THE PROCESSED FOOD ACT

REGULATIONS
(under section 13)

THE PROCESSED FOOD (EXEMPTION) REGULATIONS, 2002

(Made by the Minister on the 10th day of October, 2002)   L.N. 119A/2002

1. These Regulations may be cited as the Processed Food (Exemption) Regulations, 2002.

2. In these Regulations—

"Director" means the Director of the Bureau of Standards;

"Hazard Analysis Critical Control Point (HACCP) System" means a quality or safety management system approved by the Director which identifies, evaluates and controls hazards which are significant for food safety.

3.—(1) An operator of an establishment may apply to the Director for an exemption in the form set out in the Schedule.   Schedule.

(2) An establishment is eligible for exemption from all or any provision of this Act if it has any of the following systems—

(*a*) a Hazard Analysis Critical Control Point (HACCP) System; or

(*b*) any other quality management system, which in the opinion of the Director, would ensure food safety, having regard to the requirements of the Bureau of Standards as set out in the Jamaica Standard Specification for Canned Ackee, the Jamaica Standard Specification for the Production of Processed Food utilizing the Hazard Analysis Critical Control Point (HACCP) principles (General) JS or any other prescribed safety or standard specification.

4.—(1) The Director shall, upon receipt of an application, cause an

inspector to visit and inspect the establishment to which the application relates.

(2) The inspector shall submit, to the Director, a report on the inspection of the establishment visited pursuant to paragraph (1).

5. The Director after examining the report of the inspector may—

(a) on being satisfied that the requirements specified in regulation 3 (2) are met, by order, declare an establishment to be exempt from all or any of the provisions of the Act for a period of twelve months from the date of such declaration or such lesser period as may be specified therein, subject to the conditions of such exemption specified in the order;

(b) if he is not satisfied that the requirements specified in regulation 3 (2) are met, refuse to grant the exemption stating in writing the reason for the refusal.

6.—(1) A person who is aggrieved by the refusal of the Director to grant the exemption under regulation 5 may appeal in writing to the Standard Council within twenty-eight days of the date of the decision or within such longer period as the Standard Council may, in special circumstances, allow.

(2) The Standard Council shall, within seven days of receipt of the appeal, request the Director to furnish it, within seven days, with a copy of the inspector's report and a statement in writing setting out the reasons for its decision.

(3) On receipt of the report and statement mentioned in paragraph (2), the Standard Council may—

(a) dismiss the appeal and confirm the decision of the Director;

(b) allow the appeal and set aside the decision;

(c) vary the decision;

(d) direct that the matter be referred to the Director.

SCHEDULE   (Regulation 3)

THE PROCESSED FOOD (EXEMPTION) REGULATIONS, 2002

Application for Exemption of Establishment

Application No. _____

Part A. GENERAL INFORMATION

Particulars Relating to Applicant

1.   Full name of applicant: _____

2.   Mailing address: _____

                   _____

                   _____

3.   Telephone No.: _____ Fax No.: _____

4.   E-mail address: _____

5.   If company, submit names and addresses of all Officers and Directors:

                   _____

                   _____

                   _____

6.   Contact person: _____

7.   Telephone No.:_____ Fax No.: _____

8.   E-mail address: _____

(If more than one applicant submit the particulars requested above in respect of each)

Particulars relating to Establishment

Name and address of Establishment: _____

_____

(If establishment has no civic address provide location map).

Particulars relating to Previous Conduct

Have you ever been refused an exemption?   Yes ☐   No ☐

If yes, state date refused: _____

Have you ever been convicted of an offence or had any adverse action taken by the Bureau under the Processed Food Act?   Yes ☐   No ☐

(If yes, state date, offence and penalty): _____

I/We hereby apply for an exemption from the provisions of the Processed Food Act for products listed below:

Product (s):

_____

_____

_____

Period for which exemption is required: _____

Exemption required: _____

I/We hereby declare that the said product (s) are processed in accordance with the require-ments of:

(Specify Hazard Analysis Critical Control Point System (HACCP) or any other quality management system mentioned in regulation 3 (2) (b)).

_____

_____

and that they comply in every respect with the other provisions of all relevant Acts and regulations relating to food safety or food quality.

Signature: _____

Date: _____