

## **PREVENTION OF DAMAGE BY PESTS DECREE, 1968 (NLCD 245)**

### **ARRANGEMENT OF PARAGRAPHS**

#### **Paragraph**

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IN pursuance of the Proclamation entitled "Proclamation for the constitution of a National Liberation Council for the administration of Ghana and for other matters connected therewith", published in Gazette No. 11 of Monday, 28th February, 1966, this Decree is hereby made:—

#### **Paragraph 1—Establishment of Inspectorate.**

The Commissioner responsible for Agriculture (hereinafter referred to as "the Commissioner") shall, for purposes of this Decree, appoint inspectors, functioning under his supervision, who shall ensure that food and feeding stuffs are free from contamination, infestation or infection by pests, and who shall give directions in that behalf.

#### **Paragraph 2—Identification Cards Issued to Inspectors.**

The Commissioner shall issue each inspector with an identification card containing a recent photograph of the inspector, and this card shall be produced on demand to the owner or occupier of the premises or vehicle.

#### **Paragraph 3—Obligation of Certain Persons to give Notice of Occurrence of Infestation, Etc.**

Every person who is connected with the task of the importation, exportation, manufacture, storage, transport or sale of food and feeding stuffs shall give the Commissioner notice in writing, within forty-eight hours after its occurrence, if it comes to his knowledge that any infestation, contamination or infection is present—

(a) in any premises or vehicle or any equipment belonging to any premises or vehicle, used or likely to be used in the course of such task; or

(b) in any food or feeding stuffs used or likely to be used in the course of such task or in any other goods for the time being in his possession which are in contact or likely to come into contact with such foods or feeding stuffs.

#### Paragraph 4—Certain Persons to Ensure that Food is Kept in a Clean and Sanitary Condition.

Every person required to give information under paragraph 3 of this Decree shall ensure that food and feeding stuffs in his possession are kept in a clean and sanitary condition.

#### Paragraph 5—Powers of Inspectors.

(1) Any inspector appointed for purposes of this Decree may—

(a) enter any premises or vehicles for the purpose of ensuring that food and feeding stuffs are free from contamination, infestation or infection by pests and for any other purpose specified in this Decree or any Regulations made thereunder; and

(b) request any person referred to in paragraph 3 of this Decree to furnish any return or other document for the purposes of this Decree or Regulations made thereunder within such period as may be specified in such request.

(2) No person shall obstruct any inspector in the performance of his functions under sub-paragraph (1) of this paragraph.

#### Paragraph 6—Certificate of Worthiness for Premises and Vehicles.

No person shall store any food or feeding stuffs in premises or transport any food or feeding stuffs in vehicles which have not been issued with a Certificate of Worthiness.

#### Paragraph 7—Inspectors to Consult Appropriate Officials.

Inspectors shall, where necessary, consult and co-operate with officials of the Ministry of Health and the Local Government Health Authorities, as the case may be, in the discharge of their functions under this Decree.

#### Paragraph 8—Review Board.

There shall be a Review Board which shall be established for the purposes to be specified in Regulations made under this Decree.

#### Paragraph 9—Offences.

Every person who contravenes any of the provisions of this Decree or Regulations made thereunder, shall be guilty of an offence and shall be liable—

(a) on summary conviction for a first offence to a fine not exceeding one hundred new cedis or to imprisonment for a term not exceeding three months or to both such fine and imprisonment;

(b) on summary conviction for a subsequent offence to a fine not exceeding two hundred new cedis or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and

(c) on conviction upon indictment to a fine not exceeding one thousand new cedis or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

Paragraph 10—Time for Prosecution.

A prosecution under the foregoing section may be instituted at any time within twelve months of the date on which the offence was alleged to have been committed.

Paragraph 11—Defence Open to Accused Person.

In a prosecution arising as a result of contravention of this Decree or of Regulations made thereunder it shall be a defence if the accused proves to the satisfaction of the court that he exercised all reasonable diligence in ensuring that the food or feeding stuffs were stored or transported in accordance with the provisions of this Decree or Regulations made thereunder.

Paragraph 12—Offences by Bodies of Persons.

In the case of an offence by a body of persons—

(a) where the body of persons is a body corporate (other than a partnership), every director and officer of the body corporate shall be deemed to be guilty of the offence; and

(b) where the body of persons is a partnership, every partner of that firm shall be deemed to be guilty of the offence:

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

Paragraph 13—Regulations.

The Commissioner may by legislative instrument make Regulations in respect of all or any of the following matters:—

(a) the destruction of rats, mice, insects or other pests causing the contamination, infestation or infection of food or feeding stuffs;

(b) the disinfection of contaminated, infested or infected foods or feeding stuffs at the expense of the owner or possessor thereof;

- (c) the inspection of storage premises or vehicles in which food or feeding stuffs are transported, at intervals specified in the Regulations;
- (d) the issue of certificates, by inspectors;
- (e) the condition of storage premises or vehicles in which food or feeding stuffs are transported;
- (f) the fixing of fees for any matter for the purpose of carrying out this Decree;
- (g) the seizure, destruction or disposal of infested, infected or contaminated foods or feeding stuffs;
- (h) the sampling and testing of foods and feeding stuffs;
- (i) the appointment of analysts for purposes of this Decree;
- (j) the compiling of a schedule of approved insecticides for use in the prevention of damage by pests;
- (k) the composition and functions of the Review Boards;
- (l) the power of the Review Board to condemn storage premises or vehicles in which food or feeding stuffs are transported;
- (m) the chemical treatment of food and feeding stuffs, storage premises and vehicles in which food or feeding stuffs are transported; and
- (n) any other matter for carrying out the principles and provisions of this Decree.

Paragraph 14—Exemption.

The provisions of this Decree and any Regulations made thereunder shall not be deemed to apply to the traditional-type storage premises used by farmers.

Paragraph 15—Interpretation.

In this Decree—

"feeding stuffs" include every article used as feed for livestock, poultry and domesticated animals and every article which ordinarily enters into or is used in the composition or preparation of such feed;

"food" includes every article used for food or drink by man and every article which ordinarily enters into, or is used in the composition or preparation of human food or drink;

"storage premises" mean any premises where food or feeding stuffs are stored;

"vehicle" includes any ship or other vessel used in navigation in water or any aircraft.

Made this 10th day of may, 1968.

LT.-GEN. J. A. ANKRAH

Chairman of the National Liberation Council

Date of Gazette Notification: 24th May, 1968.