align: center;"><i>Part II</i></p> <p>Pirimiphos-methyl Pyrethrins and synergized pyrethrins</p> <p style="text-align: center;"><i>Part III</i></p> <p>Bendiocarb Chlorpyrifos-methyl Cyfluthrin lambda-Cyhalothrin Deltamethrin Diazinon Permethrin Pirimiphos-methyl Propoxur Pyrethrins and pyrethroid combinations Synergized pyrethrins and pyrethroids</p> <p style="text-align: center;"><i>Part IV</i></p> <p><i>Rodenticides</i></p> <p>Brodifacoum Bromodialone Chlorophacinone Coumatetralyl Diphacinone Difenacoum Flocoumafen Pindone Warfarin</p> <p><i>Insecticides</i></p> <p>Abamectin Borax Boric acid Hydramethylnon Imidachloprid</p>

Provision

Amendment

Part V

Pirimiphos-methyl

Part VI

Phosphine

Mixtures of phosphine and carbon dioxide

Part VII

Rodenticides

Brodifacoum

Bromodialone

Chlorophacinone

Coumatetralyl

Diphacinone

Difenacoum

Flocoumafen

Pindone

Warfarin

Insecticides

Abamectin

Borax

Boric acid

Hydramethylnon

Imidachloprid

Part VIII

Bendiocarb

Chlorpyrifos-methyl

Cyfluthrin

lambda-Cyhalothrin

Deltamethrin

Diazinon

Permethrin

Pirimiphos-methyl

Propoxur

Pyrethrin and pyrethroid combinations

Synergized pyrethrins and pyrethroids

Note: All substances shall be used in accordance with the manufacturer's label."

Provision	Amendment
Third Schedule	<ol style="list-style-type: none"> 1. In paragraph 4(1)(h), delete the words “Part IX of the Second Schedule to be dry-cleaned at least once every six days in which it has been so worn” and substitute therefor the words “the Second Schedule to be cleaned in the manner, and at intervals, approved by the Chief Food Storage Officer”. 2. In paragraph 14(i)(b), insert immediately after the word “used”, the words “and the active ingredients and formulation, in respect thereof”. 3. In paragraph 15(1)(iii), insert immediately after the words “telephone numbers” the words “or identifying any other means of communication”. 4. In paragraph 16, delete subparagraphs (3) and (4). 5. In paragraph 17, delete subparagraphs (a) and (b).
Fourth Schedule	<ol style="list-style-type: none"> 1. Delete from the heading, the word “Licences” and substitute therefor the word “Certificates”. 2. In paragraph 1, delete the word “licence” wherever it appears and substitute therefor in each case the word “certificate”. 3. In paragraph 2, delete— <ol style="list-style-type: none"> (a) the word “licences” and substitute therefor the word “certificates”; (b) from column (1), the word “licence” and substitute therefor the word “certificate”. 4. Renumber paragraph 2 as paragraph 2(1) and insert the following as subparagraph (2)— <ol style="list-style-type: none"> “ (2) Any person authorized by the Chief Food Storage Officer as an operator shall be issued with a certificate as specified in column (1) of this paragraph.”. 5. In column (1), insert in item A, immediately after the word “spraying,” the words “dusting or insect-baiting,”.

Provision

Amendment

6. Delete from column (2), in relation to item A—

(a) the proviso in relation to (a), (b), (c) and (d) and substitute therefor the following—

“ Provided that the treatments specified in paragraphs (a), (b), (c) and (d) above may be carried out as specified in the certificate of the substances specified in Part I of the Second Schedule;”;

(b) paragraph (e);

(c) paragraph (g) and substitute therefor the following—

“(g) treatment of buildings, places or vehicles in which food is, or is likely to be kept for sale or stored or manufactured—

(i) with any of the insecticides specified in paragraph (f), applied as a thermally-generated fog or mechanically-generated mist-spray; or

(ii) with any of the insecticides specified in Parts III and IV of the Second Schedule;”;

(d) from paragraph (h), the word “licence” and all the words appearing thereafter and substitute therefor the word “certificate”.

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7. Delete from column 2 in relation to item B, paragraph (d) and substitute therefor the following—

“ (d) fumigation of grain storage bins:

Provided that the treatments specified at paragraphs (a), (b), (c) and this paragraph may be carried out with any one of the substances specified in Part I of the Second Schedule as specified in the certificate;”.

8. Delete items C, D, E, F and G and insert the following as items C, D and E—

- “ C— (a) treatment of food contained in unlined and unprotected cloth bags or sacks or similar permeable containers with any of the substances specified in Part II of the Second Schedule;
- Authorized operator—
spraying,
dusting,
insect-
baiting,
misting and
fogging of (b) treatment of buildings, places or vehicles in which food is or is likely to be kept for—
- food or
buildings or
both and
rodent
baiting
- (i) sale; or
- (ii) stored or manufactured, with any of the—
- (A) substances specified in Part II of the Second Schedule, applied as a thermally-generated fog or mechanically-generated mist-spray;
- (B) insecticides specified in Parts III and IV of the Second Schedule;

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- (ii) a special diploma in a relevant area of study approved by the Minister and a period of twelve months' practical experience;
 - (iii) a period of training not shorter than eighteen months with a commercial organization; or
 - (iv) training in a relevant area of study approved by the Chief Food Storage Officer;
- (b) certificate B—
- (i) extensive experience of a wide variety of fumigation work with the fumigants specified in Part I of the Second Schedule, obtained during a period not shorter than eighteen months; or
 - (ii) training from a body approved by the Chief Food Storage Officer;
- (c) certificate C—
- (i) seven days' intensive training in the use of spraying equipment and an additional like period of detailed instruction in the principles underlying the safe use of insecticides on food or in any place or vehicles in which food is or is likely to be kept for sale or stored or manufactured;
 - (ii) for rodent baiting, not less than three months' practical experience, or a training period not shorter than one month, including detailed instruction in the use of a variety of rodenticides; or

Provision <hr style="width: 10%; margin: 0 auto;"/>	Amendment <hr style="width: 10%; margin: 0 auto;"/>
	<ul style="list-style-type: none"><li style="margin-left: 100px;">(iii) training from a body approved by the Chief Food Storage Officer;(d) certificate D—<ul style="list-style-type: none">(i) seven days' intensive training in the use of spraying equipment and an additional like period of detailed instruction in the principles underlying the safe use of insecticides on food or in any place or vehicles in which food is or is likely to be kept for sale or stored or manufactured; or(ii) training from a body approved by the Chief Food Storage Officer;(e) certificate E—<ul style="list-style-type: none">(i) not less than three months' practical experience in rodent-baiting, or a training period not shorter than one month, including detailed instruction in the use of a variety of rodenticides; or(ii) training from a body approved by the Chief Food Storage Officer.”.
Fifth Schedule	<p>1. In Forms 1, 2, 3, 4, 5 and 6—</p> <ul style="list-style-type: none">(a) delete the words “Ministry of Marketing and Commerce” and substitute therefor the words “Ministry responsible for Commerce”;(b) renumber the forms as Forms 3, 4, 5, 6, 7 and 8, respectively; and

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- (c) insert immediately before Form 3, as renumbered, the following as Forms 1, 2A, 2B, 2C, 2D and 2E—

“ FORM 1 (Regulation 8(3))

*The Food Storage and Prevention
of Infestation Act*

Certificate of Disinfestation

To:

Address:.....

With reference to you are hereby notified that the article(s) was/ were hereby by Inspector ... at ...

Parish..... Date.....

.....

Inspector

.....

Date

FORM 2A (Regulation 14(1))

Government of Jamaica

*Food Storage and Prevention of
Infestation Division*

hereby awards this

Certificate A to

an authorized operator, for fumigation, spraying, dusting, insect-baiting, misting, fogging and rodent-baiting under the Food Storage and Prevention of Infestation Act and Regulations, 1973

*Chief Food Storage
Officer*

Date

*This certificate shall bear the seal of the
Food Storage and Prevention of
Infestation Division*

FORM 2B (Regulation
14(1))

*Government of Jamaica
Food Storage and Prevention of
Infestation Division*

hereby awards this

Certificate B to

an authorized operator—fumigation
(General) under the Food Storage and
Prevention of Infestation Act and
Regulations, 1973

*Chief Food Storage
Officer*

Date

This certificate shall bear the seal of the
Food Storage and Prevention of
Infestation Division

FORM 2C (Regulation
14(1))

*Government of Jamaica
Food Storage and Prevention of
Infestation Division*

hereby awards this

Certificate C to

an authorized operator—spraying,
dusting, insect-baiting, misting and
fogging of food or buildings or both and
rodent-baiting under the Food Storage
and Prevention of Infestation Act and
Regulations, 1973

Chief Food Storage Officer

Date

This certificate shall bear the seal of the
Food Storage and Prevention of
Infestation Division

FORM 2D (Regulation
14(1))

Government of Jamaica

*Food Storage and Prevention of
Infestation Division*

hereby awards this

Certificate D to

an authorized operator—spraying,
dusting, insect-baiting, misting and
fogging of food or buildings or both
under the Food Storage and Prevention
of Infestation Act and Regulations, 1973

Chief Food Storage Officer *Date*

This certificate shall bear the seal of the
Food Storage and Prevention of
Infestation Division

FORM 2E (Regulation
14(1))

Government of Jamaica

*Food Storage and Prevention of
Infestation Division*

hereby awards this

Certificate E to

an authorized operator—rodent-baiting
under the Food Storage and Prevention
of Infestation Act and Regulations, 1973

Chief Food Storage Officer *Date*

This certificate shall bear the seal of the
Food Storage and Prevention of
Infestation Division”.

2. Insert next after Form 8, as re-numbered, the following as Forms 9 and 10—

FORM 9 (Regulation 22)

Food Storage and Prevention of
Infestation Act

Certificate of Compliance

For compliance with the Food Storage and Prevention of Infestation Act, 1958 and Food Storage and Prevention of Infestation Regulations, 1973

Chief Food Storage Officer

Date issued:

This certificate expires on: *

*Any breach of the FSPI Act and Regulations may result in the revocation of this certificate

This certificate shall bear the seal of the Food Storage and Prevention of Infestation Division

FORM 10 (Regulation 23(2))

FOOD STORAGE AND PREVENTION OF
INFESTATION ACT

*Notice of Suspension or Revocation of
Certificate of Compliance (Under
regulation 23(2))*

Certificate No.

TO:

(Name of Holder of Certificate)

(Address) or (registered office)

WHEREAS the Minister pursuant to the Food Storage and Prevention and Infestation Act, 1958 and the Food Storage and Prevention of Infestation Regulations, 1973, authorized and

*The Food Storage and Prevention of Infestation
(Amendment) Act, 2019*

issued a certificate of compliance to you indicating that you being the owner of the premises had complied with the provisions of the Act and Regulations:

AND WHEREAS the Minister is satisfied that there has been a breach of the condition(s) subject to which the certificate is granted, as specified in the Regulations:

AND WHEREAS on the day of 20....., the Minister gave notice of the breach of the condition(s) and required herein that such action be taken or work carried out as should remedy the breach:

AND WHEREAS the Minister is satisfied that the breach has not been satisfactorily remedied:

THE MINISTER HEREBY SUSPENDS Certificate No.until such time as the breach has been remedied to the satisfaction of the Minister.

OR

THE MINISTER HEREBY REVOKES Certificate No. with effect from theday of....., 20.....

You may apply in writing, to the Minister to be heard on the matter within 14 days of the day of this Notice.

Dated this.....day of....., 20.....

The effective date of this Notice is the.....day of....., 20.....

(Signature of Minister)".

Provision	Amendment	
New Sixth Schedule	The Regulations are amended by inserting next after the Fifth Schedule the following—	
	SIXTH SCHEDULE	(Regulations 2A(1), 2A(2), 2B(1), 2B(3), 5A, 6, 9(1)(a), 9(1)(b), 10, 11(2) and 12(3))
	<i>Offences and Penalties</i>	
<i>First Column</i>	<i>Second Column</i>	
<i>Brief Description of Offence</i>		<i>Penalty</i>
Transport food with toxic substance	2A(1)	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding two million dollars or to imprisonment for a term not exceeding two years.
Failure to clean containers previously used for transportation of a toxic substance in accordance with method prescribed by Chief Food Storage Officer	2A(2)	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year.
Failure to place an impermeable partition between food and any toxic substance	2B(1)	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years.
Failure to properly label container used in the storage of food	2B(3)	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year.
Conducting disinfestations operation in or around any article to which this Act applies, without certification from Chief Food Storage Officer	5A	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years.
Failure to properly clean and disinfest any container not destroyed immediately after it was used to pack, store or keep food	6	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year.

Offences and Penalties

<i>First Column</i>		<i>Second Column</i>
<i>Brief Description of Offence</i>		<i>Penalty</i>
		<hr/>
Use of substances, which are not specified in Parts I and II of the Second Schedule, for direct application to food or for application to permeable containers holding food or for any kind of treatment which could result in the formation of a deposit of the substance on the surface of any exposed food or any food in permeable containers	9(1)(a)	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years.
Use of substances other than those specified in Parts I, II and IV of the Second Schedule	9(1)(b)	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years.
Use of any substance for any purpose or in such manner or place other than prescribed, without a licence	10	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years.
Failure to comply with requirements of the Third Schedule	11(2)	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years.
Failure of owner of business, which consists of the manufacture, storage or keeping of food, who fails to handle or apply substances in compliance with the Third Schedule	12(3)	Upon summary conviction before a Judge of a Parish Court, to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years.”.”.

Passed in the House of Representatives this 26th day of February, 2019.

PEARNEL P. CHARLES, CD, MP, JP
Speaker.

Passed in the Senate this 14th day of June, 2019 with twenty-four (24) amendments.

THOMAS TAVARES-FINSON, CD, QC, JP
President.

On the 9th day of July, 2019 the House of Representatives agreed to the amendments made by the Senate.

PEARNEL P. CHARLES, CD, MP, JP
Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Sgd. Heather E. Cooke
Clerk to the Houses of Parliament.