GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

__________ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 23 February 2008.)

ACT

To amend the Foodstuffs, Cosmetics and Disinfectants Act, 1972, so as to amend certain definitions and insert new definitions; to authorize medical practitioners, environmental health practitioners and veterinarians to administer the Act; to increase the deposit required for further analysis or examination of a sample; to amplify the Minister's powers to regulate the handling, importation and exportation of foodstuffs, the removal, detention and destruction of food-producing animals or foodstuffs, the inspection of food-producing animals, the medical examination of food handlers and the water used for food processing; to further regulate mollusc farming and fish farming; to omit the provision in respect of secrecy; to simplify the provisions relating to penalties; and to provide for the delegation of power by the Director-General; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 54 of 1972, as amended by section 1 of Act 32 of 1981

1. Section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "appliance" of the following definition:

" '**appliance**' means the whole or any part of any implement, machine, instrument, apparatus, equipment, robot or other object used or capable of being used for, in or in connection with the manufacture, treatment, packing, labelling, storage, conveyance, preparation, display, sale, serving or administering of any foodstuff, cosmetic or disinfectant;";

(b) by the substitution for the definition of "cosmetic" of the following definition:

" '**cosmetic**' means any article, preparation or substance (except a **[drug]** medicine as defined in the **[Drugs Control]** Medicines and Related Substances Act, 1965 (Act No. 101 of 1965)) intended to be rubbed, poured, sprinkled or sprayed on or otherwise applied to the human body, including the epidermis, hair, teeth, mucous membranes of the oral cavity, lips and external genital organs, for purposes of cleansing, perfuming, correcting body odours, conditioning, beautifying, protecting, promoting attractiveness or improving or altering the appearance, and includes any part or ingredient of any such article or substance;";

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] **Woorde in vet druk tussen vierkantige hake dui skrappings uit** bestaande verordenings aan.

______ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 23 Februarie 2008.)

WET

Tot wysiging van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972, ten einde sekere woordomskrywings te wysig en nuwe woordomskrywings in te voeg; geneeshere, omgewingsgesondheidspraktisyns en veeartse te magtig om die Wet toe te pas; die deposito te verhoog wat vereis word vir verdere ontleding of ondersoek van 'n monster; die Minister se bevoegdhede uit te brei om die hantering, invoer en uitvoer van voedingsmiddels, die verwydering, aanhouding en vernietiging van voedselproduserende diere of voedingsmiddels, die inspeksie van voedselproduserende diere, die mediese ondersoek van voedeselhanteerders, en die water gebruik vir voedselverwerking te reguleer; weekdierboerdery en visboerdery verder te reguleer; die [vereiste] bepaling ten opsigte van geheimhouding te skrap; die bepalings betreffende strawwe te vereenvoudig; voorsiening te maak vir die delegering van bevoegdheid deur die Direkteur-generaal [na ander beamptes]; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 54 van 1972, soos gewysig deur artikel 1 van Wet 32 van 1981

1. Artikel 1 van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (hierna die Hoofwet genoem), word hierby gewysig—

(*a*) deur die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:

" **'Direkteur-generaal'** die **[Direkteur-generaal: Gesondheid, Welsyn en Pensioene]** hoof van die nasionale departement;";

(*b*) deur na die omskrywing van "etiket" die volgende omskrywing in te voeg:

" **'geneesheer' 'n persoon as sodanig geregistreer ingevolge die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974);**";

(*c*) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

" **'Minister'** die **[Minister van Gesondheid, Welsyn en Pensioene]** lid van die Kabinet verantwoordelik vir Gesondheid;";

(*c*) by the substitution for the definition of "Director-General" of the following definition:

" **'Director-General'** means the **[Director-General: Health, Welfare and Pensions]** head of the national department;";

(*d*) by the insertion after the definition of "disinfectant" of the following definitions:

" **'environmental health practitioner'** means a person registered as such in terms of the Health Professions Act, 1974 (Act No. 56 of 1974);

'export' means to take or send goods, or to cause them to be taken or sent, from the Republic to a country or territory outside the Republic;";

(*e*) by the substitution for the definition of "foodstuff" of the following definition:

" **'foodstuff'** means any article or substance (except a **[drug]** medicine as defined in the **[Drugs Control]** Medicines and Related Substances Act, 1965 (Act No. 101 of 1965)) ordinarily eaten or drunk by **[man]** a person or purporting to be suitable, or manufactured or sold, for human consumption, and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance;";

(*f*) by the substitution for the definition of "local authority" of the following definition:

" **'local authority'** means **[an institution or body contemplated in section 84(1)(*f*) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)]** a municipality as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);";

(*g*) by the insertion after the definition of "manufacture" of the following definition:

" **'medical practitioner'** means a person registered as such in terms of the Health Professions Act, 1974 (Act No. 56 of 1974);";

(*h*) by the substitution for the definition of "Minister" of the following definition:

" **'Minister'** means the **[Minister of Health, Welfare and Pensions]** member of Cabinet responsible for Health;";

(*i*) by the insertion after the definition of "Minister" of the following definitions:

" **'mollusc'** means any member of the phylum Mollusca, and includes but not limited to squids, clams, snails and chitons and is characterised by a visceral mass, a mantle and a foot;

'national department' means the national department of Health;";

(*j*) by the insertion after the definition of "prohibited article" of the following definition:

" **'provincial department'** means the provincial department responsible for health;"; and

(*k*) by the insertion after the definition of "treated" of the following definition:

" **'veterinarian'** means a person registered as such in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982).".

Amendment of section 10 of Act 54 of 1972, as amended by section 2 of Act 32 of 1981

2. Section 10 of the principal Act is hereby amended—

(*a*) by the substitution for subsection (1) of the following subsection:

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(*d*) deur na die omskrywing van "Minister" die volgende omskrywings in te voeg:

" '**nasionale department**' die nasionale departement van Gesondheid;

'**omgewingsgesondheidspraktisyn**' 'n persoon as sodanig geregistreer ingevolge die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974);";

(*e*) deur die omskrywing van "plaaslike owerheid" deur die volgende omskrywing te vervang:

" '**plaaslike owerheid**' 'n **[instelling of liggaam beoog in artikel 84(1)(*f*) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)]** munisipaliteit soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);";

(*f*) deur na die omskrywing van "plaaslike owerheid" die volgende omskrywing in te voeg:

" '**provinsiale departement**' die provinsiale departement verantwoordelik vir gesondheid;";

(*g*) deur die omskrywing van "skoonheidsmiddel" deur die volgende omskrywing te vervang:

" '**skoonheidsmiddel**' 'n artikel, preparaat of stof (behalwe medisyne soos in die Wet op **[die Beheer van]** Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), omskryf) wat bedoel is om aan of op die menslike liggaam, insluitende die epidermis, hare, tande, slymvlies van die mondholte, lippe en uitwendige geslagsorgane, gesmeer, gegiet, gesprinkel of gespuit, of op 'n ander wyse daaraan toegedien te word met die doel om te reinig, te parfumeer, liggaamsreuke te verbeter, te kondisioneer, te verfraai, te beskerm, aantreklikheid te bevorder of die voorkoms te verbeter of te verander, en ook 'n gedeelte of bestanddeel van so 'n artikel of stof;";

(*h*) deur die omskrywing van "toestel" deur die volgende omskrywing te vervang:

" '**toestel**' die geheel of gedeelte van 'n werktuig, masjien, instrument, apparaat, toerusting, outomaat of ander voorwerp wat gebruik word, of gebruik kan word, vir, by of in verband met die vervaardiging, behandeling, verpakking, etikettering, berging, vervoer, bereiding, uitstal, verkoop, bediening of toediening van 'n voedingsmiddel, skoonheidsmiddel of ontsmettingsmiddel;";

(*i*) deur na die omskrywing van "toestel" die volgende omskrywings in te voeg:

" '**uitvoer**' om goedere te neem of te stuur, of om goedere te laat neem of stuur vanaf die Republiek na 'n land of gebied buite die Republiek;

'**veearts**' 'n persoon as sodanig geregistreer ingevolge die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (Wet No. 19 van 1982);";

(*j*) deur die omskrywing van "voedingsmiddel" deur die volgende omskrywing te vervang:

" '**voedingsmiddel**' 'n artikel of stof (behalwe medisyne soos in die Wet op **[die Beheer van]** Medisyne en Verwante Stowwe, 1965 **[(Wet No. 101 van 1965)]**, omskryf) wat gewoonlik deur **[die mens]** 'n persoon geëet of gedrink word of wat beweer word geskik te wees, of vervaardig of verkoop word, vir menslike verbruik, en ook 'n gedeelte of bestanddeel van so 'n artikel of stof, of 'n stof wat gebruik word, of bedoel of bestem is om gebruik te word as 'n gedeelte of bestanddeel van so 'n artikel of stof;"; en

(*k*) deur na die omskrywing van "voedingsmiddel" die volgende omskrywing in te voeg:

" '**weekdier**' 'n lid van die filum *Mollusca*, met inbegrip van maar nie beperk nie tot pylinkvisse, gapermossels, slakke en chitone, en gekenmerk deur 'n ingewandsmassa, 'n mantel en 'n voet.".

Wysiging van artikel 10 van Wet 54 van 1972, soos gewysig deur artikel 2 van Wet 32 van 1981

2. Artikel 10 van die Hoofwet word hierby gewysig—

(*a*) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) The Director-General may authorize **[such persons as]**—

(a) any employee of the national department;

(b) after consultation with a head of provincial department, any employee of a provincial administration or local authority; or

(c) any other person,

that he or she **[may deem]** considers fit, as an **[inspectors who shall]** inspector who is, subject to his or her control, **[be]** vested with the powers, duties and functions conferred or imposed on inspectors by this Act.";

(b) by the substitution in subsection (3) of the words preceding paragraph *(a)* of the following words:

"**[The]** Despite subsection (1), the powers, duties and functions of an inspector in terms of this Act may be exercised or performed—";

(c) by the substitution in subsection (3) for paragraph *(b)* of the following paragraph:

"*(b)* for the purposes of the administration of any provision of this Act by a local authority under section 23, or by any **[person employed by such local authority as a health inspector]** medical practitioner, environmental health practitioner, veterinarian or other person considered fit and authorized thereto in writing by such local authority;";

(d) by the substitution in subsection (3) for paragraph *(c)* of the following paragraph:

"*(c)* by any member of the South African Police Service, of or above the rank of sergeant;";

(e) by the substitution in subsection (3) for paragraph *(d)* of the following paragraph:

"*(d)* by any member of the South African Police Service below the rank of sergeant authorized thereto in writing by a member referred to in paragraph *(c)*;"; and

(f) by the substitution in subsection (3) for paragraph *(e)* of the following paragraph:

"*(e)* in respect of any foodstuff, by any person appointed under section **[18]** 28 of the Standards Act, **[1962 (Act No. 33 of 1962]** 1993 (Act No. 29 of 1993), as an inspector for the purposes of that Act.".

Amendment of section 13 of Act 54 of 1972

3. Section 13 of the principal Act is hereby amended by the substitution in subsection (3) for paragraph *(a)* of the following paragraph:

"*(a)* A request by the accused for such a further analysis or examination shall be granted only on condition that he or she deposits **[the sum of twenty-five rand]** such sum as may be determined by the Director-General by notice in the *Gazette*".

Amendment of section 15 of Act 54 of 1972, as amended by section 4 of Act 32 of 1981

4. Section 15 of the principal Act is hereby amended—

(a) by the insertion in subsection (1) after paragraph *(n)* of the following paragraphs:

"*(nA)* regarding the control, restriction or prohibition of the use of any premises that are connected with the handling, processing, production, manufacturing, packing, storing, preparing, conveyance, displaying, sale or serving of any foodstuff;

(nB) regarding the provision of a sewerage and drainage system for premises that are connected with the handling, processing, production, manufacturing, packing, storing, preparing, conveyance, displaying, sale or serving of any foodstuff;

(nC) regarding the control, restriction or prohibition of water, washing and sanitary conveniences, lighting and ventilation at premises that are connected with the handling, processing, production, manufacturing, packing, storing, preparing, conveyance, displaying, sale or serving of any foodstuff;

"(1) Die Direkteur-generaal kan **[die persone]**—

(a) 'n werknemer van die nasionale departement; of

(b) na oorleg met 'n hoof van 'n provinsiale departement, 'n werknemer van 'n provinsiale administrasie of plaaslike owerheid; of

(c) enige ander persoon,

wat hy of sy geskik **[ag]** beskou, as **[inspekteurs]** inspekteur magtig wat, onderworpe aan sy of haar beheer, met die bevoegdhede, pligte en werksaamhede beklee is wat by hierdie Wet aan inspekteurs verleen of opgedra word.";

(b) deur in subartikel (3) die woorde wat paragraaf *(a)* voorafgaan deur die volgende te vervang:

"(3) **[Die]** Ondanks subartikel (1), kan die bevoegdhede, pligte en werksaamhede van 'n inspekteur ingevolge hierdie Wet, **[kan]** uitgeoefen of verrig word—";

(c) deur in subartikel (3) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* vir die doeleindes van die uitvoering van 'n bepaling van hierdie Wet deur 'n plaaslike owerheid kragtens artikel 23, of deur **[iemand wat by sodanige plaaslike owerheid as gesondheidsinspekteur in diens is]** 'n geneesheer, omgewingsgesondheidspraktisyn, veearts of enige ander persoon wat geskik geag word en wat skriftelik deur die plaaslike owerheid daartoe gemagtig is;";

(d) deur in subartikel (3) paragraaf *(c)* deur die volgende paragraaf te vervang:

"*(c)* deur 'n lid van die Suid-Afrikaanse Polisiediens van of bo die rang van sersant;";

(e) deur in subartikel (3) paragraaf *(d)* deur die volgende paragraaf te vervang:

"*(d)* deur 'n lid van die Suid-Afrikaanse Polisiediens onder die rang van sersant, wat skriftelik deur 'n in paragraaf *(c)* bedoelde lid daartoe gemagtig is;"; en

(f) deur paragraaf *(e)* van subartikel (3) deur die volgende paragraaf te vervang:

"*(e)* ten opsigte van 'n voedingsmiddel, deur 'n persoon wat kragtens artikel **[18]** 28 van die Wet op Standaarde, **[1962 (Wet No. 33 van 1962]** 1993, (Wet No. 29 van 1993), vir die doeleindes van daardie Wet as 'n inspekteur aangestel is.".

Wysiging van artikel 13 van Wet 54 van 1972

3. Artikel 13 van die Hoofwet word hierby gewysig deur in subartikel (3) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* 'n Versoek van die beskuldigde om so 'n verdere ontleding of ondersoek word slegs toegestaan op voorwaarde dat hy of sy [die bedrag van **[vyf-en-twintig]** vyfhonderd rand deponeer] sodanige bedrag deponeer as wat bepaal mag word deur die Direkteur-generaal by kennisgewing in die *Staatskoerant*".

Wysiging van artikel 15 van Wet 54 van 1972, soos gewysig deur artikel 4 van Wet 32 van 1981

4. Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) na paragraaf *(n)* die volgende paragrawe in te voeg:

"*(nA)* aangaande die beheer of beperking van of verbod op die gebruik van 'n perseel wat in verband staan met die hantering, verwerking, produsering, vervaardiging, verpakking, berging, bereiding, vervoer, uitstal, verkoop of bediening van 'n voedingsmiddel;

(nB) aangaande die voorsiening van 'n riool- en dreineringstelsel vir 'n perseel wat in verband staan met die hantering, verwerking, produsering, vervaardiging, verpakking, berging, bereiding, vervoer, uitstal, verkoop of bediening van 'n voedingsmiddel;

(nC) aangaande die beheer of beperking van of verbod op water-, was- en sanitêre geriewe, beligting en belugting by persele wat in verband staan met die hantering, verwerking, produsering, vervaardiging, verpakking, berging, bereiding, vervoer, uitstal, verkoop of bediening van 'n voedingsmiddel;

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(nD) prescribing the structural requirements and the material used in the construction of any building on premises that are connected with the handling, processing, production, manufacturing, packing, storing, preparing, conveyance, displaying, sale or serving of any foodstuff, to ensure conformity;

(nE) prescribing uniform norms and standards to which appliances, storing spaces, working surfaces and places used in connection with the handling of any foodstuff must adhere;

(nF) prescribing uniform norms and standards to which the cleansing of facilities, the vehicles used for the transport of various foodstuffs, the container in which any foodstuff is stored, processed, displayed or transported and the clothing worn by persons handling any foodstuff must adhere;

(nG) regarding the examination, control and supervision of the manufacturing and preparation processes, storage, keeping and dispatch of any foodstuff that is intended to be sold in, or to be exported from, the Republic;

(nH) relating to the prohibition of the manufacture, preparation, storage, keeping, dispatch or sale in or export from the Republic of any foodstuff which is, or contains an ingredient which is, diseased, unsound or unfit for human consumption, or which has been exposed to any infection or contamination;

(nI) regarding the removal or detention of animals or foodstuffs which, pending an examination or analysis, are suspected to be diseased, unsound, unwholesome or unfit for human consumption;

(nJ) relating to the manner in which any foodstuff which is found to be unwholesome, unsound, infected or contaminated and any diseased animals sold or intended to be sold for human consumption must be seized, destroyed, treated or disposed of;

(nK) regarding the contents of a warning and the manner in which such warning must be given to any person that sells, keeps or dispatches any foodstuff which has been found to be below the standard of composition, strength, purity or quality prescribed in terms of this Act;

(nL) pertaining to the requirements relating to the issue of an order that prohibits the sale or the keeping of foodstuffs;

(nM) pertaining to the requirements for an application for an order to close any premises where any foodstuff is sold or kept, after an analysis has found the foodstuff in question to be below the required standard of composition and where a warning, in writing, has been issued;

(nN) regarding the inspection of dairy cattle and animals intended for human consumption and of the premises where any foodstuff is handled, processed, manufactured, prepared, kept, packed, conveyed, displayed, sold or served;

(nO) regarding the—

(i) medical examination of a person employed in the food industry with that person's consent for any notifiable medical condition contemplated in the National Health Act, 2003 (Act No. 61 of 2003), or any adverse health condition such as a suppurating abscess, sore, cut or abrasion which may pose a food safety risk;

(ii) method of protective covering of any adverse health condition contemplated in subparagraph (i) to exclude the risk of contamination to foodstuffs;

(iii) type of protective clothing to be worn by employees in the food industry;

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(*n*D) wat die strukturele vereistes en die materiaal gebruik in die konstruksie van 'n gebou op 'n perseel wat in verband staan met die hantering, verwerking, produsering, vervaardiging, verpakking, berging, bereiding, vervoer, uitstal, verkoop of bediening van 'n voedingsmiddel, voorskryf om voldoening te verseker;

(*n*E) wat uniforme norme en standaarde voorskryf waaraan toerusting, bergruimtes, werkoppervlakke en -plekke wat in verband met die hantering van 'n voedingsmiddel gebruik word, moet voldoen;

(*n*F) wat uniforme norme en standaarde voorskryf waaraan die reiniging van fasiliteite, die voertuie gebruik vir die vervoer van verskeie voedingsmiddels, die houer waarin 'n voedingsmiddel geberg, verwerk, uitgestal of vervoer word en die klere gedra deur persone wat 'n voedingsmiddel hanteer, moet voldoen;

(*n*G) aangaande die ondersoek en beheer van en toesig oor die vervaardigings- en bereidingsprosesse, berging, bewaring en versending van 'n voedingsmiddel wat bedoel is vir verkoop in of uitvoer uit die Republiek;

(*n*H) betreffende die verbod op die vervaardiging, bereiding, berging, bewaring, versending of verkoop in of uitvoer uit die Republiek van enige voedingsmiddel wat besmet of bederf of ongeskik vir menslike gebruik is of wat 'n bestanddeel bevat wat aldus besmet, bederf of ongeskik is, of wat aan infeksie of besmetting blootgestel was;

(*n*I) aangaande die verwydering of aanhouding van diere of voedingsmiddels wat, hangende 'n ondersoek of ontleding, na vermoede siek of besmet, of bederf, of ongesond of ongeskik vir menslike gebruik is;

(*n*J) betreffende die wyse van beslaglegging op, vernietiging of behandeling van of beskikking oor enige voedingsmiddel wat bevind word ongesond, bederf, geïnfekteer of besmet te wees, en ook diere wat vir menslike gebruik verkoop of bestem is;

(*n*K) aangaande die inhoud van 'n waarskuwing en die wyse waarop 'n waarskuwing gerig moet word aan 'n persoon wat 'n voedingsmiddel verkoop, bewaar of versend wat bevind word benede die standaard van samestelling, sterkte, suiwerheid of gehalte te wees wat ingevolge hierdie Wet voorgeskryf word;

(*n*L) met betrekking tot die vereistes betreffende die uitreiking van 'n bevel wat die verkoop of die bewaring van voedingsmiddels verbied;

(*n*M) met betrekking tot die vereistes vir 'n aansoek om 'n bevel om die sluiting van 'n perseel waar 'n voedingsmiddel verkoop of bewaar word, nadat 'n ontleding bevind het dat die betrokke voedingsmiddel benede die vereiste standaard van samestelling is en waar 'n skriftelike waarskuwing uitgereik is;

(*n*N) aangaande die inspeksie van melkbeeste en diere bedoel vir menslike gebruik en van die perseel waar 'n voedingsmiddel gehanteer, verwerk, vervaardig, berei, bewaar, verpak, vervoer, uitgestal, verkoop of bedien word;

(*n*O) aangaande die—

(i) mediese ondersoek van 'n persoon werksaam in die voedselbedryf, met daardie persoon se instemming, vir 'n aanmeldbare mediese toestand soos beoog in die "National Health Act, 2003" (Wet No. 61 van 2003), of 'n nadelige gesondheidstoestand soos 'n etterende abses, seer, sny of skaafwond wat 'n risiko vir voedselveiligheid kan uitmaak;

(ii) metode van beskermende bedekking van 'n nadelige gesondheidstoestand beoog in subparagraaf (i) om die risiko van besmetting van voedingstowwe uit te sluit;

(iii) tipe beskermende klere wat deur werknemers in die voedselbedryf gedra moet word;

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(iv) standard of examinations, the persons who must carry out the examination and the frequency with which the examination must be carried out;

(nP) regarding the control, restriction or prohibition of the provision of water intended for food processing and originating from any specified source or the blending of such water originating from different specified sources;

(nQ) prescribing the requirements relating to purity, chemical composition and quality with which water must comply;

(nR) regarding the taking of samples of water and the analysis of such samples;

(nS) regarding the reporting of pollution or suspected pollution of water;

(nT) regarding the keeping of records in connection with water provision;

(nU) regarding the payment of fees for the taking of any sample, the examination or analysis of any sample taken or any inspection or medical examination performed in terms of this Act; and";

(b) by the insertion after subsection (1) of the following subsection:

"(1A) The records of any medical examination performed in terms of this Act must be kept confidential and may be made available only—

(a) in accordance with the ethics of medical practice;

(b) if required by law or court order; or

(c) if the employee referred to in paragrah *(n*O) has in writing consented to the release of that information.";

(c) by the substitution for subsection (4) of the following subsection:

"(4) Any regulation may be expressed to apply only in such area as may be specified in it and different regulations may be made under subsection (1) in respect of different classes of premises, appliances and vehicles used for conveying any foodstuff and in respect of different categories of persons handling any foodstuff."; and

(d) by the addition of the following subsections:

"(8) Any medical practitioner, environmental health practitioner or veterinarian who has reasonable grounds to suspect that any foodstuff is unsound or unwholesome or that an animal is diseased may in the prescribed manner seize, detain or destroy such unsound or unwholesome foodstuff or diseased animal.

(9) Regulations made under subsection (1) apply, to the extent to which they can be applied, in respect of the quality, ingredients, preparation, manufacture, packing, conveying and storing of any article of food prepared or manufactured in a private dwelling with the purpose of selling it to the public".

Insertion of section 15A in Act 54 of 1972

5. The following section is hereby inserted in the principal Act after section 15:

"Regulations relating to mollusc farming and fish farming

15A. The Minister may, after consultation with the Minister for Agriculture and Land Affairs, the Minister of Environmental Affairs and Tourism and the Minister of Water Affairs and Forestry, make regulations relating to—

(a) the control, restriction or prohibition of the supply for human consumption of molluscs, crustaceans, echinoderms, algae or fish originating from mollusc nurseries, fish breeding stations or fish farms;

(b) the purity, chemical composition and source of and the addition of substances to water used in the cultivation or breeding of molluscs, crustaceans, echinoderms, algae or fish intended for human consumption;

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(iv) standaard van ondersoeke, die persone wat die ondersoeke moet uitvoer en die gereeldheid waarmee die ondersoeke uitgevoer moet word;

(nP) aangaande die beheer, beperking of verbod op die voorsiening van water bedoel vir voedselverwerking afkomstig van 'n gespesifiseerde bron of die vermenging van sodanige water afkomstig van verskillende gespesifiseerde bronne;

(nQ) wat die vereistes voorskryf betreffende suiwerheid, chemiese samestelling en gehalte waaraan water moet voldoen;

(nR) aangaande die neem van monsters van water en die ontleding van sodanige monsters;

(nS) aangaande die aanmelding van besoedeling of vermeende besoedeling van water;

(nT) aangaande die hou van rekords in verband met watervoorsiening;

(nU) aangaande die betaling van gelde vir die neem van 'n monster, die ondersoek of die ontleding van 'n monster wat geneem is, of 'n inspeksie of 'n mediese ondersoek uitgevoer ingevolge hierdie Wet; en";

(b) deur na subartikel (1) die volgende subartikel in te voeg:

"(1A) Die rekords van enige mediese ondersoek uitgevoer ingevolge hierdie Wet moet vertroulik bewaar word en kan slegs beskikbaar gestel word—

(a) ooreenkomstig die etiek van die mediese praktyk;

(b) indien dit by reg of deur 'n hofbevel vereis word; of

(c) indien die werknemer bedoel in paragraaf *(nO)* skriftelik tot die vrystelling van daardie inligting ingestem het.";

(c) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) 'n Regulasie kan bepaal dat dit slegs in 'n gebied wat daarin vermeld word, van toepassing is en verskillende regulasies kan uitgevaardig word kragtens subartikel (1) ten opsigte van verskillende klasse persele, toestelle en voertuie gebruik vir die vervoer van 'n voedingsmiddel en ten opsigte van verskillende kategorieë persone wat 'n voedingsmiddel hanteer."; en

(d) deur die volgende subartikels by te voeg:

"(8) 'n Geneesheer, omgewingsgesondheidspraktisyn of veearts wat redelike gronde het om te vermoed dat 'n voedingsmiddel bederf of ongesond is of dat 'n dier siek is, kan op die voorgeskrewe wyse op sodanige bedorwe of ongesonde voedingsmiddel of siek dier beslag lê, dit aanhou of vernietig.

(9) Regulasies uitgevaardig kragtens subartikel (1) is in die mate waarin dit toegepas kan word, van toepassing ten opsigte van die gehalte, bestanddele, bereiding, vervaardiging, verpakking, vervoer en berging van enige voedselartikel wat in 'n private woning berei of vervaardig word met die doel om dit aan die publiek te verkoop.".

Invoeging van artikel 15A in Wet 54 van 1972

5. Die volgende artikel word hierby na artikel 15 in die Hoofwet ingevoeg:

"Regulasies betreffende weekdierboerdery en visboerdery

15A. Die Minister kan, na oorleg met die Minister van Landbou en Grondsake, die Minister van Omgewingsake en Toerisme, en die Minister van Waterwese en Bosbou, regulasies uitvaardig betreffende—

(a) die beheer of beperking van of verbod op die verskaffing vir menslike gebruik van weekdiere, skaaldiere, stekelhuidiges, alge of vis afkomstig van weekdierkwekerye, visteelstasies of visplase;

(b) die suiwerheid, chemiese samestelling en bron van en die byvoeging van stowwe in water wat gebruik word in die kweek of teel van weekdiere, skaaldiere, stekelhuidiges, alge of vis wat vir menslike verbruik bedoel is,

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(c) the location of mollusc nurseries, fish breeding stations or fish farms; and

(d) the control, restriction or prohibition of the cultivation, breeding, storage or transport of molluscs, crustaceans, echinoderms, algae or fish cultivated or bred for the purposes of human consumption.".

Repeal of section 16 of Act 54 of 1972

6. Section 16 of the principal Act is hereby repealed.

Amendment of section 18 of Act 54 of 1972

7. Section 18 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs *(a)*, *(b)* and *(c)* of the following paragraphs:

"*(a)* on a first conviction, to a fine **[not exceeding four hundred rand]** or to imprisonment for a period not exceeding six months or to both **[such]** a fine and such imprisonment;

(b) on a second conviction, to a fine **[not exceeding eight hundred rand]** or to imprisonment for a period not exceeding twelve months or to both **[such]** a fine and such imprisonment;

(c) on a third or subsequent conviction, to a fine **[not exceeding two thousand rand]** or to imprisonment for a period not exceeding twenty-four months or to both **[such]** a fine and such imprisonment.".

Substitution of section 25 of Act 54 of 1972, as amended by section 5 of Act 32 of 1981

8. The following section is hereby substituted for section 25 of the principal Act:

"Delegation of powers by Director-General

25. (1) Subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), the Director-General may delegate a power or assign a duty vested in him or her by or under this Act to—

(a) the holder of an office in the national department; or

(b) after consultation with a provincial head of department, an officer in that provincial administration or local authority.

(2) A delegation referred to in subsection (1)—

(a) must be in writing;

(b) may be subject to conditions;

(c) does not prevent the exercise of the power or the performance of the duty by the Director-General himself or herself; and

(d) may be withdrawn by the Director-General.".

Amendment of long title of Act 54 of 1972

9. The following long title is hereby substituted for the long title of the principal Act:

"To control the sale, manufacture, **[and]** importation and exportation of foodstuffs, cosmetics and disinfectants; and to provide for **[incidental]** matters connected therewith.".

Short title and commencement

10. This Act is called the Foodstuffs, Cosmetics and Disinfectants Amendment Act, 2007, and comes into operation on a date to be determined by the President by proclamation in the *Gazette*.

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(c) die ligging van weekdierkwekerye of visteelstasies of visplase; en
(d) die beheer of beperking van of verbod op die kweek, teel, berging of vervoer van weekdiere, skaaldiere, stekelhuidiges, alge of vis gekweek of geteel vir die doeleindes van menslike verbruik.".

Herroeping van artikel 16 van Wet 54 van 1972

6. Artikel 16 van die Hoofwet word hierby herroep.

Wysiging van artikel 18 van Wet 54 van 1972

7. Artikel 18 van die Hoofwet word hierby gewysig deur in subartikel (1) paragrawe *(a)*, *(b)* en *(c)* deur die volgende paragrawe te vervang:

"*(a)* by 'n eerste skuldigbevinding, met 'n boete **[van hoogstens vierhonderd rand]** of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel **[sodanige]** 'n boete as sodanige gevangenisstraf;
(b) by 'n tweede skuldigbevinding, met 'n boete **[van hoogstens agthonderd rand]** of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel **[sodanige]** 'n boete as sodanige gevangenisstraf;
(c) by 'n derde of daaropvolgende skuldigbevinding, met 'n boete **[van hoogstens tweeduisend rand]** of met gevangenisstraf vir 'n tydperk van hoogstens vier-en-twintig maande of met sowel **[sodanige]** 'n boete as sodanige gevangenisstraf.".

Vervanging van artikel 25 van Wet 54 van 1972, soos gewysig deur artikel 5 van Wet 32 van 1981

8. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

"Delegering van bevoegdhede deur Direkteur-generaal

25. (1) Behoudens die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), kan die Direkteur-generaal 'n bevoegdheid of 'n plig wat by hom of haar berus kragtens hierdie Wet delegeer of toewys aan—
(a) 'n ampsbekleër in die nasionale departement; of
(b) na oorleg met 'n provinsiale departementshoof, 'n beampte in daardie provinsiale administrasie of plaaslike owerheid.

(2) 'n Delegering bedoel in subartikel (1)—
(a) moet skriftelik wees;
(b) kan onderworpe aan voorwaardes wees;
(c) verhoed nie die uitoefening van die bevoegdheid of die verrigting van die plig deur die Direkteur-generaal self nie; en
(d) kan deur die Direkteur-generaal ingetrek word.".

Wysiging van lang titel van Wet 54 van 1972

9. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

"Om die verkoop, vervaardiging, **[en]** invoer en uitvoer van voedingsmiddels, skoonheidsmiddels en ontsmettingsmiddels te beheer; en om voorsiening te maak vir **[bykomstige]** aangeleenthede wat daarmee in verband staan **[voorsiening te maak]**.".

Kort titel en inwerkingtreding

10. Hierdie Wet heet die Wysigingswet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 2007, en tree in werking op 'n datum wat deur die President by proklamasie in die *Staatskoerant* bepaal word.

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