

Food (Amendment No. 2) Regulations 2019

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THE FOOD ACT

Regulations made by the Minister under section 18 of the Food Act

1. These regulations may be cited as the **Food (Amendment No. 2) Regulations 2019**.
2. In these regulations —
“principal regulations” means the Food Regulations 1999.
3. Regulation 2 of the principal regulations is amended by inserting, in the appropriate alphabetical order, the following new definitions —

“Director-General” has the same meaning as in the Mauritius Revenue Authority Act;

“effective date”, in relation to an application, means the date by which all required documents, information or samples are submitted;

“guidelines” means guidelines issued by the Ministry under regulation 2A;

“TradeNet” has the same meaning as in the Customs Act;

4. The principal regulations are amended by inserting, after regulation 2, the following new regulation —

2A. Guidelines

- (1) The Ministry may issue guidelines —

- (a) setting out the requirements for, the applicable law relating to, and the procedures and conditions for, an application for a permit, an authorisation or a clearance for any food imported or exported under the Act;
- (b) listing all fees prescribed under these regulations.

(2) The guidelines issued under paragraph (1) shall be available for consultation at the Ministry and be posted in the website of the Ministry.

5. Regulation 23 of the principal regulations is amended by revoking paragraphs (2), (2A), (3), (4), (5) and (6) and replacing them by the following paragraphs —

(2) Every application for a pre-market approval permit under paragraph (1) shall —

- (a) through the TradeNet or in such other manner as the Permanent Secretary may determine, be made in the form set out in the Fourth Schedule;
- (b) be accompanied by —
 - (i) the original certificate of analysis from an accredited laboratory from the country exporting the product, certifying the chemical composition and microbiological safety of the product; and
 - (ii) such document as may be required in the guidelines;
- (c) be subject to the payment of any fee prescribed under these regulations and to any other condition specified in the guidelines; and
- (d) submit such sample for verification, examination, testing or analysis as the Permanent Secretary may require.

(3) Subject to paragraph (4), on receipt of the application, the Permanent Secretary shall process the application and may grant or refuse to grant the pre-market approval

permit not later than 2 working days after the effective date of receipt of the application.

(4) Where verification, examination, testing or analysis of the sample is required, the Permanent Secretary shall grant or refuse to grant the pre-market approval permit not later than 2 working days —

(a) after the verification or examination of the sample; or

(b) after the date of receipt of the report of the test or analysis,

as the case may be.

(5) (a) Any fee payable under this regulation may be paid to the Director-General through the TradeNet or in such other manner as the Director-General may determine.

(b) The Director-General shall, not later than 15 working days after the end of every month, remit the fees collected to the Ministry.

6. Regulation 26 of the principal regulations is revoked and replaced by the following regulation —

26. Clearance of food by Customs

(1) Any person who imports any food or pre-packed food requiring a permit under regulations 83 and 116, approval under regulation 173, authorisation under regulation 212 or clearance, as the case may be, shall apply for such permit, approval, authorisation or clearance from the Permanent Secretary.

(2) An application for a permit, an approval, an authorisation or a clearance shall —

(a) through the TradeNet or in such other manner as the Permanent Secretary may determine, be made in such form as the Permanent Secretary may approve;

(b) be accompanied by such other documents as may be required in the guidelines;

(c) be subject to the payment of any fee prescribed under these regulations and any other condition as set out in the guidelines.

(3) Subject to paragraph (4), on receipt of the application, the Permanent Secretary shall process the application and may grant or refuse to grant the permit, approval, authorisation or clearance, as the case may be, not later than 2 working days after the effective day of receipt of the application.

(4) (a) Where verification, testing or analysis of the goods is required, the Permanent Secretary shall grant or refuse to grant the permit, approval, authorisation or clearance not later than 2 working days —

(i) after the verification or examination of the food or pre-packed food; or

(ii) after the date of receipt of the report of the test or analysis,

as the case may be.

(b) The permit, approval, authorisation or clearance shall be granted on payment of such fee to be levied for the purpose of verification, examination, testing or analysis.

(c) For the purpose of paragraph (a), the Permanent Secretary shall examine the food or pre-packed food or sample thereof, as the case may be, in accordance with regulations 27, 28, 29 and 30, as applicable, and sections 25B(3) of the Customs Act.

(5) For the purpose of paragraphs (3) and (4), the authorised officers shall notify his decision, to grant or refuse to grant the permit, approval, authorisation or clearance, as the case may be, to the Director-General and the importer through the TradeNet or in such

other manner as the Permanent Secretary may determine.

(6) Subject to paragraph (5), the Director-General shall release or clear the goods imported in accordance with section 25B of the Customs Act.

(7) (a) Any fee, penalty or surcharge payable under this regulation may be paid to the Director-General through the TradeNet or in such other manner as the Director-General may determine.

(b) The Director-General shall, not later than 15 working days after the end of every month, remit the fees collected to the Ministry.

7. These regulations shall come into operation on 1 September 2019.

Made by the Minister on 27 August 2019.