

FOOD AND DRUGS (AMENDMENT) ACT, 1996 (ACT 523)

ARRANGEMENT OF SECTIONS

Section

1. Section 3 of P.N.D.C.L. 305B amended
2. Section 4 of P.N.D.C.L. 305B amended
3. Section 6 of P.N.D.C.L. 305B amended
4. Section 6A inserted in P.N.D.C.L. 305B
5. Section 7 of P.N.D.C.L.305B amended
6. Section 9 of P.N.D.C.L. 305B amended
7. Section 26 of P.N.D.C.L. 305B amended
8. Section 29 of P.N.D.C.L. 305B amended
9. Section 31 of P.N.D.C.L. 305B amended
10. Section 32 of P.N.D.C.L. 305B amended
11. Section 33 of P.N.D.C.L. 305B amended
12. Section 34 of P.N.D.C.L. 305B amended
13. Section 42 of P.N.D.C.L. 305B amended
14. Section 44 of P.N.D.C.L. 305B amended
15. Section 50 of P.N.D.C.L. 305B amended
16. Section 51 of P.N.D.C.L. 305B amended
17. Transitional Provision.

THE FIVE HUNDRED AND TWENTY-THIRD

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

FOOD AND DRUGS (AMENDMENT) ACT, 1996

AN ACT to amend the Food and Drugs Law, 1992 (P.N.D.C.L. 305B) to provide for the fortification of salt to alleviate nutritional deficiencies, to bring the provisions of the Law in conformity with the Constitution and to provide for connected purposes.

DATE OF ASSENT: 30TH DECEMBER, 1996

BE IT ENACTED by Parliament as follows—

Section 1—Section 3 of P.N.D.C.L 305B Amended.

The Food and Drugs Law, 1992 (P.N.D.C.L. 305B) referred to in this Act as the "principal enactment" is amended by the repeal of section 3 and the insertion of the following—

3. "Deception of Consumers.

A person who manufactures, labels, packages, sells or advertises any food in a manner that is false, misleading or deceptive as regards its character, nature, value, additives, substance, quality, composition, merit or safety commits an offence."

Section 2—Section 4 of P.N.D.C.L. 305B Amended.

The principal enactment is amended section 4 by the insertion after the word "who" of the word "manufactures".

Section 3—Section 6 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 6 by the deletion of the words "licensed under the Manufacturing Industries Act, 1971 (Act 356)".

Section 4—Section 6A Insertion in P.N.D.C.L. 305B.

The principal enactment is amended by the insertion after section 6 of the following new section 6A—

6A. "Mandatory Fortification of Salt.

(1) No person shall—

(a) mine salt for human or animal consumption; or,

(b) import, manufacture, package, label, advertise, store, deliver, distribute, trade, sell or export any salt that is not fortified with potassium iodate in accordance with this Act.

(2) Salt is fortified where it has additives such as potassium iodate, protein, essential amino acids, vitamins, minerals, essential fatty acids or other nutritional substance added to it to enhance its nutritional value.

(3) The Ghana Standards Boards shall determine and publish in the Gazette and newspapers nationwide the standard for the fortification of salt under this Act.

(4) No person shall label, package, sell or advertise salt in a manner that is likely to be mistaken for salt of the prescribed standard.

(5) This section shall not apply to salt for industrial or iodation purposes.

(6) Salt for industrial purposes shall be labelled clearly to that effect and stored and displayed separately from salt intended for human or animal consumption."

Section 5—Section 7 of P.N.D.C.L. 305B Amended.

1. The principal enactment is amended by the renumbering of section 7 as 7 (1) and the insertion of the following new subsection—

"(2) Food shall be stored and conveyed in such a manner as to preserve its composition, quality and purity and to minimise the dissipation of its nutritive properties from climatic and other deteriorating conditions."

Section 6—Section 9 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 9(1) by the deletion of "€500,000.00" and the insertion of "€5 million" and the deletion of "€5,000" and the insertion of "not exceeding €500,000".

Section 7—Section 26 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 26 by the deletion of "€500,000.00" and insertion of "5 million".

Section 8—Section 29 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 29 as follows—

- (a) in section 29 (1)(a) by the deletion of the words "appointed by the Council";
- (b) in section 29 (1)(j) by the deletion of the word "Council" and the insertion of the word "Agency";
- (c) in section 29 (1)(n) by the deletion of the words "appointed by the Council";
- (d) by the insertion after section 29 (1) of the following new subsection—

"(1A) The members of the Board shall be appointed by the President in consultation with the Council of State."

Section 9—Section 31 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 31 by the insertion after the word "may" of the words "in consultation with the Minister for Finance".

Section 10—Section 32 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 32 (1) by the deletion of the word "Secretary" and the insertion of the words "President in accordance with article 195 (1) or (2) of the Constitution".

Section 11—Section 33 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 32 (2) by the deletion of the word "Secretary" and the insertion of the words "President in accordance with article 195 (1) or (2) of the Constitution".

Section 12—Section 34 of P.N.D.C.L. 305B Amended.

The principal enactment is amended by the repeal of section 34 and the insertion of the following—

“Other Staff” of the Board.

(1) The Board shall have such other officers and employees as may be necessary for the proper and effective performance of its functions.

(2) The staff of the Board shall perform such functions as the Chief Executive may assign to them.

(3) The President shall in accordance with the advice of the Board given in consultation with the Public Services Commission and on such terms and conditions as he may determine appoint the staff and employees of the Board.

(4) The President may in accordance with article 195 (2) of the Constitution delegate the power of appointment of public officers under this Act.”

Section 13—Section 42 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 42 as follows—

(a) by re-numbering the section as subsection (1)

(b) in paragraph (a) by the deletion of "¢100,000" and the insertion of "¢1 million”;

(c) in paragraph (b) by the deletion of "¢500,000" and the insertion of "¢5 million”;

(d) by the insertion after subsection (1) of the following new subsection—

"(2) A person holding a mining lease for salt shall have the mining lease suspended if he is convicted twice under this Act.”

Section 14—Section 44 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 44 by the insertion in between the words "human consumption" wherever those words appear in the section of the words “or animal”.

Section 15—Section 50 of P.N.D.C.L. 305B Amended.

The principal enactment is amended by the repeal of section 50.

Section 16—Section 51 of P.N.D.C.L. 305B Amended.

The principal enactment is amended in section 51 as follows—

(a) by the deletion of the definition of "food" and the insertion of the following—

"food" includes salt and any article manufactured, sold or represented for use as food or drink for human or animal consumption, chewing gum, water and any ingredient of the food, drink chewing gum or water”.

(b) by the insertion after the definition of “health inspector” of the following—

“industrial purposes” means use otherwise than for human or animal consumption”;

(c) by the insertion after the definition of "label", of the following—

“manufacture” with respect to food means the making or composition of a product, including its production, preparation, processing or preservation in combination with other components, substance, ingredients or products”;

(d) by the deletion of “Secretary” means the P.N.D.C. Secretary responsible for “Health” and the insertion of the following—

"Secretary" means Minister responsible for Health".

Section 17—Transitional Provision.

This Act shall come into force six months from the date of its publication in the Gazette.

Date of Gazette Notification: 31st December, 1996