

Nru. 55

10. 1. 78

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Vincent Moran, M.P., Ministru tas-Sahha u ta' l-Ambjent, u moqri ghall-Ewwel darba fis-Seduta ta' l-14 ta' Diċembru, 1977.

ATT biex jemenda l-Att ta' l-1972 dwar Hwejjeġ ta' l-Ikel, Mediċinali u Ilma tax-Xorb.

C. MIFSUD

Skriyan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Vincent Moran, M.P., Minister of Health and Environment, and read the First time at the Sitting of the 14th December, 1977.

AN ACT to amend the Food, Drugs and Drinking Water Act, 1972.

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex jemenda l-Att ta' l-1972 dwar Hwejjeġ ta' l-Ikel, Mediċinali u Ilma tax-Xorb.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjah l-Att ta' l-1978 li jemenda l-Att dwar Hwejjeġ ta' l-Ikel, Mediċinali u Ilma tax-Xorb, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1972 dwar Hwejjeġ ta' l-Ikel, Mediċinali u Ilma tax-Xorb, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok it-tifsira ta' "Kunsill tas-Saħħa" għandu jidhöl dan li ġej:

" "Kunsill tas-Saħħa" tfisser il-Kunsill tas-Saħħa mwaqf qaf taht l-Ordinanza dwar il-Kostituzzjoni tad-Dipartiment tas-Saħħa jew xi liġi oħra li tissostitwiha; ", u

(b) minnufih wara t-tifsira ta' "Awtorità Sanitarja" għandha tidhöl it-tifsira ġdida li ġejja:

" "tbiegħ" tinkludi toffri, turi, tirreklama jew iżzomm għall-bejgħ, u tagħti bhala kumpens jew xort'oħra; ".

Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

3. Fil-paragrafu (a) tas-subartikolu (4) ta' l-artikolu 9 ta' l-Att prinċipali, minflok il-kliem "43 fil-mija" għandhom jidhöl l-kliem "40 fil-mija".

Emenda ta' l-artikolu 26 ta' l-Att prinċipali.

4. L-artikolu 26 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikoli (1) u (2) tiegħu għandhom jiġu numerati mill-ġdid rispettivament bhala subartikoli (2) u (3), u

(b) minnufih qabel is-subartikolu (2) tiegħu għandu jidhöl is-subartikolu ġdid li ġej:

“(1) Ebda persuna ma għandha mingħajr il-permess tat-Tabib Veterinarju tal-Gvern toqtol xi annimal, li laħmu jkun maħsub għall-bejgħ għall-konsum mill-bniedem, ħlief f’biċċerija.”.

5. L-artikolu 34 ta’ l-Att prinċipali għandu jiġi emendat biż-żieda tal-provisos li ġejjin fit-tarf tiegħu:

Emenda ta’
l-artikolu 34 ta’
l-Att prinċipali.

“Iżda dak l-imbullar ma jnehħix il-ħtija ta’ xi persuna li tbiegħ xi laħam jew fdal, jew xi prodott tal-laħam li kien fi stat ta’ deterjorazzjoni jew b’xi mod mhux tajjeb għall-konsum mill-bniedem:

Iżda wkoll, bla ħsara għad-disposizzjonijiet l-oħra ta’ dan l-Att, laħam mibjugħ f’reċipjent ippakkjat minn qabel u issiġillat u ippreparat u ippakkjat f’post li jkollu liċenza għal hekk ma hemmx bżonn li jkollu boll.”.

6. Minflok is-subartikoli (2) u (3) ta’ l-artikolu 53 ta’ l-Att prinċipali għandu jidhrol dan li ġej:

Emenda ta’
l-artikolu 53 ta’
l-Att prinċipali.

“(2) Meta jittieħed xi kampjun kif intqal qabel, il-kwantità hekk meħuda, jekk hekk mitlub mill-bejgiegħ fil-waqt li jittieħed il-kampjun u kemm-il darba fil-fehma ta’ l-uffiċjal awtorizzat il-qsim tal-kwantità meħuda ma jkunx Prattikalment raġonevoli jew itellef fl-analisi jew fl-eżami, għandha tinqasam fi tliet partijiet bejn wieħed u ieħor indaqs, li minnhom parti waħda tingħata lill-bejgiegħ u ż-żewġ partijiet l-oħra jinżammu mill-uffiċjal awtorizzat għall-analisi jew eżami.

(3) Kull kampjun li jittieħed, jew kull parti tiegħu skond il-każ, għandu —

(a) jiġi issiġillat b’dak il-mod li ma jkunx jista’ jinfe-
taħ mingħajr ma jinkiser is-siġill, u

(b) jiġi iffirmit, jew ikollu mwahhal miegħu tikketta
iffirmata, kemm mill-bejgiegħ kif ukoll mill-uffiċjal awtoriz-
zat:

Iżda, jekk il-bejgiegħ ma jkunx jista’ jew ma jkunx irid jiffir-
ma l-kampjun, jew xi parti minnu, jew it-tikketta, skond il-każ,
il-firma fuqhom ta’ l-uffiċjal awtorizzat tkun biżżejjed:

Iżda wkoll, jekk il-bejgiegħ ma jkunx jista’ jew ma jkunx
irid ikun preżenti matul it-teħid tal-kampjun, l-uffiċjal awtoriz-
zat jista’ jieħu l-kampjun minkejja n-nuqqas ta’ dak il-bejgiegħ u,
f’dak il-każ, id-disposizzjonijiet ta’ dan l-artikolu dwar il-firma
tal-bejgiegħ ma japplikawx.”.

7. Fl-ewwel proviso għas-subartikolu (3) ta’ l-artikolu 57 ta’ l-Att prinċipali, minflok il-kliem “tkun multa” għandhom jidhrolu l-kliem “tkun ammenda”.

Emenda ta’
l-artikolu 57 ta’
l-Att prinċipali.

8. L-artikolu 70 ta’ l-Att prinċipali għandu jithassar.

Thassir ta’
l-artikolu 70 ta’
l-Att prinċipali.

Għanijiet u Raġunijiet

L-Għan ewlieni ta’ dan l-Abbozz huwa li jnehħi d-disposizzjoni fejn reati kontra l-Att ta’ l-1972 dwar Hwejjeġ ta’ l-Ikel, Mediċinali u Ilma tax-Xorb kienu jitqiesu bħala kontravvenzjonijiet.

L-Abbozz ukoll jemenda d-disposizzjoni ta’ l-imsemmi Att li tittratta dwar it-teħid ta’ kampjuni.

Fl-aħħarnett, l-Abbozz fih ukoll xi emendi oħra ta’ inqas importanza.

A BILL

entitled

AN ACT to amend the Food, Drugs and Drinking Water Act, 1972.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Food, Drugs and Drinking Water (Amendment) Act, 1978, and shall be read and construed as one with the Food, Drugs and Drinking Water Act, 1972, hereinafter referred to as "the principal Act".

Amendment of section 2 of the principal Act.

2. Section 2 of the principal Act shall be amended as follows:

(a) for the definition of "Council of Health" there shall be substituted the following:

" "Council of Health" means the Council of Health constituted under the Department of Health (Constitution) Ordinance or under any other law substituting it; ", and

(b) immediately after the definition of "Sanitary Authority" there shall be inserted the following new definition:

" "to sell" includes to offer, expose, advertise or keep for sale, and to supply by way of compensation or otherwise; ".

Amendment of section 9 of the principal Act.

3. In paragraph (a) of subsection (4) of section 9 of the principal Act, for the words "43 per cent" there shall be substituted the words "40 per cent".

Amendment of section 26 of the principal Act.

4. Section 26 of the principal Act shall be amended as follows:

(a) subsection (1) and (2) thereof shall be renumbered respectively as subsections (2) and (3), and

(b) immediately before subsection (2) thereof there shall be inserted the following new subsection:

“(1) No person shall without the permission of the Government Veterinary Surgeon slaughter any animal, the flesh of which is intended for sale for human consumption, except in a slaughterhouse.”

5. Section 34 of the principal Act shall be amended by the addition of the following provisos at the end thereof: Amendment of section 34 of the principal Act.

“Provided that any such stamp shall not exculpate any person who sells any meat or offal or any meat product which is deteriorated or in any way unfit for human consumption:

Provided further that, subject to the other provisions of this Act, meat sold in a sealed pre-packed container and prepared and packed in premises licensed for the purpose, need not bear such stamp.”

6. For subsections (2) and (3) of section 53 of the principal Act there shall be substituted the following: Amendment of section 53 of the principal Act.

“(2) When any sample is taken as aforesaid, the quantity so taken, if so requested by the seller at the moment of the taking of the sample and unless in the opinion of the authorised officer division of the quantity taken is not reasonably practicable or would interfere with analysis or examination, shall be divided into three approximately equal parts, one part thereof to be handed over to the seller and the other two parts to be retained by the authorized officer for analysis or examination.

(3) Each sample taken, or any part thereof as the case may be, shall —

(a) be sealed in such manner that it cannot be opened without breaking the seal, and

(b) be signed, or bear affixed to it a tag signed, by both the seller and the authorised officer:

Provided that, if the seller is unable or refuses to sign the sample, or any part thereof, or the tag, as the case may be, the signature thereon of the authorised officer shall be sufficient:

Provided further that, if the seller is unable or refuses to be present during the taking of the sample, the authorised officer may take the sample notwithstanding the absence of such seller and, in that case, the provisions of this section referring to the signature of the seller shall not apply.”

7. In the first proviso to subsection (3) of section 57 of the principal Act, for the words “of a fine (*multa*)” there shall be substituted the words “of a fine (*ammenda*)”. Amendment of section 57 of the principal Act.

8. Section 70 of the principal Act shall be repealed.

Repeal of section 70 of the principal Act.

Objects and Reasons

The main Object of this Bill is to remove the provision whereby offences against the Food, Drugs and Drinking Water Act, 1972 were to be deemed to be contraventions.

The Bill also amends the provision of the said Act dealing with the taking of samples.

Finally, the Bill contains a few other amendments of less importance.