

LEGAL SUPPLEMENT
to the Government Gazette of Mauritius No. 64 of 13 June 1998

THE FOOD ACT 1998

Act No. 1 of 1998

I assent

5th June 1998

C. UTEEM
President of the Republic

ARRANGEMENT OF SECTIONS

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An Act

**To provide for the modernisation and consolidation of the law
relating to the quality of food**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Food Act 1998.

2. Interpretation

In this Act –

“advertisement” includes any representation by any means for the purpose of promoting in any form the sale or disposal of food;

“analysis’ includes microbiological assay;

“animal” includes any quadruped or bird either domesticated or not, and fish, which is normally used for human consumption;

“appliance” includes any utensil, machinery, instrument, apparatus or article used or intended for use in, or for the making, preparing, keeping, selling or supplying, of any food;

“authorised officer” means an officer designated under section 3;

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or otherwise;

“commercial operation”, in relation to food or contact material means the-

- (a) selling or advertising for sale;
- (b) consigning, delivering, or serving by way of sale;
- (c) preparing for sale or presenting, labelling, bottling, packing or wrapping for the purposes of sale;
- (d) storing or transporting for the purpose of sale; and
- (e) importing and exporting;

“component’ means any substance which forms part of an ingredient;

“contact material’ means any article or substance which is intended to come into contact with food;

“container” includes a package or receptacle of any kind, whether open or closed, and includes a wrapper;

“entertainment” includes any social or other form of gathering, amusement, festival, exhibition, performance, game, competition, fancy-fair, sport or trial of skill;

“examination’ means any physical, chemical or microbiological examination;

“fish” means any edible aquatic animal organism and includes live shells, salted fish, dried fish, cooked fish, frozen fish, chilled fish, smoked fish and canned fish;

“food” –

- (a) means any article or substance meant for human consumption and includes –
 - (i) drinks and bottled water;

- (ii) chewing gum and other products of similar nature and use; and
 - (iii) articles and substances used or intended for use as ingredients in the composition or preparation of food;
- (b) does not include –
- (i) live animals, birds or live fish which are not used for human consumption while they are alive;
 - (ii) fodder or feeding stuffs for animals, birds or fish;
 - (iii) drugs or medicine as defined in the Pharmacy Act; and
 - (iv) hormonal products or veterinary products for use in livestock feed;

“food business” means any business in the course of which any commercial operation with respect to food is carried out;

“food microbiologist” means an officer of the Ministry of Health & Quality of Life entrusted with the duty of performing microbiological examinations of foods;

“Government Analyst” means an officer of the Ministry of Health & Quality of Life entrusted with the duty of performing analysis of food;

“import” means bring or cause to be brought into Mauritius;

“importer” in relation to any food at the time of import, includes the owner of the food, his agent or any other person who is in possession of, or is in any way interested in the custody or control of the food;

“injurious to health” means any impairment, whether permanent or temporary, to the health of a human being;

“licensee” means the holder of a licence to sell or deal in food and includes any person in charge of any food premises;

“medical examination” means-

- (a) physical, clinical, microbiological, chemical, serological and radiological examination; and
- (b) the taking of specimen of any body fluid, tissue or waste product for examination and analysis;

“Minister” means the Minister to whom responsibility for the subject of Health & Quality of Life is assigned;

“package” includes –

- (a) anything in which or any means by which food is cased, covered, enclosed, contained, closed or otherwise packed in any way; and

(b) any basket, tray or receptacle of any kind whether opened or closed;

“novel food” means any food which has not previously been used for human consumption in Mauritius;

“Permanent Secretary” means the Permanent Secretary of the Ministry of Health & Quality of Life;

“physical examination” includes organoleptic examination;

“premises” –

- (a) means any building or any other structure permanent or otherwise together with the land on which the building or other structure is situated, any adjoining land used in connection therewith; and
- (b) includes any vehicle, conveyance, ship, aircraft, floating craft, street, place, open space or place of public resort, bicycle, tricycle, any vehicle motorised or not, used for or in connection with the preparation, preservation, packaging, storage, conveyance, distribution or sale of any food.

“preparation” in relation to food, includes manufacturing, producing, processing and any form of treatment;

“sale” includes the offering or giving away of food as a prize or reward in connection with any entertainment or advertisement, or for the promotion of any trade or business, whether on payment of money or not;

“seal” includes the detention in bulk of any food, a sample of which has been taken for analysis or examination pending results of the analysis or examination, as the case may be;

“sell” includes hawk, offer, keep, expose for sale, convey, deliver or prepare for sale, dispose of for any consideration, convey or deliver or supply in pursuance of the sale or disposal;

“treatment”, in relation to food, includes subjecting the food to heat or cold.

3. Authorised officers

- (1) The Permanent Secretary may designate qualified public officers to be authorised officers for the purpose of ensuring compliance with this Act.
- (2) Every authorised officer shall –
 - (a) be issued with a certificate of authorisation in the form specified in the First Schedule;
 - (b) if so requested by the Permanent Secretary or when he leaves Government Service, surrender such certificate.

- (3) Any authorised officer who fails to surrender a certificate in the circumstances specified in subsection (2)(b), shall commit an offence.

4. Powers of authorised officers

An authorised officer may, at any time –

- (a) on production of a certificate of authorisation issued under section 3, enter any premises where he reasonably believes any food is prepared, packaged, stored, conveyed, distributed or sold, examine the food and take samples of the food for analysis or examination, as the case may be, and examine anything that he reasonably believes is used or capable of being used for the preparation, packaging, storing, conveying, distribution or sale;
- (b) open and examine any food package to which he reasonably believes this Act applies;
- (c) mark, seal or otherwise secure, weigh, count or measure any appliance, or any food, the preparation, packaging, storing, conveying, distribution or sale of which is or appears to be contrary to this Act or any regulations made under this Act;
- (d) seize or detain any food which he reasonably believes to be unfit for human consumption or likely to be injurious to health or to cause food poisoning or any disease communicable to human beings and may –
- (i) give notice in the form specified in the Second Schedule to the person in charge of the food that until the notice is withdrawn, the food or any portion of it shall not be sold or used in any manner and shall not be removed except to a place specified in the notice; or
- (ii) where the food is of a perishable nature or is a living creature, forthwith destroy it.

5. Determination of fitness of food

- (1) Where an authorised officer exercises any power conferred under section 4 (a) to (d), he shall, as soon as is reasonably practicable, determine or cause or to be determined whether the food complies with this Act or any regulations made under this Act and report the matter to the Permanent Secretary.
- (2) (a) Where the Permanent Secretary is satisfied that the food is fit for human consumption, he shall forthwith issue a withdrawal notice in the form specified in the Third Schedule to the person on whom a notice has been served under section 4 (d) (i).
- (b) Where the Permanent Secretary is satisfied that the food is unfit for human consumption or likely to be injurious to health or to cause food poisoning or any disease communicable to human beings, he shall -
- (i) serve on the person whom a notice under section 4 (d) (I) has been served, a notice in the form specified in the Fourth Schedule; and

- (ii) apply, in the form specified in the Fifth Schedule, to the District Magistrate for an order to destroy or dispose of the food in such manner as the District Magistrate thinks fit.
- (3) The production by an authorised officer of a certificate issued and signed by a Government Analyst or Food Microbiologist shall be sufficient evidence of the facts stated therein for the purpose of this Act.

6. Procurement of samples

- (1) Any authorised officer may for the purpose of analysis or examination –
 - (a) purchase, at the current market value, a sample of any food or any substance found on any premises capable of being sold as or used in the preparation of food for human consumption;
 - (b) take or obtain without payment-
 - (i) from any premises, samples of any food intended for human consumption;
 - (ii) from any premises where imported food is stored, samples of any food intended for human consumption;
 - (iii) a sample of any article or substance or contact material on any food premises and which he has reason to believe is likely to be used for or in the preparation of foodstuffs for human consumption.
- (2) The purchase, sale or taking of sample of food for analysis or examination under this Act or any regulations made under this Act, shall be deemed to be a purchase, sale or taking of food for human consumption.

7. Analysis of samples

- (1) An authorised officer who has procured a sample under section 6 shall submit it –
 - (a) to be analysed by a Government Analyst; or
 - (b) to be examined by a food microbiologist,or perform a physical examination therewith to determine its fitness for human consumption.
- (2) A person, other than an authorised officer, may purchase any food product or any substance capable of being used in the preparation of food, and submit a sample of the product or of the substance –
 - (a) to be analysed by a Government Analyst; or
 - (b) to be examined by a food microbiologist, as the case may be.

- (3) Any Government Analyst or Food Microbiologist may demand in advance the payment of a fee specified in the Sixth Schedule for the purpose of any analysis or examination under subsection (2).
- (4) The Government Analyst or the Food Microbiologist, as the case may be, shall analyse or examine as soon as practicable any sample submitted or sent to him under this section and shall give to the person by whom it was submitted a certificate specifying the result of the analysis or examination.
- (5) The certificate issued under subsection (4) shall be signed by the Government Analyst or the food microbiologist conducting the analysis or examination, as the case may be.
- (6) In any proceedings under this Act, the production by an authorised officer of a document purporting to be a certificate issued under subsection (4) shall be sufficient evidence of the facts stated in it.
- (7) No copy of the result of any analysis made under this Act nor any reproduction thereof shall be displayed, published, or used by way of advertisement for any food.

8. Improvement notice

- (1) Where the Permanent Secretary has reasonable grounds to believe that the owner, occupier or licensee of any premises has failed to comply with any regulations made under this Act, the Permanent Secretary may serve on the owner, occupier or licensee, as the case may be, an improvement notice in the form specified in the Seventh Schedule, specifying –
 - (a) the matters which constitute any failure on the part of the owner, occupier or licensee to comply with the regulations;
 - (b) the measures that shall be taken to secure compliance;
 - (c) the period granted to secure compliance, which shall –
 - (i) not be less than 14 days; or
 - (ii) where the non-compliance related to matters constituting, in the opinion of the Permanent Secretary an imminent danger to public health, not be more than 14 days.
- (2) The period granted to secure compliance with a notice under this section may, at the discretion of the Permanent Secretary, be extended by 2 further periods of 14 days each.

9. Prohibition order

- (1) Where the authorised officer is of opinion that the preparation, cooking or selling of food at any premises, or the addition of any ingredient to any food constitute a hazard to health, the authorised officer may serve a prohibition order in the form specified in the Eighth Schedule on the person conducting the trade or business to cause the activity to be discontinued forthwith.
- (2) Any person dissatisfied with an order issued under subsection(1) may, within 7 days of the date of service of the order on him, appeal to the Permanent Secretary who may, on appeal, uphold or discharge the order.
- (3) An order issued under subsection (1) shall remain in force pending the determination of the appeal by the Permanent Secretary.

10. Emergency closing order

- (1) Where the authorised officer is of the opinion that any food premises is in such condition that the manufacture, production, packaging, preparing, storing, or selling of food therein or product prepared therein constitutes an imminent hazard to health, he may serve on the owner, occupier or licensee, as the case may be, a notice in the form specified in the Ninth Schedule.
- (2) A notice under subsection (1) shall –
 - (a) give particulars of the condition of the premises which constitute the hazard to health;
 - (b) explicitly specify the work to be executed or measures to be taken to remedy the situation; and
 - (c) fix a reasonable time for compliance.
- (3) Where a person to whom notice is given under this section fails to comply with the notice, the Permanent Secretary may, after the expiration of the time fixed in the notice and where he has reasonable ground to believe that it constitutes an imminent hazard to health, issue an emergency closing order in the form specified in the Tenth Schedule.
- (4)
 - (a) The owner, occupier or licensee of the premises, as the case may be, may apply by way of plicant with summons to the District Magistrate for the discharge of the order.
 - (b) The plicant shall state the grounds on which the discharge of the order is being sought and the matter shall be heard and determined according to the procedure prescribed by the District and Intermediate Courts (Civil Jurisdiction) Act.

- (c) Pending the decision of the District Magistrate upon a plicant under this section, the emergency closing order shall remain in force, or may be amended or stayed in such manner as the District Magistrate considers necessary.
 - (d) The Magistrate may dismiss the plaint or discharge the order or amend the order, alter its duration or impose such conditions as he considers expedient and proper for the purposes of the Act.
 - (e) Any party aggrieved by the decision of the District Magistrate may appeal to the Supreme Court according to the procedure prescribed by sections 36 and 37 of the District and Intermediate Courts (Civil Jurisdiction) Act.
- (5) Notwithstanding the other provisions of this section, no person shall be relieved from any other liability arising from his failure to comply with the Act, or any regulations made under this Act.
- (6) (a) A copy of an order under this section, signed by the District Clerk, shall be a sufficient warrant for its enforcement by the Commissioner of Police.
- (b) A copy of an order under this section shall be affixed on the main door of the establishment where the offence was committed.
- (7) The Permanent Secretary may, in writing, withdraw the emergency closing order issued under subsection (3) where he is satisfied that the manufacture, production, packaging, preparing, storing or selling of food on the premises does not, any more, constitute a hazard to health.

11. Power of entry

- (1) (a) Subject to paragraph (b), an authorised officer may, at any time on producing the certificate of authorisation issued under section 3, enter any premises for the purpose of ascertaining whether there is or has been on the premises any contravention of this Act or of any regulations made under this Act.
- (b) No authorised officer shall enter premises used only as a private dwelling house without a warrant signed by a Magistrate, unless the occupier consents to the entry.
- (2) Where a Magistrate, on receiving a sworn affirmation in writing, is satisfied that there is reasonable ground for entry into any premises for any purpose specified in subsection (1) and –
- (a) that admission to the premises has been refused, or refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

- (b) that an application for admission, or the giving of that notice would defeat the object of the entry, or that the case is one of urgency, or the occupier is temporarily absent,

the Magistrate may, by warrant signed by him, authorise the authorised officer to enter the premises.

- (3) Every warrant granted under this section shall continue to be force for a period of one month.
- (4) An authorised officer who enters any premises by virtue of this section, may be accompanied by such person or persons as he considers necessary, and on leaving any unoccupied premises which he has entered by virtue of the warrant shall leave the premises as effectively secured against unauthorised entry as he found them.

12. Warranty

No manufacturer, distributor or dealer in any food prescribed in regulations made under this Act shall sell the food to any vendor unless a written warranty or other written statement is given that the food complies with this Act or any regulations made under this Act.

13. Warranty pleaded as defence

- (1) It shall be a defence in any proceedings against any person prosecuted for an offence under section 12 for the person to prove that –
 - (a) he purchased the food sold by him in reliance on a written warranty or other written statement as to the nature of the food purchased, signed by or on behalf of the person from whom the defendant purchased the food;
 - (b) he had no reason to believe that the food did not conform to the written warranty or statements; and
 - (c) that the food was, at the time of the alleged commission of the offence, in the same state as when he purchased it.
- (2) No written warranty or other written statement shall be a defence in any proceedings for an offence under section 12 unless –
 - (a) the defendant has, within 7 days of the service of the summons on him delivered a copy of –
 - (i) the warranty or written statement to the Permanent Secretary, with a notice stating that he intends to rely on it, and specifying the name and address of the person from whom he received it; and
 - (ii) sent a similar notice of his intention to that person if that person resides in Mauritius;

- (b) in the case of a warranty given by a person outside Mauritius, the defendant proves that he had taken reasonable steps to ascertain and did in fact believe in the truth of the matters specified in the warranty or written statement.
- (3) Where the defendant is an agent of a person who purchased the food under the warranty or written statement, he shall be entitled to the benefit of this section in the same manner and to the same extent as his employer would have been, had he been the defendant.
- (4) For the purpose of this section and section 15, a statement or description accompanying and referring to the nature, quality and composition of the food, shall be deemed to be a written warranty to the effect that the food or its sale complies with the requirements of this Act or any regulations made under this Act.

14. Time limit for prosecution

No prosecution for an offence under this Act or any regulations made under this Act shall begin after the expiry of 90 days from the commission of the offence or from its discovery by an authorised officer or from the time when a sample was procured.

15. Presumptions

For the purposes of this Act-

- (a) any food commonly used for human consumption shall, if sold or offered or kept for sale, be presumed, until the contrary is proved to have been sold or to have been, or to be intended for sale for human consumption;
- (b) any food commonly used for human consumption or any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of food shall be presumed, until the contrary is proved, to be intended for sale or for the manufacturing of food for sale for human consumption; and
- (c) any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption, which is found on premises in which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

16. Offences

- (1) (a) No person shall import, prepare, supply or sell any food unless such food is of merchantable quality.
- (b) For the purposes of paragraph (a), “ merchantable quality” means as fit for the purpose for which the food is sold as it is reasonable to expect, having regard to all the relevant circumstances.

- (3) Any person who –
- (a) obstructs, impedes, molests or assaults any authorised officer in the course of his duty or prevents the execution by the authorised officer of his duty in any manner;
 - (b) fails to furnish his name and address or who knowingly makes any false or misleading statement either verbally or in writing to any authorised officer engaged in carrying out his duty;
 - (c) being the owner, occupier or person in charge of any premises to which an authorised officer has gained access under section 4, or any person found therein who does not give to the authorised officer such reasonable assistance or furnish him with such information as he may reasonably require;
 - (d) fails to comply with a request or notice under this Act;
 - (e) fails to comply with an order of the District Magistrate or of the Permanent Secretary under this Act, or removes the copy of an order affixed under section 10 (6) (b);
 - (f) in respect of any food sold by him as principal or agent, gives to the purchaser a false warranty or written statement, unless he proves that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were correct; and
 - (g) otherwise contravenes any provision of this Act or any regulations made under this Act,

shall commit an offence.

- (3) Any person who imports, prepares, supplies, distributes or sells any food which –
- (a) is poisonous, harmful or injurious to health;
 - (b) contains any foreign matter;
 - (c) is unfit for human consumption;
 - (d) is the product of a diseased animal or an animal which has died otherwise than by slaughter;
 - (e) is the product of a decomposed vegetable or vegetable substance; or
 - (f) is adulterated,
- shall commit an offence.

- (4) For the purposes of this section, a food shall be deemed to be adulterated where a Government Analyst, a Food Microbiologist or an authorised officer, as the case maybe, certifies that –
- (a) it contains or is mixed or diluted or blended with any substance which diminishes its nutritive value or its beneficial properties, or alters its natural state, when compared with the food in a pure, normal and undeteriorated condition;
 - (b) any substance or ingredient has been extracted or omitted therefrom, and by reason of the extraction or omission, the nutritive or other beneficial properties of the food are less than those of the food in its normal and undeteriorated condition;
 - (c) it contains any substance the addition of which is not permitted under this Act or any regulations made under this Act;
 - (d) it contains any substance the addition of which is not permitted under this Act;
 - (e) it contains a greater proportion of any substance that is permitted in regulations made under this Act;
 - (f) it is mixed, coloured, powdered, coated, stained, prepared or otherwise treated in a manner whereby damage or inferiority may be concealed;
 - (g) it is in a sealed package form, and the package is damaged by insects, rodents and other pests;
 - (h) it is in a sealed package form, and the package is so damaged as to be no longer able to ensure the protection of its contents from contamination and deterioration;
 - (i) it is in a package, and the original contents of the package have been removed in whole or in part and other contents placed instead;
 - (j) it is exposed to contamination by microorganism, dust, flies, rodents and other pests;
 - (k) it does not comply with the standard or specification prescribed by any regulations made under this Act;
 - (l) though not unfit, it is prohibited from being imported, or sold for human consumption; and
 - (m) it contains abnormal levels of microorganisms likely to cause food intoxication.

17. Penalty

Any person who commits an offence under this Act or any regulations made under this Act shall, on conviction be liable to a fine of not less than 2,000 rupees and to imprisonment for a term not exceeding 2 years.

18. Regulations

- (1) The Minister may make such regulations as he thinks fit for the purposes of this Act and in particular but without prejudice to the generality of his power he may make regulations for-
- (a) prescribing the standard, composition, strength, potency, quality, weight, quantity, shelf-life or other property of any food or ingredient or component thereof;
 - (b) prohibiting the addition of any specified substance to food;
 - (c) prohibiting the addition of more than the specified quantity of a permissible substance to food;
 - (d) the use of any substance as an ingredient of any food so as to prevent the consumer or purchaser from being deceived or misled as to its quality, quantity, character, value, composition, effect or safety, or to prevent damage to the health of the consumer or purchaser;
 - (e) the carriage of food by motorised vehicles or non-motorised vehicles;
 - (f) the mode of labelling of packaged foods;
 - (g) prohibiting or regulating the sale, advertisement or importation of any food or any novel food;
 - (h) prescribing requirements respecting the package of any food and the placing in food for sale or in packages of the food, any toy, coin or other article;
 - (i) securing the observance of hygienic conditions and practices in connection with the carrying out of food business;
 - (j) securing that food is fit for human consumption and meets such microbiological standards as may be specified by any regulations;
 - (k) protecting and promoting the interest of consumers;
 - (l) prescribing fees; or
 - (m) prescribing anything which may be in the interest of public health and safety in carrying out the provisions of this Act.

(2) The Minister may, by regulations, amend the Schedules.

19. Repeals

The following enactments are repealed –

- (a) the Food and Drugs Act;
- (b) the Drinks and Trade Containers regulations 1976;
- (c) the Fish Control Regulations 1981;
- (d) the Food and Drugs (Antioxidants in Food) Regulations 1982;
- (e) the Food and Drugs (Colouring Matter) Regulations 1980;
- (f) the Food and Drugs (Control of Aflatoxin) Regulations 1979;
- (g) the Food and Drugs (Control of Emulsifiers & Stabilisers) Regulations 1979;
- (h) the Food and Drugs (Flavouring Substances) Regulations 1979;
- (i) the Food and Drugs (Ghee) Regulations 1962;
- (j) the Food and Drugs (Phytopharmaceutical Residues) Regulations 1980;
- (k) the Food and Drugs (Preservatives) Regulations 1976;
- (l) the Food and Drugs (Salt) Regulations 1989;
- (m) the Food and Drugs (Solvents in Food) Regulations 1979;
- (n) the Food and Drugs (Trace Elements in Food) Regulations 1979;
- (o) sections 151 and 152 of the Public Health Act;
- (p) the Sale of Frozen Food Regulations 1985;
- (q) the Soft Drink Regulations 1975; and
- (r) Milk Trade Regulations 1967.

20. Commencement

This Act shall come into operation on a day to be fixed by Proclamation and different days may be appointed in respect of different provisions of this Act.

Passed by the National Assembly on the fifth day of May one thousand nine hundred and ninety eight.

ANDRE POMPON
Clerk of the National Assembly

FIRST SCHEDULE
(section 3(2))

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

Certificate of Authorization

This is to certify that

holding the post of, is
hereby authorised under section 3(2) of the Food Act 1998 to enter on any premises at any time
of day and night to enforce due observance of the provisions of the Food Act 1998 or any
regulations made under it.

Signed by me, this

.....

.....

Permanent Secretary

NOTE : This certificate of authorization is to be surrendered to the Ministry of Health
when the holder leaves Government Service on grounds of health, or retirement
or on dismissal.

SECOND SCHEDULE
(section 4 (d) (i))

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

**Notice of Seizure, detention and removal for examination
or analysis, given by authorised officer**

To :

.....

- Notice is hereby given to you that by virtue of section 4 of the Food Act 1998,
- (a) the undermentioned food commodities lying at
have been seized and detained by reason of their likelihood to be injurious to health or to
cause food poisoning or any disease communicable to human beings;
 - (b) the food commodities or any portion thereof shall not be sold or used in any manner; and
 - (c) the food shall not be removed except to the following place:-

.....
.....

Food :

Authorised Officer

.....
(name)

Date.

Place

THIRD SCHEDULE
(section 5 (2) (a))

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

Withdrawal Notice

To :

.....

Further to the notice served on you under section 4(1) (d) (i) of the Food Act 1998, the undermentioned food commodities have been found to comply with the provisions of this Act and regulations made under it.

You are hereby informed that the said notice is withdrawn, and the detention of the said food commodities is therefore lifted.

Food :

.....

Permanent Secretary

.....

(name)

Date.

Place

FOURTH SCHEDULE
(section 5 (2) (b) (I))

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

**Notice of seizure, detention and removal of food
to be dealt with by District Magistrate**

To :

.....

This is to inform you that the undermentioned food commodities lying at
..... have been analysed/examined by virtue of
section 7 of the Food Act 1998 and have been found –

- (a) not to comply with section of/ regulation made under, this Act;
- (b) to be likely to be injurious to health or to cause food poisoning or any disease communicable to human beings.*

.....

The food commodities are therefore seized, detained and removed to be dealt with by a District Magistrate.

Permanent Secretary

Date

.....

(name)

*Delete whichever is not applicable

FIFTH SCHEDULE
(section 5 (2) (b) (ii))

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

Application for an order to destroy or dispose of food which does not comply with the Food Act 1998.

From : Permanent Secretary

To : The District Magistrate,

Sir,

I have the honour to request that you will be good enough to issue an order for the
destruction or disposal of

.....

.....

on account of the unwholesome state of the said food.

Date.

.....

Permanent Secretary

SIXTH SCHEDULE
(section 7 (3))

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

	Laboratory Fees	Rs
1.	For simple estimations of pH, moisture, blood cholinesterase level, ash	125
2.	Fibre, nitrogen, sugar, fat chloride, radioactivity	300
3.	Alcohol determination in blood, alcohol determination in alcoholic drinks, heavy metals (e.g. lead) in blood, histamine level, metals in food, mycotoxin, sweetening agent, preservatives in food, colouring matter or antioxidant and other food additives.	500
4.	For complete chemical analysis of foods, pharmaceutical products, alcoholic beverages, water, salt, rubber and plastic materials.	750
5.	Spectrophotometric determinations by atomic absorption or flame photometer	2,000
6.	Gas liquid chromatography analysis, high performance liquid chromatography analysis, Fourier Transmittance Infra Red Spectrophotometric analysis (F.T.I.R Analysis)	2,500
7.	Microbiological examinations of food samples	400

SEVENTH SCHEDULE
(section 8)

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

Improvement Notice

Counterfoil of Notice

No.....

No.....

To whom served, and his address

.....

To: District

Notice is hereby given to you that it has been ascertained that the following matters constitute a failure to comply with

Matters constituting
Failure under Regulation

.....

regulation in respect of premises situated at in the District of namely:

.....

.....

Now you are hereby required within a period of days from the time of service on you of the present notice to and if you fail to comply with the notice within the period specified, you shall commit an offence, and shall, on conviction be liable to a fine of not less than 2,000 rupees and to imprisonment for a term not exceeding 2 years

Premises

Delay granted.....

Additional Delay

Notice served by

.....

on

Any prosecution

Date

Notice finally complied with on

.....

Permanent Secretary

.....

(Name)

EIGHTH SCHEDULE
(section 9)

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

Prohibition Order

Mr

.....

The preparation/cooking/selling of food at or the addition of to food, constitute a hazard to health.

You are hereby ordered to discontinue such activity forthwith. Should you be dissatisfied with this order, you may within 7 days of service of this order on you, appeal to Permanent Secretary who may maintain or discharge the order.

If you fail to comply with this Prohibition Order, either failing to appeal to the Permanent Secretary or after the upholding of the Order by the Permanent Secretary on appeal, you shall commit an offence and shall, on conviction, be liable to a fine of not less than 2000 rupees and to imprisonment for a term not exceeding 2 years.

Authorised Officer

Date

Name

NINTH SCHEDULE
(section 10 (1))

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

Notice before issue of Emergency Closing Order

To :

.....

Your food premises situated at in the district of has been found to be in such a condition that the manufacture/production/packaging/preparing/storing/selling of food therein or product prepared therein constitute a hazard to health, to wit –

.....

You are hereby required within a period of hours/days from the time of service on you of the present notice to :

.....

.....

If you fail to comply with this notice within the period specified an emergency closing order will be issued to you in respect of the above premises.

.....

Authorised Officer

Date.....

Time.....

TENTH SCHEDULE
(section 10 (3))

GOVERNMENT OF MAURITIUS
MINISTRY OF HEALTH AND QUALITY OF LIFE

THE FOOD ACT 1998

Emergency Closing Order

To :

.....

Your food premises situated at
in the district of has been found to be in such a condition that the
manufacture/production/packaging/preparing/storing/selling of food therein or product prepared
therein constitutes a hazard to health.

You are hereby ordered to close down the said premises forthwith.

Permanent Secretary

Date.....

.....
(name)