

N.L.C.D. 245
PREVENTION OF DAMAGE BY PESTS ACT, 1968

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N.L.C.D. 245
PREVENTION OF DAMAGE BY PESTS ACT, 1968¹(1)

AN ACT to provide for measures to ensure that food and feeding stuffs are free from contamination, infestation or infection by pests and for related matters.

1. Establishment of inspectorate

The Minister shall, for purposes of this Act, appoint inspectors, functioning under the Minister's supervision, who shall ensure that food and feeding stuffs are free from contamination, infestation or infection by pests, and who shall give directions in that behalf.

2. Identification cards issued to inspectors

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

3. Obligation of certain persons to give notice of occurrence of infestation

A person who is connected with the task of the importation, exportation, manufacture, storage, transport or sale of food and feeding stuffs shall give the Minister notice in writing, within forty-eight

hours after its occurrence, if it comes to the person's knowledge that any infestation, contamination or infection is present

- (a) in any premises or vehicle or equipment belonging to the premises or vehicle, used or likely to be used in the course of that task, or
- (b) in any food or feeding stuffs used or likely to be used in the course of that task or in any other goods for the time being in the person's possession which are in contact or likely to come into contact with those foods or feeding stuffs.

4. Certain persons to ensure that food is kept in a clean and sanitary condition

A person required to give information under section 3 shall ensure that food and feeding stuffs in that person's possession are kept in a clean and sanitary condition.

5. Powers of inspector

(1) An inspector appointed for purposes of this Act may

- (a) enter any premises or vehicles for the purpose of ensuring that food and feeding stuffs are free from contamination, infestation or infection by pests and for any other purpose specified in this Act or the Regulations, and
- (b) request a person referred to in section 3 to furnish a return or any other document for the purposes of this Act or the Regulations within the period specified in the request.

(2) A person shall not obstruct an inspector in the performance of the inspector's functions under subsection (1) of this section.

6. Certificate of Worthiness for premises and vehicles

A person shall not store any food or feeding stuffs in premises or transport any food or feeding stuffs in vehicles which have not been issued with a Certificate of Worthiness.

7. Inspectors to consult appropriate officials

Inspectors shall, where necessary, consult and co-operate with officials of the Ministry of Health and the Local Government Health Authorities, in the performance of their functions under this Act.

8. Review Board

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

9. Offences

A person who contravenes any of the provisions of this Act or of the Regulations commits an offence and is liable

- (a) on summary conviction for a first offence to a fine not exceeding fifty penalty units or to imprisonment for a term not exceeding three months or to both the fine and the imprisonment;
- (b) on summary conviction for a subsequent offence to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the

imprisonment;

- (c) on conviction on indictment to a fine not exceeding five hundred penalty units or to imprisonment for a term not exceeding three years or to both the fine and the imprisonment.

10. Time for prosecution

A prosecution under section 9 may be instituted at any time within twelve months of the date on which the offence was alleged to have been committed.

11. Defence open to accused person

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

12. Offences by bodies of persons

(1) In the case of an offence by a body of persons

- (a) where the body of persons is a body corporate, every director and officer of the body corporate shall be deemed to have committed that offence; and
- (b) where the body of person is a partnership, every partner of that firm shall be deemed to have committed that offence.

(2) A person shall not be convicted of an offence, under subsection (1) if that person proves that the offence was committed without that person's knowledge or that that person exercised due diligence to prevent the commission of the offence.

13. Regulations

The Minister may, by Legislative Instrument, make Regulations in respect of all or any of the following matters:

- (a) the eradication of rats, mice, insects or other pests causing the contamination, infestation or infection of infected food or feeding stuffs;
- (b) the de-infestation of contaminated, infested or infected foods or feeding stuffs at the expense of the owner; or
- (c) the inspection of storage premises or vehicles in which food or feeding stuffs are transported, at intervals specified in the Regulations;
- (d) the issue of certificates, by inspectors;
- (e) the conditions of storages premises or vehicles in which food or feeding stuffs are transported;
- (f) the fixing of fees for any matter for the purpose of carrying out this Act;
- (g) the seizure, destruction or disposal of infested, infected or contaminated foods for feeding stuffs;
- (h) the sampling and testing of foods and feeding stuffs;

- (i) the appointment of an analyst for purposes of this Act;
- (j) the compiling of a schedule of approved insecticides for use in the prevention of damage by pests;
- (k) the composition and functions of the Review Boards;
- (l) the power of the Review Board to condemn storage premises or vehicles in which food or feeding stuffs are transported;
- (m) the chemical treatment of food and feeding stuffs, storage premises and vehicles in which food or feeding stuffs are transported; and
- (n) any other matter for carrying out the principles and provisions of this Act.

14. Exemption

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

15. Interpretation

In this Act, unless the context otherwise requires,

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

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

“Minister” means Minister responsible for Agriculture;

“Regulations” means Regulations made under this Act;

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

“vehicle” includes a ship or any other vessel used in navigation in water or an aircraft.

Endnotes

1 (Popup - Footnote)

1. The Act was originally issued as the Prevention of Damage by Pests Decree, 1968 ([N.L.C.D. 245](#)) made on the 10th day of May, 1968 and notified in the *Gazette* on the 24th day of May, 1968.