

# BILL

*Supplement to the Sierra Leone Gazette Vol. CXLVIII, No. 22*

*dated 28th April, 2017*

## THE FOOD AND FEED SAFETY ACT, 2017

### ARRANGEMENT OF SECTIONS

Section No.

#### PART I—PRELIMINARY

1. Interpretation.

#### PART II—ESTABLISHMENT OF THE FOOD AND FEED SAFETY AUTHORITY

2. Application of Act.
3. Establishment of Food and Feed Safety Authority.
4. Independence of the Authority.
5. Board of Authority.
6. Tenure of Members.
7. Meetings of Board.
8. Disclosure of interest.
9. Immunity of members of Board etc.
10. Committees of Board.
11. Functions of Board.
12. Remuneration of members.
13. Filling of vacancies.

#### PART III—FUNCTIONS OF AUTHORITY

14. Functions of Authority.

#### PART IV—ADMINISTRATIVE PROVISIONS

15. Appointment of Executive-Director.
16. Functions of Executive-Director.
17. Other staff of Authority.

18. Secondment of Public Officers.
19. Protection of officers.

#### PART V—FINANCIAL PROVISIONS

20. Funds of Authority.
21. Accounts and audit of Authority.
22. Financial year of Authority.
23. Annual Report.

#### PART VI—PRINCIPLES OF FOOD AND FEED SAFETY

24. Risk Analysis.
25. Official Supervision.
26. Risk Communication.
27. Use of Precaution.
28. Protection of consumer interests.
29. Principles of transparency.

#### PART VII—FOOD AND FEED TRADE REQUIREMENTS

30. Importers and exporters to register.
31. Registration of food and feed business.
32. Licensing of food and feed establishments, vehicles, etc.
33. Food and feed imported to comply with requirements.
34. Food and feed exported to comply with requirements.

#### PART VIII—FOOD AND FEED SAFETY REQUIREMENTS

35. Food safety requirements.
36. Feed safety requirements.
37. Presentation not to be misleading.
38. Responsibility of Authority.
39. Responsibility of food business operators.
40. Responsibility of feed business operators.
41. Food and feed rejections.

## PART IX–INSPECTION AND CERTIFICATION

42. Inspection and certification systems.
43. Where different inspection and certification held to be equivalent.
44. Equivalence agreements.
45. Transparency.
46. Control and inspection procedures.
47. Certification validity.
48. Electronic certification.
49. Inspection and certification system infrastructure.
50. Control programmes and operations.
51. Decision criteria and action.

PART X–ENFORCEMENT OF FOOD AND FEED SAFETY  
REQUIREMENTS

52. Enforcement of food and feed safety requirements.

PART XI–FACILITIES, EQUIPMENT, TRANSPORTATION AND  
COMMUNICATIONS

53. Facilities and equipment of Authority.
54. Laboratories of Authority.
55. Inspection services of Authority.
56. Certification systems of Authority.

## PART XII–FOOD AND FEED SAFETY SCIENTIFIC COMMITTEE

57. Establishment of Food and Feed Scientific Committee.
58. Composition of Scientific Committee.
59. Independence of Committee.
60. Functions of Scientific Committee.
61. Meetings and working procedures of Scientific Committee.
62. Ad hoc Scientific Sub-committees.

## PART XIII–OFFENCES AND PENALTIES

63. Violation of responsibility for food and feed safety.
64. Sale of unsafe food or feed.
65. Deceptive labelling, packaging, etc., of food or feed.
66. Food or feed not labelled or packaged.
67. Sale of sub-standard food or feed.
68. Operating in unsanitary condition.
69. Misbranded food or feed.
70. Food or feed containing extraneous or hazardous matter.
71. Removal or tampering with seized items.
72. False or misleading information.
73. Obstruction of staff of Authority.
74. Operating without licence.
75. False or misleading advertisement.
76. Unsafe transportation of food or feed.
77. Adulteration of food or feed.
78. General penalty.
79. Offences by body corporate, firm or other association of persons.
80. Forfeiture after conviction.
81. Closure of food or feed business premises.
82. Power of court to cancel licence.

## PART XIV –MISCELLANEOUS PROVISIONS

83. Regulations.
84. Repeal.

No.



2017

Sierra Leone

**A BILL ENTITLED**

**The Food and Feed Safety Act, 2017.**

Short title.

**Being an Act to provide for food and feed safety in Sierra Leone, to ensure the safety and quality of food and feed in order to protect the public against health hazards, to promote fair trade practices in food and feed and to provide for other related matters.**

[ ]

Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

## PART 1—PRELIMINARY

Interpretation.

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

“advertisement” means any written, pictorial, visual or other descriptive matter or verbal statement or reference appearing in any newspaper, magazine, pamphlet or other publication or which is distributed to members of the public or brought to the notice of members of the public in any manner whatsoever, which is intended to promote the sale of food or feed;

“article” includes –

(a) any food or feed and any labeling or advertising materials in respect thereof, or

(b) anything used for the preparation, preservation, packaging or storing of any food or feed;

“authorised officer” means an officer or any suitably qualified person authorised in writing by the Authority to carry out any activity authorised under this Act;

“assessment” means the examination by the inspector of food and feed business to ensure compliance with legal requirements, after an inspection, audit or verification;

“audit” means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;

“Authority” means the Food and Feed Safety Authority established under section 3;

“Board” means the Board of Directors of the Authority established under section 5;

“Competent Authority” means the Food Safety Authority of Sierra Leone established under Section 3;

“control plan” means a description established by the Food and Feed Safety Authority containing general information on the structure and organisation of its official control systems;

“Chairman” means the Chairman of the Board appointed under subsection (3) of section 5;

“Executive Director” means the Executive Director of the Authority appointed under section 15;

“Government” means the Government of Sierra Leone;

“establishment” means any premises engaged in the manufacturing, processing, packaging or storage of food or feed for placing on the market or for sale;

“feedstuff” means any substance or product including additives whether partially processed, processed or unprocessed, intended to be used for oral feeding of animals;

“feed business operator” means the natural or legal person responsible for ensuring that the requirements of this Act are met within the feed business under their control;

“feed business” means any undertaking whether for profit or not and whether public or private, carrying out the production, manufacture, processing, storage, transport or distribution of feed including any producer who produces, processes or stores feed for feeding to animals on his own holding;

- “feed safety” means any feed that meets the requirement under section 36;
- “final consumer” means the ultimate consumer who does not use the food as part of any food business operation or activity;
- “food” means any substance or product used as food or drink whether processed, partly processed, for human ingestion, other than drugs including, water, chewing gum, additive which is intended for use in the composition of food and any substance intentionally incorporated into the food during its manufacture, preparation or treatment but does not include live animals, unless they are prepared and placed in the market for human consumption, plants prior to harvesting medical products, cosmetic, tobacco products, and narcotic drugs;
- “food additive” means any substance not normally consumed as food in itself and not normally used as a characteristic ingredient of food and the addition of which is for the purpose of manufacture, processing, preparation, treatment, packaging, transport or storage of such food;
- “food business operator” means the natural or legal person responsible for ensuring that the requirements of this Act are met within the food business under their control;
- “food business” means any undertaking whether for profit or not and whether public or private, carrying out the production, manufacture, processing, storage, transport or distribution of food including any producer who produces, processes or stores food;
- “food quality” means the aggregate characteristics of a food product that bear on its ability to satisfy the needs of the final consumer;

- “food safety” means the assurance that food would not cause harm to the consumer when it is prepared or eaten according to its intended use;
- “food safety plan” and “feed safety plan” means a permanent procedure or procedures based on the Hazard Analysis and Critical Control Points principles to ensure that feed or food are produced safe and satisfy the requirements of this Act;
- “genetically modified organism” means an organism, with the exception of human beings, in which the genetic material has been altered in a way that does not occur naturally by mating or natural recombination, in vitro fertilisation, polyploidy induction and natural processes such as conjugation, transduction and transformation;
- “genetically modified food and feed” means feed and food containing, consisting of or produced from genetically modified organisms;
- “Guide to Good Practice” or “National Guide” means a guide to good practice for hygiene and for the application of Hazard Analysis and Critical Control Points principles in food and feed premises to conform to the requirements of a feed or food safety plan, approved by the Authority.
- “hazard” means a biological, chemical or physical agent in, or condition of, feed or food with the potential to cause an adverse health effect;
- “Hazard Analysis and Critical Control Points” mean a systematic preventive approach to food and feed safety from biological, chemical, and physical hazards in production processes that can cause the finished product to be unsafe, and designs measurements to reduce these risks to acceptable level;

“inspection” means the examination of any aspect of food or feed production, storage and distribution, animal health and animal welfare in order to verify that such aspect complies with this Act;

“insanitary condition” means such condition or circumstances as might cause contamination of a food or feed or might render the same injurious or dangerous to health;

“label” includes any tag, brand, mark, pictorial or other descriptive matter, written, printed stenciled, marked, embossed or impressed, or attached to or included in, belonging to, or accompanying any food or feed;

“measure” means any type of action taken by the Authority in order to remedy non-conforming situations in relation to food or feed;

“Minister” means the Minister responsible for health and sanitation and Ministry shall be construed accordingly;

“monitoring” means the conduct of a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with this Act;

“national standard” mean standards developed or adopted by the Standards Bureau;

“non-compliance” means non-compliance with this Act;

“novel foods” means food or food ingredients that have not been previously used for human consumption to a significant degree;

“official certification” means the procedure by which the Authority provides written, electronic or equivalent assurance concerning compliance of a food or feed business or batch of food or feed;

“official control” means any form of control that the Authority performs for the verification of compliance with this Act, followed by measures to ensure that any non-compliance is remedied;

“package” means anything in which any food is wholly or partly placed or packed, including any basket, pail, tray or receptacle of any kind, whether open or closed;

“placing on market” means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, including sale distribution and other forms of transfer;

“precautionary principle” means in specific circumstances, where following an assessment of available information, the possibility of harmful effects on health is identified but the scientific uncertainty persists, provisional risk management measures necessary to ensure the high level of health protection chosen may be adopted, pending further scientific information for a more comprehensive risk assessment;

“premises” means any building or other structure, permanent or otherwise, together with the land on which the same is situated and any adjoining land used in connection therewith, including any vehicle, conveyance or vessel used for the preparation, preservation, packaging, storage or conveyance of any article;

“preparation” includes manufacture and any form of treatment and “prepare” shall be construed accordingly;

- “primary production” means the production, rearing or growing of primary product including harvesting milking and farmed animal production prior to slaughter, including hunting, fishing, and harvesting of wild products;
- “recall” means the withdrawal of food or feed from the market, when there is reason to believe that a feed or food may harm consumers health;
- “risk” means a function of the probability of an adverse health effect and the severity of that effect, consequential to a hazard;
- “risk analysis” means a process consisting of three interconnected components: risk assessment, risk management and risk communication;
- “risk assessment” means a scientifically based process consisting of four steps, namely-hazard identification, hazard characterisation, exposure assessment and risk characterisation;
- “risk communication” means the interactive exchange of information and opinions throughout the risk analysis process as regards hazards and risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, food and feed businesses, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions;
- “risk management” means the process, distinct from risk assessment, of weighing policy alternatives in consultation with interested parties, considering risk assessment and other legitimate factors and selecting appropriate prevention and control options;

- “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;
- “sampling for analysis” means taking feed or food or any other substance (including from the environment) relevant to the production, processing and distribution of food or feed or to the health of animals, in order to verify through analysis, compliance with this Act;
- “Scientific Committee” means a committee of experts on food and feed safety from different institutions, established under section 57, that provide the Authority with scientific information on risks of food or feed at any stage of production;
- “Standards Bureau” means the Sierra Leone Standards Bureau established by section 3 of the Standards Act, 1996 (Act No. 2 of 1996);
- “substance” includes solid, liquid and gaseous material;
- “surveillance” means a careful observation of one or more food or feed businesses, food or feed business operators or their activities;
- “traceability” means the ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution;
- “unsafe food” means food that is injurious to health or unfit for human consumption;
- “unsafe feed” means feed that has an adverse effect on human or animal health and make the food derived from food-producing animals unsafe for human consumption;

“verification” means checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.

PART II – ESTABLISHMENT OF THE FOOD AND FEED SAFETY AUTHORITY

Application of Act. 2. This Act shall apply to all food and feed for domestic consumption and export.

Establishment of Food and Feed Safety Authority. 3. (1) There is hereby established a body to be known as the Food and Feed Safety Authority of Sierra Leone which shall be the Competent Authority for food and feed safety in Sierra Leone.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal, the use of which shall be authenticated by the signatures of –

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and
- (b) the Executive–Director or some other person authorised by the Board in that behalf.

Independence of Authority. 4. Subject to the Constitution of Sierra Leone and unless otherwise provided in this Act the Authority shall not, in the performance of its functions, be subject to the direction or control of any person or authority.

Board of the Authority. 5. (1) The governing body of the Authority shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Authority.

(2) The Board shall consist of a Chairman and the following members –

- (a) 1 representative from the Ministry of Health and Sanitation, not below the rank of Director, to be nominated by the Minister;
- (b) 1 representative from the Ministry of Fisheries and Marine Resources, not below the rank of Director, to be nominated by the Minister of Fisheries and Marine Resources;
- (c) 1 representative from the Ministry of Trade and Industry, not below the rank of Director, to be nominated by the Minister of Trade and Industry;
- (d) 1 representative from the Ministry of Agriculture, Forestry and Food Security, not below the rank of Director, to be nominated by the Minister of Agriculture and Forestry and Food Security;
- (e) 1 representative from the Ministry of Water Resources, not below the rank of Director, to be nominated by the Minister of Water Resources;
- (f) 1 representative from the, Ministry of Justice, not below the rank of Director, to be nominated by the Attorney General and Minister of Justice;
- (g) The Executive Director, as ex-officio, who shall be the Secretary to the Board.
- (h) 2 representatives from civil society groups involved in food and feed related issues, one of whom shall be a woman, appointed by the Minister, after consultation with the civil society groups;
- (i) 1 representative from civil society groups involved in consumer protection activities, appointed by the Minister, after consultation with the civil society groups;



- (j) 1 representative from the Sierra Leone Association of Manufacturers appointed by the Minister, after consultation with the Association.

(3) The Chairman shall, on the advice of the Minister and subject to the approval of Parliament, be appointed by the President from among persons with proven knowledge and or interest in food and feed safety management matters.

Tenure of members.

6. (1) The Chairman shall hold office for a period of 3 years and shall be eligible for re-appointment for a further term of 3 years only.

(2) A person shall cease to be a member of the Board on any of the following grounds—

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; or
- (f) if he resigns his office by written notice to the Minister.

Meetings of Board.

7. (1) The Board shall meet to discuss its business at least once every 3 months at the offices of the Authority and at such time as the Chairman may determine.

(2) The Chairman shall preside over every meeting of the Board and in his absence, the members present shall appoint a member from among themselves to preside over that meeting.

(3) A minimum of 3 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be 7.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of interest.

8. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board.

Immunity of members of Board, etc.

9. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority.

Committees of Board.

10. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine.

(2) A committee appointed by the Board under subsection (1), shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Executive-Director, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

Functions of Board.

11. (1) Subject to this Act, the Board shall have the control and supervision of the Authority, including overseeing the sound and proper financial management of the Authority.

(2) It shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the Authority and enhance the overall performance of the Authority.

12. The Chairman and other members of the Board and any person co-opted by the Board under subsection (8) of section 5 shall be paid allowances approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine. Remuneration of members.

13. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding 3 Board sittings or is by reason of illness unable to perform the functions of his office for a continuous period of 6 months— Filling of vacancies.

(a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and

(b) in the case of the member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member as the case may be, and shall, subject to this Act, be eligible for re-appointment.

## PART III—FUNCTIONS OF THE AUTHORITY

Functions of Authority.

14. (1) The object for which the Authority is established is to develop and maintain food and feed safety control systems, regulate food and feed businesses including abattoirs and handlers along the food and feed chain to make sure that they adhere to prescribed standards.

(2) Without prejudice to the generality of subsection (1) the Authority shall have responsibility—

- (a) for the overall control of food and feed safety and food and feed quality;
- (b) to inspect all premises involved in the production, preparation import and export of food and feed including all ports of entry to make sure that food and feed are safe for human consumption and the businesses adhere to national standard;
- (c) to register and issue food and feed safety certificates for the operation of all food and feed businesses;
- (d) to coordinate all activities amongst stakeholders relating to food and feed safety;
- (e) to sensitize, educate and promote general awareness on food and feed safety;
- (f) to conduct food and feed audit on food and feed businesses and factories including supermarkets so as to make sure that operators of food and feed businesses, supermarkets and factories comply with the national standards relating to the operation of the food businesses and factories they do;

- (g) to monitor activities of food and feed producers throughout the food chain including importers of food and inspect all food and feed stores to ascertain that they are fit for the purpose of storing food and feed items;
- (h) to trace the origin of hazardous food or feed and requesting certificate of analysis from importers of food for all foods imported in Sierra Leone;
- (i) to establish the relevant guidelines and codes of conduct and measures for quality control of food in conformity with the national standards;
- (j) to recruit and maintain well trained and competent staff necessary for the proper discharge of the functions of the Authority;
- (k) to develop appropriate quality control and safety training and coaching programmes for food and feed handlers;
- (l) to properly destroy or dispose, following approved procedures, all food or feed confirmed to be unsafe for human or animal consumption;
- (m) to establish committees as may be expedient for the discharge of the functions of the Authority;
- (n) to undertake risk assessment and provide advice to government of the suspected risk on food and feed safety related issues;

- (o) to conduct research, surveys concerning the quality, safety and use of food and feed;
- (p) to maintain a data base of all food and feed handlers and food and feed items in order to make sure that food and feed are preserved at the right temperature and the expiry date is not tempered with;
- (q) to monitor all food and feed businesses that contravene the Act that they fully comply with the penalties stated;
- (r) to issue certificate of fitness for human and animal consumption of all food and feed produced and imported into the country; and
- (s) to do all such things consistent with this Act as may be necessary to promote food and feed safety in Sierra Leone.

#### PART IV – ADMINISTRATIVE PROVISIONS

Appointment of Executive-Director.

15. (1) The Authority shall have an Executive-Director who shall be appointed by the Board upon such terms and conditions as the Board shall, after consultation with the Minister, determine.

(2) No person shall be appointed as an Executive-Director unless the person–

- (a) holds a postgraduate qualification in food science, food microbiology or food chemistry;
- (b) has, at least, 5 years' experience in food safety matters, three of which shall have been in management function;

- (c) has proven people and budget management skills; and
- (d) has the ability to work successfully with and influence key stakeholders involved in food safety across government, donors and partners.

16. The Executive-Director shall be responsible to the Board for the performance of the following functions– Functions of Executive-Director.

- (a) provide overall leadership in the conduct and management of the day-to-day business or activities of the Authority;
- (b) initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Authority;
- (c) monitor and supervise the preparation of the annual budgets and reports of the Authority for the review and approval of the Board;
- (d) oversee the work and discipline of the other staff of the Authority; and
- (e) carry out such other functions as may be assigned by the Board or necessary for the purposes of the Authority.

17. (1) The Authority shall have, in addition to the Executive-Director, such other additional technical and administrative staff, including Scientific Managers, a Finance Manager, Human Resource Manager and Administrative Officer, as may be required for the efficient performance of the functions of the Authority. Other staff of Authority.

(2) The other additional technical and administrative staff, referred to under subsection (1), shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

(3) The Authority may delegate to the Executive-Director—

- (a) the power of appointment of such grade or categories of staff as the Authority may require; and
- (b) the power to enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the Authority.

Secondment of public officers. 18. Public officers may at the instance of the Authority, be seconded or otherwise render assistance to the Authority but the Authority may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Authority.

Protection of officers. 19. No officer or employee of the Authority or any person acting on the directions of an officer or employee of the Authority shall be liable in respect of any matter or thing done by him in good faith under this Act.

PART V – FINANCIAL PROVISIONS

Funds of Authority. 20. (1) The activities of the Authority shall be financed by funds consisting of –

- (a) any moneys appropriated from time to time by Parliament for the purposes of the Authority and;

- (b) all other moneys which may, from time to time, accrue to the Authority.

(2) The funds of the Authority shall be applied only for the purposes of the approved budget of the Authority.

21. (1) The Authority shall keep proper books of account and other records in relation to the activities, property and finances of the Authority in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Authority a financial statement which shall include—

Accounts and audit of Authority.

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Authority kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanation thereon as he may think fit.

(4) The Authority shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to –

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Authority; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Authority.

Financial year of Authority. 22. The financial year of the Authority shall be the same as the financial year of the Government.

Annual report. 23. (1) The Authority shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 21 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

(4) The Authority shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI—PRINCIPLES OF FOOD SAFETY

Risk analysis. 24. (1) The Authority shall, for the purposes of achieving the general objective of a high level of protection of human health and life, make decisions based on risk analysis, except where this is not appropriate to the circumstances or the nature of the measure.

(2) The risk analysis on which the Authority may base its decision under subsection (1), shall –

- (a) be on the available scientific evidence undertaken in an independent, objective and transparent manner;
- (b) take into account the results of risk assessment and in particular, the opinion of the Scientific Committee referred to in section 57;
- (c) assess and communicate the risk to the appropriate authorities and stakeholders;
- (d) adopt measures, including risks assessment, to prevent the hazards associated with food and feed production;
- (e) take prevention and control measures to reduce or eliminate risk to health from the consumption of food or feed;
- (f) ensure that appropriate preventive and control measures are applied at the point in the food and feed supply chain where they can be most effective in reducing or eliminating risk to health from the consumption of food or feed; and
- (g) take into consideration other factors relevant to the achievement of the general objective of food and feed safety management.

25. The Authority shall ensure that official supervision of food and feed production to determine inspection and sampling frequencies is done on a regular basis and the inspection and sampling shall be based on risk analysis, historical experiences and scientific information on hazards in food and feed production.

Risk communication.

26. (1) The Authority shall, in the case of any identified hazard, communicate the hazards in a timely, reliable, independent and comprehensive way to—

- (a) members of its staff;
- (b) the government;
- (c) persons responsible for risk management;
- (d) authorised officers responsible for official control of food and feed safety;
- (e) food and feed business operators; and
- (f) consumers if such information is necessary to protect such consumers.

(2) In the event of a recall, the Authority shall inform the Government and consumers and where appropriate, Governments of other countries.

Use of precaution.

27. (1) The Authority shall take provisional and interim measures to ensure high level of health protection where an assessment identifies possible harmful effects on health without scientific certainty pending further scientific information for a more comprehensive risk assessment.

(2) The interim and provisional measures provided for in subsection (1) shall be based on the precautionary principle and shall be proportionate and no more restrictive of trade than is required to achieve the level of health protection in Sierra Leone.

Protection of consumer interests.

28. (1) The Authority shall, in exercise of its functions under this Act, endeavor to protect the interests of consumers and provide a basis for consumers to make informed choices with regards to food and feed.

(2) The Authority shall, in exercise of its functions under subsection (1), protect the interests of consumers against fraudulent or deceptive practices including—

- (a) adulteration of food and feed;
- (b) mislabeling and re-dating products;
- (c) placing food and feed under the wrong temperature in food and feed stores, premises and marketing facilities;
- (d) using non-official and approved language to describe any food or feed product; and
- (e) any other practices which may mislead the consumer.

29. The Authority shall, without prejudice to the Right to Access Information Act, 2013, where there are reasonable grounds to suspect that food or feed may present a risk to human or animal health, depending on the nature, seriousness and extent of that risk, take appropriate steps to communicate the risk to the general public of the nature of the risk to health, identifying to the fullest extent possible, the food or feed or type of food or feed, the risk that it may present and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk. Principles of transparency.

PART VII—FOOD AND FEED TRADE REQUIREMENTS

30. (1) A person shall not carry on the business of an exporter or importer of feed or food unless that person is registered by the Authority under this Part as an exporter or importer and has complied with the provisions of this Act. Importers and exporters to register.

(2) The Authority shall keep and maintain in the prescribed manner a register containing —

- (a) the name of each registered exporter or importer of any feed or food;
- (b) the date of registration;
- (c) the kind of feed or food in respect of which the exporter or importer is registered as an exporter or importer; and
- (d) any other particulars required by the Authority.

(3) The Authority shall as soon as is practicable, consider the application and grant registration where it is satisfied that the composition of the feed or food proposed to be exported or imported is not of a standard below the national standard.

Registration of food and feed business.

31. (1) A person shall not manufacture, import, export, distribute, sell, or otherwise engage in the businesses of the supply of food or feed or expose food or feed for sale unless on a sanitary certificate issued by the Authority for that purpose.

(2) An application for the registration of a food or feed business shall be made to the Authority in such form as may be prescribed by the authority and shall be accompanied by the prescribed application fee.

(3) The Authority shall suspend or cancel a sanitary certificate issued under subsection (1) where the information submitted in respect of the registration of a food or feed business is misleading, false or otherwise inaccurate.

Licensing of food or feed establishment, vehicles etc.

32. (1) A person shall not operate an establishment, vehicle or vessel dealing with food or feed unless on a licence issued by the Authority for that purpose.

(2) An establishment, vehicle or vessel licensed in accordance with subsection (1) may store, process, package or place food or feed on the market for a specific period of time and for such products and processes as may be specified in the licence.

(3) The Authority shall, by statutory instrument, prescribe the classes of establishment, vehicle or vessel to which this section applies.

33. (1) Food and feed imported into Sierra Leone for sale within Sierra Leone shall comply with the relevant requirements of this Act or conditions recognised by Sierra Leone to be at least equivalent to, or, where a specific agreement exists between Sierra Leone and the exporting country, with the requirements contained therein.

Food and feed exported to comply with requirements.

(2) For the purpose of complying with the requirement under subsection (1), an importer shall present to the Authority a certificate of origin of the food or feed and any other relevant documents as well as samples of the food or feed products for the purpose of analysis to confirm and verify the nutritional content of the food or feed product, that the Authority may require before the food or feed products are allowed in the market.

(3) For the purpose of complying with the requirement under subsection (1) the importer shall have appropriate storage facility for the purpose of storing the imported food or feed products and the storage facility must always be made available to the Authority for inspection in order to verify that the food or feed are kept under hygienic environment that will not allow cross contamination.



(4) Food or feed imported shall have batch numbers and a data base of the batch numbers of all food or feed products imported into the country shall be kept and the information shall be made available to the Authority for the purpose of audit and traceability.

Food or feed exported to comply with requirements.

34. (1) Food or feed exported or re-exported from Sierra Leone to be sold in an importing country shall comply with the relevant requirements of this Act, unless otherwise requested by the authorities of the importing country or established by the laws, regulations, standards, codes of practice and other legal and administrative procedures as may be in force in the importing country.

(2) Where food or feed is injurious to health or unsafe, such food or feed can only be exported or re-exported to its origin after having been fully informed of the reasons for which and the circumstances in which the food or feed concerned could not be sold in Sierra Leone.

(3) Where the provisions of a bilateral agreement concluded between Sierra Leone and an importing country are applicable, food or feed exported from Sierra Leone or that importing country shall comply with such provisions.

#### PART VIII – FOOD AND FEED SAFETY REQUIREMENTS

Food safety requirements.

35. (1) Food shall not be placed on the market if it is unsafe.

(2) Food shall be deemed to be unsafe if it is considered to be–

- (a) injurious to health;
- (b) unfit for human consumption.

(3) In determining whether any food is unsafe, regard shall be given to–

(a) the normal conditions of use of the food by the consumer at each stage of production, processing and distribution; and

(b) the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods.

(4) In determining whether any food is injurious to health, regard shall be given to–

(a) not only the probable immediate, short-term or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;

(b) the probable cumulative toxic effects;

(c) the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers.

(5) In determining whether any food is unfit for human consumption, regard shall be given to whether the food is unacceptable for human consumption according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise or through putrefaction, deterioration or decay exceeds the expiry date.

(6) Where any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment there is evidence that the rest of the batch, lot or consignment is safe.

(7) Food that complies with the specific provisions governing food safety shall be deemed to be safe insofar as the aspects covered by the specific provisions are concerned.

(8) Conformity of a food with the specific provisions applicable to that food shall not bar the competent authority from taking appropriate measures to impose restrictions on it being placed on the market or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the food is unsafe.

(9) New food or food ingredients shall be deemed to be unsafe, unless they have been authorised by the Authority.

(10) Food, derived from or prepared with genetically modified organism shall not be placed on the market unless they have been authorised by the Authority.

(11) Other novel foods shall not be placed on the market unless they have been authorised by the Authority.

(12) Where there are no specific provisions, food shall be deemed to be safe when it conforms to the specific provisions of this Act.

Feed safety requirements. 36. (1) Feed shall not be placed on the market or fed to any food-producing animal if it is unsafe.

(2) Feed shall be deemed to be unsafe for its intended use if it is considered to—

- (a) have an adverse effect on human or animal health; or
- (b) make the food derived from food-producing animals unsafe for human consumption.

(3) Where a feed which has been identified as not satisfying the feed safety requirement is part of a batch, lot or consignment of feed of the same class or description, it shall be presumed that all of the feed in that batch, lot or consignment is so affected, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment fails to satisfy the feed safety requirement.

(4) Feed that complies with the specific provisions governing feed safety shall be deemed to be safe insofar as the aspects covered by the specific provisions are concerned.

(5) Conformity of a feed with the specific provisions applicable to that feed shall not bar the competent authority from taking appropriate measures to impose restrictions on it being placed on the market or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the feed is unsafe.

(6) Where there are no specific international provisions, feed shall be deemed to be safe when it conforms to the specific provisions of this Act.

37. The Authority shall supervise, the labeling, advertising and presentation of food or feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged, the setting in which they are displayed and the information which is made available about them through a medium, is not misrepresented to consumers. Presentation must not be misleading.

38. (1) The Authority shall enforce this Act, monitor and verify that the relevant requirements of this Act are fulfilled by food and feed business operators at all stages of production, processing and distribution. Responsibility of Authority.

(2) Food and feed business operators shall ensure that food or feed within the businesses under their control satisfy the requirements of this Act and shall verify that such requirements are met.

(3) For the purpose of subsection (1), the Authority shall maintain a system of official controls and other activities as appropriate to the circumstances, including public communication on food and feed safety and risk, food and feed safety surveillance and other monitoring activities covering all stages of production, processing and distribution, and also prescribe the rules on measures and effective, proportionate and dissuasive penalties applicable to infringements of this Act.

Responsibility  
of food  
business  
operators.

39. (1) If a food business operator considers or has reason to believe that a food which it has produced, processed, manufactured, imported or distributed is not in compliance with this Act, he shall immediately initiate procedures to withdraw the food in question from the market where the food has left the immediate control of that initial food business operator and inform the Authority.

(2) Subject to subsection (1), where the product may have reached the consumers, the operator shall effectively and accurately inform the consumers of the reason for its withdrawal and if necessary, recall from consumers products already supplied to them when other measures are not sufficient to achieve a high level of health protection.

(3) A food business operator responsible for retail or distribution activities which do not affect the packaging, labeling, safety or integrity of the food shall, within the limits of his activities, initiate procedures to withdraw from the market, products not in compliance with this Act and pass on relevant information necessary to trace a food, cooperating in the action taken by producers, processors, manufacturers or by the Authority.

(4) A food business operator shall immediately inform the Authority if he considers or has reason to believe that a food which he has placed on the market may be injurious to human health, and inform the Authority of the action taken to prevent risks to the final consumer and he shall not prevent or discourage any person from cooperating with the Authority, where this may prevent, reduce or eliminate a risk arising from a food.

(5) Food business operators shall collaborate with the Authority on action taken to avoid or reduce risks posed by a food which they supply or have supplied.

(6) A food and feed business operators shall develop and implement a system of controls of food or feed safety planned within his operations based on Hazard Analysis and Critical Control Points principles and the results of checks and testes shall be kept in accordance with the food and feed safety plan and the shelf life of the product.

40. (1) If a feed business operator considers or has reason to believe that a feed which he has produced, processed, manufactured, imported or distributed does not satisfy the feed safety requirements, he shall immediately initiate procedures to withdraw the feed in question from the market and inform the Authority.

Responsibility  
of feed  
business  
operators.

(2) Where feed that has been identified as not satisfying the feed safety requirements is part of a batch, lot or consignment of feed of the same description, that feed shall be destroyed, unless the Authority is satisfied otherwise, and the operator shall effectively and accurately inform users of the feed, of the reason for its withdrawal and if necessary, recall from them products already supplied when other measures are not sufficient to achieve a high level of health protection.

(3) A feed business operator responsible for retail or distribution activities which do not affect the packaging, labeling, safety or integrity of the feed shall, within the limits of his activities, initiate procedures to withdraw from the market, products not in compliance with this Act and pass on relevant information necessary to trace a feed in co-operation with action taken by producers, processors, manufacturers or by the Authority.

(4) A feed business operator shall immediately inform the Authority if he considers or has reason to believe that a feed which he placed on the market may not satisfy the feed safety requirements, and inform the Authority of the action taken to prevent risk arising from the use of that feed and shall not prevent or discourage any person from cooperating with the Authority, where this may prevent, reduce or eliminate a risk arising from a feed.

(5) Food and Feed business operators shall collaborate with the Authority on action taken in order to avoid risks posed by a food or feed which they supply or have supplied.

Food and feed rejections.

41. (1) When the competent authority in an importing country rejects a consignment of food or feed presented for importation, it shall provide information to the importer of the consignment giving the reasons for the rejection and the appropriate information shall also be provided to the exporter, if the competent authority receives such a request.

(2) When the rejection of the consignment arises from -

- (a) evidence of a serious food or feed safety or public health problem in the exporting country;
- (b) evidence of serious misrepresentation or consumer fraud; or
- (c) evidence of a serious failure in the food or feed safety management system in the exporting country,

the competent authority in the importing country shall notify the competent authority in the exporting country.

(3) Where imported food or feed has been rejected on the basis of testing analysis in the importing country, details shall be made available on request as to sampling, analytical methods, test results and the identity of the testing laboratory.

(4) The following information shall be provided by the competent authority in relation to rejections of imported food or feed as available and appropriate to the circumstances—

- (a) identification of the food or feed concerned—

(i) description and quantity of product;

(ii) type and size of package;

(iii) lot identification (number, production and expiry dates, etc);

(iv) container number, bill of lading or similar transportation details;

(v) other identification stamps, marks or numbers;

(vi) certificate number;

(vii) name and address of manufacturer, producer, seller or exporter and establishment number, as appropriate;

(b) importation details—

(i) port or other point of entry;

(ii) name and address of importer;

(iii) date presented for entry;

(c) details of rejection decision –

(i) whole or part of (specify) consignment rejected;

(ii) name and address of competent authority making the decision to reject;

(iii) date of decision;

(iv) name and address of competent food or feed authority which can provide more information on reason for rejection;

- (d) reason (s) for rejection –
- (i) biological and microbiological contamination;
  - (ii) chemical contamination (pesticide, herbicides or veterinary drug residues, fertilizer residue, heavy metals, etc.);
  - (iii) radionuclide contamination;
  - (iv) incorrect or misleading labeling;
  - (v) compositional defect;
  - (vi) non-conformity with food additive requirements;
  - (vii) organoleptic quality unacceptable;
  - (viii) technical or physical defect (e.g. packaging damage);
  - (ix) incomplete or incorrect certification;
  - (x) does not come from an approved country, region or establishment; or
  - (xi) other reasons;
- (e) action taken–
- (i) food or feed destroyed;
  - (ii) food or feed held pending re-conditioning and rectification of deficiencies in documentation;

- (iii) food or feed held pending final decision for the food or feed to be destroyed;
- (iv) confined to a place where food or feed is held;
- (v) import granted for use other than human consumption;
- (vi) re-export granted under certain conditions e.g. to specified informed countries;
- (vii) importer notified;
- (viii) embassy or food or feed competent authorities of exporting country notified;
- (ix) competent authorities in other likely destination countries notified;
- (x) other.

(5) Upon receipt of information under subsection (4), the competent authority in the exporting country shall undertake the necessary investigation to determine the cause of any problem that had led to the rejection of the consignment, and if requested, shall provide the authority in the importing country with information on the outcome of the investigation, if available.

(6) In other circumstances such as where there is evidence of–

- (a) repeated failures of a correctable nature (e.g. labeling errors, mislaying of documents); or
- (b) systematic failures in handling, storage or transport subsequent to inspection and certification by the competent authority in the exporting countries,

the Authority shall give appropriate notification to the competent authority in the importing or exporting country, either periodically or upon request.

(7) The Authority shall in as far as possible minimise restrictions on the disclosure to other countries of information on rejected food or feed.

#### PART IX – INSPECTION AND CERTIFICATION

Inspection and certification systems.

42. (1) The Authority shall design and operate inspection and certification systems for ensuring food and feed safety on the basis of objective risk assessment appropriate to the circumstances and based on current available scientific evidence.

(2) The Authority shall inspect all food and feed businesses to make sure that the food or feed is processed and or handled under the approved condition that will prevent the food or feed to be safe for human and animal consumption.

(3) The Authority shall issue sanitary certificates for the purpose of food and feed production based on the national standards.

(4) The Authority shall not issue a sanitary certificate under subsection (3) unless it has inspected and verified that the premises or other facilities in which the food or feed business is carried out meets national standards

(5) The inspection and certification systems referred to under subsection (1), shall–

- (a) not make arbitrary or unjustifiable distinctions in the level of risk deemed to be appropriate in different circumstances so as to avoid discrimination or a disguised restriction on trade;
- (b) apply consistent and transparent risk analysis and increase confidence in food and feed safety, and in the inspection systems by trading partners;

(c) target inspection resources on public health hazards arising at any stage of the food or feed production and distribution chain.

43. (1) Where there are different inspection certification systems held to be equivalent and capable of meeting the same objective, the obligation to demonstrate that equivalence rests with the exporting country.

Where different inspection and certification held to be equivalent.

(2) Where safety and quality assurance tools are used by food or feed businesses, the inspection and certification systems designed and operated by the Authority under subsection (1) of section 42 shall be taken into account while retaining the fundamental responsibility of ensuring conformity of foodstuffs or feedstuffs to its requirements.

(3) The recognition of equivalence of inspection and certification systems shall be used where it can be objectively demonstrated that it is an appropriate system for inspection and certification of food or feed by the exporting country.

(4) The Authority shall, for the purpose of determining equivalence, take cognisance of–

- (a) the same food or feed commodities produced in different countries that may present different hazards; and
- (b) control methodologies which can be different but can achieve equivalent results.

(5) Control on imported food or feed and domestically produced food or feed shall be designed to achieve the same level of protection, and the Authority shall avoid unnecessary repetition of controls where control equivalent to domestic controls have been achieved by the exporting country at the stages prior to import:

Provided the exporting country allows access to enable the inspection and certification systems to be examined and evaluated, on request of the Authority.

(6) Evaluation of inspection and certification systems carried out by the Authority under subsection (5) shall take into account internal programme evaluations that may have already been carried out by independent third-party bodies recognised by the competent authority in the exporting country.

(7) Evaluation of inspection and certification systems by the Authority for purposes of establishing equivalence shall take account of all relevant information held by the competent authority of the exporting country.

Equivalence agreements.

44. (1) Agreements on the recognition of equivalence of inspection and certification systems may be in the form of–

- (a) agreements or letters of understanding between the Government of Sierra Leone either for inspection or certification of production areas, sectors or parts of sectors;
- (b) a comprehensive agreement which would cover inspection and certification of all food and feed commodity forms traded between Sierra Leone and two or more countries.

(2) Agreements on the recognition of equivalence of inspection and certification systems under subsection (1) may include provisions relating to–

- (a) the legislative framework, control programmes and administrative procedures;
- (b) contact points in inspection and certification services;
- (c) demonstration by the exporting country of the effectiveness and adequacy of its enforcement and control programmes, including laboratories;

(d) where relevant, lists of products or establishments subject to certification or approval, accredited facilities and accredited bodies;

(e) mechanisms supporting continued recognition of equivalence, e.g., exchange of information on hazards, monitoring and surveillance.

(f) mechanisms to provide for periodic review; and updating; and

(g) procedural mechanisms for resolving differences arising within the framework of the agreement.

45. (1) While respecting legitimate concerns to preserve confidentiality, the principles and operations of food or feed inspection and certification systems shall be open to scrutiny by consumers and their representative organisations and other interested parties. Transparency.

(2) The Authority shall provide information on existing food or feed inspection and certification system requirements, and proposed changes to requirements shall be published.

(3) A reasonable period shall be allowed before a new requirement takes effect in order to permit exporting countries to make necessary changes to their food or feed inspection and certification systems.

(4) Upon request by an importing country, the Authority shall make available, timely advice as to the basis of the decision they have taken regarding the compliance with relevant inspection and certification systems.

(5) Upon request by an importing country, the Authority shall provide access to view and assess the actual working of its relevant inspection and certification systems.

Control and inspection procedures.

46. The Authority shall complete, without undue delay, procedures necessary to assess compliance with the inspection and certification systems referred to under subsection (1) of section 42 and shall charge such fees as the Authority may by statutory instrument prescribe.

Certification validity.

47. (1) The Authority shall take measures to ensure the validity of certification.

(2) The Authority shall verify that the product or process referred to in the certificate conforms to their relevant inspection and certification systems and shall undertake verification procedures including point of entry inspection systems and audit of export inspection systems, in order to ensure that certificates are authentic and accurate.

Electronic certification.

48. (1) Certification may be provided by electronic documentation sent directly from the exporting country to the Authority.

(2) An electronic certificate sent to the Authority under subsection (1) shall carry the same information as conventional paper certificates.

Inspection and certification system infrastructure.

49. The Authority shall identify the main objectives to be addressed through import and export inspection and certification systems and shall establish and maintain controls, procedures, facilities, equipment, laboratories, transportation, communications, personnel and training to support the objectives of the inspection and certification systems.

Control programmes and operations.

50. (1) The Authority shall establish and maintain control programmes, help to ensure that inspection actions relate to objectives, and that the results of these programmes assessed against the objectives set meet the inspection and certification system.

(2) Control programmes established by the Authority under subsection (1), shall be based on precise objectives and appropriate risk analysis, and in the absence of detailed scientific research, it shall be based on inspection and certification systems developed from current knowledge and practice.

(3) The Authority shall employ every effort to apply risk analysis based on internationally accepted methodology, require the use of Hazard Analysis and Critical Control Points approach by food or feed establishments and inspectors.

(4) Where programmes include the drawing and analysis of samples or adequate sampling, appropriately validated analytical methods shall be established to ensure that the results are representative and reliable in relation to the specific objectives.

(5) The elements of a control programme, including methods and techniques shall be formally documented and shall include, as appropriate—

- (a) inspection and auditing;
- (b) sampling and analysis;
- (c) checks on hygiene, including pre-requisite programme and personal cleanliness and clothing;
- (d) examination of written and other records;
- (e) examination of the results of any verification systems operated by the establishment;
- (f) audit of establishments by the national competent authority; and
- (g) national audit and verification of the control programme.



(6) Administrative procedures shall be implemented to ensure that controls by the inspection system shall be carried out -

- (a) regularly in proportion to risk;
- (b) where non-compliance is suspected; and
- (c) in a coordinated manner, between different agencies, if several exist.

(7) The Control programmes established by the Authority under subsection (1), shall cover, as appropriate—

- (a) establishments, installations, means of transport, equipment and material;
- (b) raw materials, ingredients, food additives, technological aids and other products used for the preparation and production of foodstuffs and feedstuffs;
- (c) semi-finished and finished products;
- (d) materials and objects intended to come into contact with foodstuffs and feedstuffs;
- (e) cleaning agents, maintenance products, processes, and pesticides;
- (f) processes used for the manufacture or processing of foodstuffs and feedstuffs;
- (g) the application and integrity of health grading and certification marks;
- (h) preserving methods; and
- (i) labeling integrity and claims.

51. (1) The Control programmes established by the Authority under section 50 shall be targeted at the most appropriate stages depending on the specific objectives and control procedures and shall not compromise the quality or safety of foods or feeds, particularly in the case of perishable products. Decision criteria and action.

(2) The frequency and intensity of controls by inspection systems shall be designed so as to take account of risk and the reliability of controls already carried out by those handling the products including producers, manufacturers, importers, exporters, transporters and distributors.

(3) Systematic physical checks on imports, except in justified cases, such as products associated with a high level of risk shall be avoided and physical checks applying to import shall be based on risks associated with the importation such as suspicion of non-conformity for a particular product or a history of non-conformity for the product, processor, importer or country.

(4) When physical checks are to be undertaken, sampling plans for imported products shall take into account the level of risk, the presentation and type of commodity to be sampled and the reliability of controls of the exporting country and of those responsible for handling the product in Sierra Leone.

(5) Where an imported product is found not to be in conformity, the resulting measures shall take the following criteria into account in order to ensure that any action is proportionate to the degree of public health risk, potential fraud or deception of consumers—

- (a) repeated non-conformity in the same product or in the same category of products;
- (b) history of non-conformity of those responsible for handling the products; and
- (c) reliability of checks made by the country of origin.

(6) The specific measures applied under subsection (5) may be cumulative if necessary and may include—

- (a) in respect of the product not in conformity—
  - (i) requirement for the importer to restore conformity (e.g. where problems relate to labeling for consumer information and have no effect on inspection or health);
  - (ii) rejection of consignments or lots, in whole or in part;
  - (iii) in the case of potentially serious health risk, destruction of the product;
- (b) in respect of future imports—
  - (i) control programmes implemented by the importer or exporter to ensure that problems do not reoccur;
  - (ii) increased intensity of checks on categories of products identified as being not in conformity with the undertakings concerned;
  - (iii) request for information and co-operation on the product or the category of products found not to be in conformity with the competent authority in the country of origin;
  - (iv) on-site visits;
  - (v) in the most serious or persistent cases, imports from establishments or countries may be suspended.

(7) Where possible, and upon request, the importer or their representative shall be given access by the Authority to a rejected or detained consignment and in the latter case, the opportunity to contribute any relevant information to assist the Authority to make its final decision.

(8) Where a product is rejected, the Authority shall, as available and appropriate to the circumstances, provide the following information—

- (a) identification of the food or feed concerned including—
  - (i) description and quantity of product;
  - (ii) type and size of package;
  - (iii) lot identification (number, production date, etc);
  - (iv) container number, bill of lading or similar transportation details;
  - (v) other identification stamps, marks or numbers;
  - (vi) certificate number;
  - (vii) name and address of manufacturer, producer, seller or exporter, and establishment number, as appropriate.
- (b) importation details—
  - (i) port or other point of entry;
  - (ii) name and address of importer; and
  - (iii) date presented for entry.

- (c) details of rejection decision -
- (i) whole or part of (specific) consignment rejected;
  - (ii) name and address of food or feed competent authority making decision to reject;
  - (iii) date of decision;
  - (iv) name and address of food or feed competent authority(s) which can provide more information on reason for rejection.
- (d) reason(s) for rejection–
- (i) biological and microbiological contamination;
  - (ii) chemical contamination (pesticide or veterinary drug residues, heavy metals, etc.);
  - (iii) radionuclide contamination;
  - (iv) incorrect or misleading labeling;
  - (v) compositional defect;
  - (vi) non-conformity with food additive requirements;
  - (vii) organoleptic quality unacceptable;
  - (viii) technical or physical defects (e.g. packaging damage);

- (ix) incomplete or incorrect certification;
- (x) does not come from an approved country, region or establishment; and
- (xi) other reasons.

(9) Where imported food has been rejected on the basis of sampling or analysis in Sierra Leone, details shall be made available on request as to sampling and analytical methods and test results and the identity of the testing laboratory.

(10) Where imported food or feed has been rejected, the Authority may take any of the following actions–

- (a) destroy the food or feed;
- (b) hold the food or feed pending reconditioning or rectification of deficiencies in documentation;
- (c) hold the food or feed pending final decision;
- (d) grant import for use other than for human consumption;
- (e) grant re-export under certain conditions, e.g. to specified informed countries;
- (f) notify the importer;
- (g) notify the food and feed control authorities of exporting country;
- (h) notify authorities in other likely destination countries; and
- (i) other.

PART X—ENFORCEMENT OF FOOD AND FEED SAFETY  
REQUIREMENTS

Enforcement  
of food and  
feed safety  
requirements.

52. (1) The Authority shall appoint any public officer, or private person to exercise, as an authorised officer, the following powers and functions on the authority of a certificate issued by the Authority—

- (a) the inspection, approval, licensing or registration of premises and equipment, including premises or equipment used in connection with the manufacture, processing, disposal, transport and storage of food and feed;
- (b) the inspection, sampling and analysis of food and feed, including ingredients, and
- (c) the inspection and analysis of food or feed labeling to determine compliance with food and feed legislation;
- (d) to enter and search, without warrant, any establishment in which food or feed is believed to be stored, processed or packaged, for the purposes of determining the existence, nature and extent of any trade or business in food or feed;
- (e) to examine any food or feed product in any establishment to which this Act applies, take samples thereof and examine anything which is used or capable of being used for the preparation of any food or feed;
- (f) to stop and search without a search warrant or detain any vehicle, vessel or aircraft in which he believes that any food or feed to which this Act applies is conveyed, examine the food or feed and take samples thereof;

- (g) to call for any book, document or other record in any medium which he believes contain any information relevant to the enforcement of this Act with respect to any food or feed, make copies thereof and take extracts therefrom;
- (h) to seize and detain for such time as may be necessary any food or feed by means of, or in relation to which the conditions of an approval issued under this Act, has been contravened;
- (i) to release any food or feed seized by him under paragraph (h) where he is satisfied that the provisions of this Act in relation to the food or feed have been complied with.

PART XI—FACILITIES, EQUIPMENT, TRANSPORTATION  
AND COMMUNICATIONS

53. (1) The Authority shall use—

- (a) facilities and equipment to undertake inspection procedures and methodologies;
- (b) appropriate and reliable transportation system to ensure—
  - (i) delivery of inspection and certification services when and where they are needed and for the transmission of samples to laboratories;
  - (ii) adequate compliance action and address potential recalls;
- (c) appropriate communications facilities including electronic information exchange systems to facilitate trade, protect consumer health, and combat fraud.

Facilities and  
equipment of  
Authority.

Laboratories  
of Authority.

54. (1) The Authority shall use of laboratories for the purpose of analyzing food and feed samples.

(2) The laboratories used by the Authority under subsection (1), shall—

- (a) be evaluated and accredited by an appropriate accreditation body to ensure adequate quality control to provide for the reliability of test results;
- (b) use scientifically approved and validated analytical methods wherever available; and
- (c) apply the principles of internationally accepted quality assurance techniques to ensure reliability of analytical results.

Inspection  
services of  
Authority.

55. (1) The inspection services of the Authority shall have access to a sufficient number of qualified personnel as appropriate in areas such as, but not limited to, food and science, technology and nutrition (human and animal), marine biology, environmental and public health sciences, chemistry, biochemistry, microbiology, toxicology, veterinary science, human medicine, epidemiology, plant health, agronomy, quality assurance, food and feed audit, information, education, communication and law.

(2) The personnel referred to under subsection (1), shall be capable and appropriately trained in the operation of food and feed inspection and control systems and demonstrate a high degree of impartiality for any commercial interest in the products or establishments being inspected or certified.

Certification  
systems of  
Authority.

56. (1) The Authority shall take all necessary steps to ensure the integrity, impartiality and independence of its certification systems.

(2) The Authority shall, for the purpose of ensuring the integrity, impartiality and independence of its certification systems under subsection (1), ensure that personnel empowered to validate certificates are appropriately trained and fully aware of the significance of the contents of each certificate which they complete.

(3) Certification procedures shall include procedures to ensure the authenticity and validity of certificates at all the relevant stages and to prevent fraudulent certification and in particular, personnel shall—

- (a) not certify matters without their personal knowledge or which cannot be ascertained by them;
- (b) not sign blank or incomplete certificates, or certificates for products which have not been produced under appropriate control programmes, and where a certificate is signed on the basis of another supporting document, the person signing the certificate shall be in possession of that document; and
- (c) have no direct commercial interest in the products being certified.

(4) The Authority shall take all necessary steps to ensure that its certification system provides assurance of the conformity of a product or batch of products, or that a food and feed inspection system conforms to specified requirements and its certification system shall be based, as appropriate, on—

- (a) regular checks by the inspection service;
- (b) analytical results;
- (c) evaluation of quality assurance procedures linked to compliance with specified requirements; and
- (d) any inspections specifically required for the issuance of a certificate.

(5) The Authority shall consider wherever possible, alternatives to certification, in particular, where the inspection system and requirements of an exporting country are assessed as being equivalent to those in Sierra Leone.

(6) Bilateral or multilateral agreements, such as mutual recognition agreements or pre-certification agreements, may provide for dispensing with certification and issuance of certificates which were previously required in certain cases.

PART XII—FOOD AND FEED SAFETY SCIENTIFIC  
COMMITTEE

Establishment  
of Scientific  
Committee.

57. (1) There is hereby established a body to be known as the Food and Feed Safety Scientific Committee of the Authority.

(2) The Food and Feed Scientific Committee shall provide scientific advice and scientific and technical support for this Act and policies in all fields which have a direct or indirect impact on food and feed safety, and also provide independent information on all matters within these fields and communicate risks.

(3) The Food and Feed Scientific Committee shall –

- (a) contribute to a high level of protection of human life and health, and in this respect take account of animal health, plant health and the environment throughout Sierra Leone;
- (b) collect and analyse data to allow the characterisation and monitoring of risks which have a direct or indirect impact on food and feed safety;
- (c) provide scientific opinion on –

(i) other matters relating to animal health and plant health as they relate to food and feed safety; and

(ii) products other than food and feed relating to genetically modified organisms.

(4) Scientific opinions provided by the Food and Feed Scientific Committee under subsection (3) shall be used as the scientific basis for the drafting of food and feed safety regulations.

(5) The Food and Feed Scientific Committee shall promote the effective coherence between risk assessment, risk management and risk communication functions.

58. (1) The Food and Feed Scientific Committee shall be composed of –

Composition  
of Scientific  
Committee.

- (a) 1 chemical analyst;
- (b) 1 microbiologist;
- (c) 1 marine biologist;
- (d) 1 nutritionist;
- (e) 1 food scientist;
- (f) 1 public health specialist;
- (g) 1 environmental scientist;
- (h) 1 standards specialist;
- (i) 1 phytosanitary specialist;
- (j) 1 heavy metal specialist for crops;
- (k) 1 animal health specialist;
- (l) 1 member of the National Codex Committee;

- (m) any other specialist as may be required for the purpose of carrying out the objectives of the Authority.

(2) The members of the Food and Feed Scientific Committee under subsection (1) shall be appointed by the Board from among persons who have satisfy such qualification criteria as may be prescribe by the Board.

Independence of Food and Feed Scientific Committee.

59. (1) In the performance of its functions under this Act, the Food and Feed Scientific Committee shall not be subject to the control of any person or authority and shall be able to carry out its tasks in conditions which enable it to—

- (a) issue scientific and technical quality opinions;
- (b) demonstrate transparency of procedures and methods of operation; and
- (c) have diligence in performing the tasks assigned to it.

(2) The Food and Feed Scientific Committee shall act in close cooperation with other institutions in Sierra Leone and elsewhere in carrying out similar tasks to those of the Food and Feed Scientific Committee.

Functions of Scientific Committee.

60. The functions of the Food and Feed Scientific Committee shall be the following —

- (a) to provide Sierra Leone with the best possible scientific opinions in all cases provided for by this Act and on any question related to food and feed safety;
- (b) to promote and coordinate the development of risk assessment methodologies for food and feed safety;

- (c) to provide scientific and technical support to the Authority and, when so requested, in the interpretation and consideration of risk assessment opinions;
- (d) to identify and commission scientific studies necessary for ensuring safety of foods and feeds in Sierra Leone;
- (e) to establish *Ad-hoc* Scientific Sub-committees when and if necessary;
- (f) to search for, collect, collate, analyse and summarise scientific and technical data in the fields of food and feed safety;
- (g) to undertake action to identify and characterise emerging food and feed safety risks;
- (h) to establish a system of networks of organisations in the Region operating in the fields of food and feed safety and be responsible for their operation;
- (i) to provide scientific and technical assistance, when requested to do so by the Authority, in the crisis management procedures implemented by the Authority with regard to the safety of food and feed;
- (j) to provide scientific and technical assistance, when requested to do so by the Authority, with a view to improving cooperation between Sierra Leone, international organisations and trading partner countries in the fields of food and feed safety;

- (k) to ensure that the public and interested parties receive rapid, reliable, objective and comprehensible information in the fields of food and feed safety; and
- (l) to undertake any other function as may be assigned to it by the Authority in the fields of food and feed safety.

Meetings and working procedures of Scientific Committee.

61. (1) The Food and Feed Scientific Committee shall determine the frequency of its meetings and shall regulate its procedures.

(2) The Food and Feed Scientific Committee shall at any time co-opt members with the relevant expertise when a particular discipline is needed.

Ad Hoc Scientific Sub-committees.

62. (1) *Ad hoc* Scientific Sub-committees may be created to discuss specific food or feed safety issues and to give scientific recommendations on the specific areas.

(2) The members of these *Ad hoc* Scientific Sub-committees shall be chosen by the Scientific Committee based on their scientific knowledge and experience in the issues to be covered.

(3) The Food and Feed Scientific Committee shall appoint a Chairperson, define the Terms of Reference, the timeframe and reporting requirements for the *Ad hoc* Scientific Sub-committees.

PART XIII—OFFENCES AND PENALTIES

Violation of responsibility for food and feed safety.

63. A food or feed business operator who fails to ensure that at all stages of production, processing and distribution, within the businesses under his control, that food and feed to be placed on the market satisfy the requirements of this Act and any regulations made under it commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 and a further fine of Le500,000.00 for each day the offence continues or to a term of imprisonment of not less than 5 years or to both such fine and imprisonment.

64. A person who sells an article of food or feed which is unsafe commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or imprisonment for a term not less than 10 years or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues. Sale of unsafe food or feed.

65. (1) A person who labels, packages, treats, processes, sells or advertises any food or feed in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, or safety, commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or imprisonment for a term not less than 10 years or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues. Deceptive labelling, packaging, etc. of food or feed.

66. An article of food or feed that is not labelled or packaged as required by this Act or any regulation made under it, shall be deemed to be labelled or packaged contrary to section 65. Food or feed not labelled or packaged.

67. Where a standard for food or feed is prescribed under an enactment, a person who manufactures, labels, packages, sells or Advertises food or feed in a manner that the food or feed is likely to be mistaken for food or feed of the prescribed standard commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or imprisonment for a term not less than 1 year or to both and a further fine of Le500,000.00 for each day the offence continues. Sale of sub-standard food or feed.

68. A person who manufactures, prepares, preserves, packages or stores for sale any food or feed under unsanitary conditions commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 and a further fine of Le500,000.00 for each day the offence continues. Operating in unsanitary condition.



Misbranded food and feed. 69. A person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is misbranded, commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or imprisonment for a term not less than 1 year or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues.

Food or feed containing extraneous or hazardous matter. 70. A person whether by himself or by any other person on his behalf who manufactures for sale, stores, sells, distributes or imports any article of food or feed containing extraneous or hazardous matter, commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or imprisonment for a term not less than 1 year or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues:

Provided that it shall be a defence for the accused to prove that the presence of that matter was an unavoidable consequence and forms part of the process of preparation or collection of that food or feed.

Removal or tampering with seized items. 71. A person who without authority, retains, removes or tampers with any food or feed, vehicle, equipment, package or labeling or advertising material or any other thing that has been seized under this Act, commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or imprisonment for a term not less than 1 year or to both and a further fine of Le500,000.00 for each day the offence continues.

72. A person, who in connection with a requirement or direction under this Act, provides any information or produces any document that the person knows is false or misleading commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or imprisonment for a term not less than 6 months or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues. False or misleading information.

73. A person who without reasonable excuse, resists, obstructs, or attempts to obstruct, impersonate, threaten, intimidate or assault a member of staff of the Authority or an Authorized Officer in the exercise of his functions under this Act, commits an offence and shall be liable on conviction to a fine of not less than 5,000,000.00 Leones or to imprisonment for a term not less than 6 months or to both such fine and imprisonment and a further fine of 500,000.00 Leones for each day the offence continues. Obstruction of staff of Authority.

74. A person who manufactures, sells, stores or distributes or imports any article of food or feed and who is required to obtain a sanitary certificate under this Act, manufactures, sells, stores or distributes or imports any article of food or feed without a licence, commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or to imprisonment for a term not less than 5 years or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues. Operating without licence.

75. A person who publishes, or is a party to the publication of an advertisement, which – False or misleading advertisement.

- (a) falsely describes any food or feed;
- (b) is likely to mislead as to the nature or substance of any food or feed; or
- (c) gives false guarantee on the quality of any food or feed,

commits an offence and shall be liable on conviction to a fine of not less than Le50,000,000.00 or to imprisonment for a term not less than 1 year or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues:

Provided that it shall be a defence for the accused to prove that the publication was received and made in the ordinary course of business of the accused as a publisher.

Unsafe transportation of food or feed.

76. Any person who transports food or feed for placing on the market in a vehicle, vessel or receptacle not approved by the Authority, commits an offence and shall be liable on conviction to a fine of not less than Le5,000,000.00 or to imprisonment for a term not less than 2 years or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues.

Adulteration of food or feed.

77. Any person who adulterates food or feed in any for commits an offence and shall be liable on conviction to a fine not less than Le50,000,000.00 or to imprisonment for a term not less than 10 years or to both such fine and imprisonment and a further fine of Le500,000.00 Leones for each day the offence continues.

78. (1) A person who fails to comply with any requirement under this Act for which no penalty is provided shall be liable on conviction to a fine of not less than Le10,000,000.00 or to imprisonment for a term not less than 1 year or to both such fine and imprisonment and a further fine of Le500,000.00 for each day the offence continues.

General penalty.

79. Where an offence under this Act is committed by a body corporate, firm or other association of persons—

Offences by body corporate, firm or other association of persons.

- (a) every director, manager, secretary or other similar officer of the body corporate; or
- (b) every partner or officer of the firm;
- (d) every trustee of the body concerned;
- (d) every person concerned in the management of the affairs of the association; or
- (e) every person who was purporting to act in a capacity referred to in paragraphs (a) to (d),

is severally liable and shall be proceeded against and punished for that offence in the same manner as if he had himself committed the offence unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

80. A person convicted of an offence under this Act or any regulations made under it shall forfeit to the Government of Sierra Leone—

Forfeiture after conviction.

- (a) any asset or property constituting, or derived from any proceeds obtained, directly or indirectly, as a result of the offence; and
- (b) any property or equipment used in any manner to commit or to facilitate the commission of the offence.

Closure of food or feed business premises.

81. The Authority shall, on the approval of the Board, order the closure of any premises where food or feed is manufactured, prepared or sold, if the Authority has reason to believe that the food or feed is exposed to the risk of contamination and the Authority may make any further orders appropriate in the circumstances.

Power of court to cancel licence.

82. (1) On the conviction of any person for any offence under this Act, the court may, in addition to any other penalty which it may impose, make an order to cancel any licence issued to such person under this Act.

(2) Where a person has been convicted of an offence under this Act, the court may order that any food or feed, equipment or article in relation to which the offence was committed or anything of a similar nature belonging to or in the possession of the convicted person shall be forfeited to the Government and the court may make such orders for the disposal of such food or feed, equipment or article.

(3) Where an official laboratory having analyzed or examined any article to which this Act applies, has given its certificate and from that certificate it appears that an offence under this Act has been committed, an Authorized Officer may take proceedings under

this Act before any Court having jurisdiction in the place where the article was sold or actually delivered or the sample was taken.

(4) In any proceedings under this Act, the contents of any package appearing to be intact and in the original state of packing by the manufacturer, shall be deemed to be an article of the description specified on the label unless the contrary is proved.

(5) In any prosecution under this Act, the summons shall state the particulars of the offence or offences alleged and also the name of the prosecuting officer and shall not be made returnable before fourteen days from the date on which it is served.

#### PART XIV–MISCELLANEOUS PROVISIONS

83. (1) The Authority may by statutory instrument make Regulations. Regulations as it considers necessary or expedient for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), Regulations made under this Act may provide for the following matters–

- (a) regulation of test laboratories involved in the import and export control of food and feed;
- (b) monitoring of quality control criteria for the import and export of food or feed;
- (c) establishment of maximum residue for pesticides; and

(d) standardised and validated sampling procedures which shall be used to obtain representative samples from a lot for analysis.

(3) Regulations made under this Act may provide penalties for any breach thereof, and may also provide different penalties in case of successive breaches or continuous breaches.

Repeal.

84. Subsection (1) of section 110, subsection (3) of section 115, subsection (1) of section 121 of the Public health Act; section 30 of the animal Disease Act, (Cap 191) and Rules 14, 15 and 20 of the Produce (Inspection) Rules, 1966 are hereby repealed.

#### MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to provide for the establishment of the Food and Feed Safety Authority of Sierra Leone, to provide for the establishment of food and feed safety standards, to regulate and control the importation, exportation, manufacture, advertisement, distribution, sale and use of food and feed, to protect the health of consumers, to facilitate market access to local food and feed, to establish appropriate operating procedures to verify the conformity of products to national standards and to provide for other related matters.

Part 1 is the interpretation section that defines words and expressions used throughout the Bill.

Part 11 deals with the establishment of the Food and Feed Safety Authority Clause 4 provides for the independence of the Authority and clause 5 for the Board of the Authority which shall be the governing body responsible for the control and supervision of the Authority. The Board shall consist of a Chairman and representatives from the ministries of Health and Sanitation, Fisheries and Marine Resources, Trade and Industry, Agriculture, Forestry and Food Security, Water Resources, Justice; representatives of the Food and Agriculture Organization, World Health Organization. The Executive Director shall be the Secretary to the Board.

Part 111 deals with the functions of the Authority. Clause 14 stipulates that the object for which the Authority is established is to develop and maintain food and feed safety control systems, regulate food feed businesses including abattoirs and handlers along the food and feed chain to make sure they adhere to prescribed standards.

Sub-clause (2) provides for the overall control, inspection, registration and issuance of food safety certificates, coordination of activities among stakeholders, sensitization, promotion of general awareness, conduct of food and feed audit, monitoring of activities of food and feed producers, tracing the origin of hazardous food or feed, establish guidelines and codes of conduct for quality control, recruit qualified staff, develop appropriate quality control, properly destroy or dispose food or feed unsafe for human or animal consumption, establish committees for the discharge of its functions, undertake risk assessment, conduct research, maintain a database of food and feed handlers, monitor food businesses, issue certificates of fitness for human and animal consumption of all food and feed and do all things consistent with this Act.

Part IV contains provisions on the administration of the Authority. The provisions stipulate that the Authority shall have an Executive-Director and such other additional technical and administrative staff, including Scientific Managers, a Finance Manager, Human Resource Manager and Administrative Officer as may be required for its efficient performance.

Part V deals with the financial aspect of the Authority. Clause 20 stipulates that the activities of the Authority shall be financed by funds consisting of-

- (a) any moneys appropriated from time to time by Parliament for the purposes of the Authority;
- (b) all moneys given to the Authority by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Authority; and

- (c) all other moneys which may from time to time accrue to the Authority.

Part VI deals with the Principles of Food Safety. Clause 24 provides that decisions be based on risk analysis, the role of official supervision, risk communication, the need for use of precaution, protection of consumer interests and principles of transparency.

Part VII provides for Food and Feed Trade Requirements that include registration of importers and exporters, food and feed businesses, licensing of food or feed establishment vehicles, that food and feed exported and imported should comply with the requirements.

Part VIII on the other hand provides for Food and Feed Safety Requirements. Clause 37 provides that the Authority should ensure that the labelling, advertising of food and feed, including their shape, appearance or packaging, the packaging materials used and so on is not misrepresented to customers.

Clauses 38, 39 and 40 address the responsibilities of the Authority, food business operators and feed business operators. Clause 41 deals with rejection of Food and Feed consignments and what is expected of the competent authority when such rejection arises.

Part IX deals with inspection and certification systems, equivalence of inspection and certification, equivalence agreements, Transparency, control and inspection procedures, certification validity, electronic certification, inspection and certification system infrastructure, control programmes and operations and decision criteria and action.

Part X deals with the enforcement of food and feed safety requirements.

Part XI deals with the facilities, equipment, transportation and communications of the Authority, its laboratories, inspection services and certification system.

Part XII deals with the Food and Feed Safety Scientific Committee. Clause 57 establishes the Food and Feed Safety Scientific Committee of the Authority. Clause 58 provides that the committee shall be composed of-

- (a) a chemical analyst;
- (b) a microbiologist;
- (c) a marine biologist;
- (d) a nutritionist;
- (e) a food scientist;
- (f) a public health specialist;
- (g) an environmental scientist;
- (h) a standards specialist;
- (i) a phytosanitary specialist;
- (j) a heavy metal specialist for crops;
- (k) an animal health specialist;
- (l) a member of the National Codex Committee;
- (m) any other specialist as may be required for the purpose of carrying out the objectives of the Authority.

Clauses 59 and 60 deal with the independence of the Scientific Committee and its functions. Clause 62 deals with the Ad- hoc Scientific Sub-Committees.

Part XIII deals with offences and penalties.

Part XIV contains miscellaneous provisions that deal with Regulations under this Bill to be made by Statutory Instrument and Clause 84 makes the repeal of subsection (1) of Section 101, subsection (3) of section 115, subsection (1) of section 121 of the Public Health Act; section 30 of the Animal Disease Act,(cap 191) and Rules 14,15 and 20 of the Produce (Inspection) Rules, 1966.

Made this        day of        , 2016.

DR. ABUBAKAR FOFANAH,  
*Minister of Health and Sanitation.*

FREETOWN,  
SIERRA LEONE,  
2017.