

CHAPTER 214

FOOD CONTROL

Acts
Nos. 25 of 1950,
30 of 1952,
42 of 1952,
51 of 1958,
32 of 1970,
42 of 197 i.

AN ACT TO MAKE PROVISION FOR THE REGULATION AND CONTROL OF THE DISTRIBUTION, TRANSPORT AND SUPPLY OF FOOD.

[9th December, 1950.]

Short title. **1.** This Act may be cited as the Food Control Act. the production, stocks or supply of any food or article of food ; or

Appointment of officers and servants. **2.** (1) There may be appointed, by name or by office, for the purposes of this Act, a Food Controller and such number of Deputy and Assistant Food Controllers and other officers as may be necessary. (b) any unreasonable diminution or increase in the number of cattle available for slaughter,

(2) The act of appointment of any Deputy or Assistant Food Controller shall specify whether he is appointed as such for the whole of Sri Lanka or for any part thereof. the Minister may by Order published in the Gazette—

(3) There may also be appointed such clerical and minor staff as may be necessary to assist the aforesaid officers in the administration of this Act. (i) prohibit or regulate the transport or removal of any food, article of food or cattle to or from any place or area in Sri Lanka;

Powers and duties of officers. **3.** (1) Every Deputy or Assistant Food Controller shall, in the exercise of his powers, the performance of his duties or the discharge of his functions, be subject to the general direction and control of the Food Controller. (ii) regulate and control the importation into Sri Lanka of any food, article of food or cattle by the introduction of a system of licences or otherwise;

(2) Every Deputy or Assistant Food Controller may, subject to the general direction and control of the Food Controller, within the area for which he is appointed, exercise, perform or discharge all or any of the powers, duties or functions vested in, imposed upon, or assigned to, the Food Controller by or under this Act. (iii) provide for the allocation, distribution or withdrawal of import licences for the purpose of the regulation or control referred to in paragraph (ii);

Prohibition or regulation of transport or removal of food or cattle. **4.** (1) Where the Minister is satisfied that in any part of Sri Lanka there is or is likely to be— (iv) regulate and control the removal of any food, article of food or cattle from the customs premises or from any warehouse or store within such premises;

(a) a shortage or unreasonable increase in (v) assume control of any granary, warehouse or store and prohibit, control or regulate the transport thereto or removal therefrom of any food, article of food or cattle .

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(vi) provide for the allocation of supplies of food, articles of food or cattle to distributors, merchants or dealers, for the organization and administration of a system of rationing such supplies, for the transport and conveyance of such supplies and for the requisitioning of vehicles and animals for the purpose of such transport or conveyance.

(2) (a) Where the Minister is of opinion that it is expedient so to do, he may, by Order published in the Gazette—

(i) prohibit or restrict the supply, for the purposes of consumption, of any specified food or article of food, and

(ii) regulate or control the supply of food or articles of food for consumption in the form of meals.

(b) Every Order under this subsection shall, save as may be otherwise therein provided, be applicable to any supply by way of sale. and may, in addition, be made applicable to any supply (otherwise than by way of sale) on such occasions or in such circumstances as may be specified in the Order:

Provided, however, that any such Order prohibiting or restricting the supply of any specified food or article of food may provide for the exemption, from such prohibition or restriction, of such supply by persons who, prior to the date of the coming into operation of the Order, carried on business as suppliers of such food or article of food.

(c) Any person who consumes any food or article of food which is supplied in contravention of any Order under this subsection shall himself be deemed to have acted in contravention of the Order.

(3) Every Order shall come into operation on the date of its publication in the Gazette, and shall, subject to the provisions of subsections (5) and (6) (e) continue in operation for a period of one year commencing from that date;

[§2.32 of 1970-]

Provided, however, that in any case where an Order is made under subsection (1) (v) in respect of any granary, warehouse or store, the Minister may by writing under his hand authorize the Food Controller or any Deputy Food Controller, pending the publication of the Order in the Gazette, to enter such granary, warehouse or store, and to take such steps as may be necessary to prevent or regulate the removal therefrom of any food, article of food or cattle; and any act done by the Food Controller, or by a Deputy Food Controller, or by any Assistant Food Controller, acting on behalf of the Food Controller, in pursuance of any such written authority shall be as valid and effectual as if the Order has been in operation at the time such authority was given.

(4) Every Order shall, as soon as may be after it has come into operation, be brought before Parliament for approval.

(5) Every Order which Parliament refuses to approve shall be deemed to be rescinded, but without prejudice to the validity of anything previously done or suffered to be done thereunder. The date on which an Order shall be deemed to be rescinded shall be the date on which Parliament refuses to approve the Order, and such date shall be notified in the Gazette.

(6) (a) The Minister may at any time by Order published in the Gazette (such Order being hereinafter referred to as an "amending Order") vary any Order previously made under subsection (1). Every amending Order shall come into operation on the date of its publication in the Gazette.

(b) An Order made under subsection (1) which is varied by an amending Order shall continue in operation, as so varied, for the period during which it would have been in operation if it had not been so varied, and no longer.

(c) Every amending Order shall be brought before Parliament for approval:

Provided, however, that where an Order made under subsection (1) is varied by one or more amending Orders before it is approved by Parliament under subsection (4), the Order, when it is brought before Parliament for approval under that subsection, shall have incorporated therein all variations effected by such amending Order or Orders, and it shall not be necessary in any such case to bring any such amending Order separately before Parliament.

(d) The refusal of Parliament to approve any amending Order which is brought before Parliament for approval shall be deemed to be a rescission of that amending Order, and the Order made under subsection (1) shall, from the date of such rescission, continue in operation as though that amending Order had not been made.

(e) The Minister may at any time rescind any Order previously made under subsection (1). Notification of the rescission of any such Order shall be published in the Gazette and such Order shall be deemed to be rescinded upon the date of such publication.

(7) Every Order shall, when approved by Parliament, be as valid and effectual as if it were herein enacted.

(8) Every notification required to be published in the Gazette under this section shall be published under the hand of the Minister.

(9) The provisions of any Order made under this section shall, notwithstanding that they are inconsistent with or in conflict with the provisions of any other written law, prevail over such other written law for the period during which the Order is in force.

5. Where the Minister is of opinion that it is necessary to supplement or to conserve the supply of any food or article of food (such food or article of food being hereinafter referred to as the first-mentioned article ") for the rationing of the supplies of which an Order under section 4 (1) (vi) of this Act has been made, or that it is necessary to prevent the waste of any other kind of food or article of food which he considers an adequate substitute for the first-mentioned article, he may by Order published in the Gazette declare such other kind of food or article of food to be a substitute for the first-mentioned article; and the provisions of this Act and the regulations made or deemed to be made thereunder relating to the first-mentioned article shall *mutatis mutandis* apply to such other kind of food or article of food.

(6) (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular, and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters :—

- (a) any matter for which provision may be made by an Order issued under section 4;
- (b) the collection of information necessary for the purposes of this Act or for the enforcement of any Order made thereunder, and the marking of premises with letters and marks for the purpose of facilitating the collection of such information;
- (c) the returns to be made for the purposes of this Act, the forms of such returns and the manner of the authentication thereof;
- (d) the inspection and search of any land or premises for the purposes of this Act;
- (e) the stoppage, by the erection of barriers or by the giving of orders, directions or signals, of any vehicle

Declaration of a substitute for food or for an article of food that has been rationed, and the application of the provisions of this Act and the regulations thereunder to such substitute.

Regulations.

used or reasonably suspected to be used for the conveyance or transport of any food or article of food or cattle;

- (f) the inspection and search of such vehicle;
- (g) the surrender of any books, coupons or other documents issued for the purposes of this Act;
- (h) the prohibition of the issue of any railway, steamship or aircraft ticket without the surrender of such books, coupons or other documents;
- (i) the compulsory purchase, seizure, sequestration and disposal of any food or article of food or cattle ;
- (j) the disposal of any food or article of food or cattle forfeited under this Act;
- (k) the manner of serving notices required to be issued for the purposes of this Act;
- (l) the obligations and duties of distributors, merchants or dealers participating in any system of rationing and the payment by them of compensation for deficiencies of stock in their charge; and
- (m) any other matters connected with, or incidental to, any of the matters hereinbefore mentioned.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation upon such publication.

(4) Every regulation made by the Minister shall be brought before Parliament within a period of one month from the date of the publication of that regulation under subsection (3), or, if no meeting is held within that period, at the first meeting after the expiry of that period, by a motion that such regulation shall be approved.

(5) Any regulation which Parliament refuses to approve shall be deemed to be rescinded but without prejudice to the

validity of anything previously done thereunder or to the making of any new regulation. The date on which such regulation shall so be deemed to be rescinded shall be the date on which Parliament refuses to approve the regulation.

(6) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the Gazette.

(7) Any regulation made by the Minister shall, when approved by Parliament, be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the Gazette.

7. The provisions of section 7 of the Interpretation Ordinance shall apply in relation to the power to make regulations under this Act in like manner as they apply in the case of the power to make rules or issue Orders under any other enactment.

Application of section 7 of the Interpretation Ordinance.

8. (1) The Food Controller may, if he is satisfied that any distributor, merchant or dealer has contravened the provisions of any Order or regulation made or deemed to be made under this Act, or if he considers it expedient so to do in the interests of the public, revoke any authorization or directions, relating to the sale or supply of any food, article of food or cattle, issued to such distributor, merchant or dealer.

Revocation of authorizations issued to distributors, merchants, or dealers, &c.

(2) In any case where it would be lawful for the Food Controller in accordance with the provisions of subsection (1) to revoke any authorization or directions, he may, on an application made by the distributor, merchant or dealer, as the case may be, in lieu of such revocation, order such distributor, merchant or dealer to pay a penalty of an amount not exceeding five thousand rupees-

(3) The amount of any penalty shall, when paid, be credited to the Consolidated Fund.

(4) The provisions of this section shall not affect or prejudice the institution or maintenance in any case of a prosecution for any offence under this Act.

Offences and penalties.

9. (1) Every person, appointed for the purposes of this Act, who—

- (a) without sufficient cause, refuses or neglects to act as such or to use reasonable diligence and care in performing any duty imposed upon him by this Act or under any Order or regulation made or deemed to be made under the Act; or
- (b) wilfully puts any offensive or improper question or knowingly falsifies any return,

shall be guilty of an offence.

(2) Every person, who—

- (a) refuses to answer to the best of his knowledge and belief any question asked of him by an officer appointed for the purposes of this Act which such person is required to answer under any Order or regulation made or deemed to be made under this Act, or wilfully makes a false answer thereto; or
- (b) makes, signs or delivers or causes to be made, signed or delivered, any wilfully false or incorrect return or any return containing any statement which is to his knowledge false or incorrect; or
- (c) refuses to allow an officer appointed for the purposes of this Act such reasonable access to any premises as he may be required to allow under such Order or regulation; or
- (d) before the expiry of a period of eight weeks from the date on which any mark or letter was marked on such premises under such Order or regulation, alters, obliterates or removes such mark or letter,

shall be guilty of an offence.

(3) Every person who acts in contravention of any Order or regulation made or deemed to be made under this Act shall be guilty of an offence.

(3A) Every person who attempts to commit, or does any act preparatory to the commission of, any offence under subsection (3), shall be guilty of an offence. [§2.51 of 1958-]

(4) Every person who is guilty of an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than five hundred rupees and not exceeding five thousand rupees or to imprisonment of either description for a period not less than six months and not exceeding two years or to both such fine and imprisonment; and the Magistrate may order the forfeiture of any food, article of food or cattle, in respect of which the offence was committed. [§2,42 of 1971]

(5) Where any person who is employed by any other person (such other person being hereinafter referred to as the "employer") to sell any food, article of food or cattle in the course of any business carried on by the employer at any premises, is by reason of anything done or omitted to be done at those premises, convicted of any offence under subsection (3) or subsection (3A), then the employer or where the employer is out of Sri Lanka, the person for the time being acting as manager of having control of the business, shall also be guilty of that offence, unless he proves to the satisfaction of the court that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence. [§2,51 of 1958.]

(6) In the case of any offence under this Act committed by a body of persons—

- (a) where the body of persons is a body corporate, every director and officer of that body corporate shall be deemed to be guilty of that offence; and
- (b) where the body of persons is a firm, every partner of the firm shall be deemed to be guilty of that offence:

Provided that no such person shall be deemed to be guilty of an offence under this Act, if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(7) Notwithstanding anything to the contrary in the First Schedule to the Code of Criminal Procedure Act, every offence under this Act shall be a cognizable offence within the meaning of that Act.

(8) The Food Controller and every Deputy and Assistant Food Controller shall be deemed to be peace officers within the meaning of the Code of Criminal Procedure Act for the purpose of exercising any power conferred on peace officers by that Act.

Protection of officers.

10. No civil action or criminal prosecution shall be instituted or maintained against the Food Controller or any Deputy or Assistant Food Controller or any other officer appointed for the purposes of this Act in respect of any act bona fide done or omitted to be done in pursuance of any power or authority conferred or granted by or under this Act or by or under any Order or regulation made or deemed to be made thereunder.

Application of Act.

11. (1) The provisions of this Act or of any Order or regulation made or deemed to be made thereunder shall have no application to any food or article of food or cattle kept, transported or removed by or on

behalf of the naval, military, air force or civil authorities for the use of the armed forces or the civil administration.

(2) Nothing in this Act shall affect the provisions of the Dried Meat Ordinance.

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

Interpretation-

" appointed date " means the 9th day of December, 1950;

" article of food " means any commodity, substance or thing which has been cooked, prepared, treated, preserved or manufactured as food for man or fodder for cattle;

" cattle " means bulls, cows, sheep, goats, deer or buffaloes, and includes any other animals ordinarily killed or slaughtered for providing food for man; and

"food " means any commodity used for food or drink by man other than drugs or water or any substance which ordinarily enters into or is used in the composition or preparation of human food, and includes the flesh of cattle and fodder for cattle.