

Interpre-
tion.

2.—(1) In this Law, unless the context otherwise requires—

“agricultural produce” means any agricultural produce, whether imported into, or produced in, the Colony, as may be prescribed;

“Analyst” means any person whom the Governor, by order published in the Gazette, authorizes to carry out tests for the purposes of this Law;

“Director” means the Director of Agriculture;

“Inspector” means a Produce Inspector of the Department of Agriculture or any other person authorized by the Director to act as such for the purposes of this Law;

“substance or inferior substance” means any substance, matter or thing which may be prescribed as such; and

“substandard agricultural produce” means to falsify, decrease or misstate the apparent bulk or weight or deteriorate, alter, adversely affect or conceal the quality of agricultural produce by the combination, addition or addition therewith or thereto, of some foreign, superfluous or inferior substance, matter or thing, whether by the addition of water, or by the use of artificial means, and it includes abstracting from agricultural produce part of it so as injuriously to affect its nature, substance or quality.

(2) Agricultural produce shall be deemed adulterated whether with or without any positive act on the part of the seller, exporter or importer, as the case may be, if it contains any foreign or superfluous or inferior substance, whether deleterious or not, in excess of the maximum quantity of such foreign ingredients or extraneous matter laid down by the Regulations made by the Governor-in-Council as hereinafter provided.

No. 59 of 1954.

A LAW TO PREVENT THE ADULTERATION OF AGRICULTURAL PRODUCE.

R. P. ARMITAGE,] [30th November, 1954.
Governor.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

1. This Law may be cited as the Adulteration of Agricultural Produce Law, 1954. Short title.

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2.—(1) In this Law, unless the context otherwise requires—

“agricultural produce” means any agricultural produce, whether imported into, or produced in, the Colony, as may be prescribed ;

“Analyst” means any person whom the Governor, by notice published in the *Gazette*, authorizes to carry out tests for the purposes of this Law ;

“Director” means the Director of Agriculture ;

“Inspector” means a Produce Inspector of the Department of Agriculture or any other person authorized by the Director to act as such for the purposes of this Law ;

“superfluous or inferior substance” means any substance, matter or thing which may be prescribed as such ;

“to adulterate agricultural produce” means to falsify, decrease or increase the apparent bulk or weight, or deteriorate, alter, adversely affect or conceal the quality of agricultural produce by the combination, admixture, or addition therewith or thereto, of some foreign, superfluous, or inferior substance, matter or thing, whether deleterious or not, or by the addition of water, or by the use of artificial means, and it includes abstracting from agricultural produce part of it so as injuriously to affect its nature, substance or quality.

(2) Agricultural produce shall be deemed adulterated whether with or without any positive act on the part of the seller, exporter or importer, as the case may be, if it contains any foreign, or superfluous or inferior substance, whether deleterious or not, in excess of the maximum quantity of such foreign ingredient or extraneous matter laid down by the Regulations made by the Governor-in-Council as hereinafter provided.

Offences.

3.—(1) Any person who—

(a) adulterates or causes or suffers to be adulterated any agricultural produce ;

(b) sells, exposes for sale, or orders or permits any other person to sell or expose for sale, any adulterated agricultural produce ;

(c) exports, or has in his possession for purposes of export, or orders, permits, procures, attempts, aids or abets the exportation of, any adulterated agricultural produce ;

(d) knowingly imports, or orders, permits, procures, attempts, aids or abets the importation of, any adulterated agricultural produce,

shall be guilty of an offence and shall be liable, on conviction, to imprisonment not exceeding six months or to a fine not

exceeding fifty pounds or to both such imprisonment and fine and on a second or subsequent conviction to imprisonment not exceeding two years or to a fine not exceeding three hundred pounds or to both such imprisonment and fine and upon any conviction for an offence under this section the Court may order the forfeiture of every article or thing by means of, or in respect of, which the offence was committed.

(2) No person shall be liable to be convicted under this section if he proves to the satisfaction of the Court before which he is charged that he did not know of the agricultural produce in respect of which the prosecution has been brought being so adulterated and that he could not with reasonable diligence have obtained that knowledge.

4. On the sale, or in the contract for the sale, of any agricultural produce the seller shall be deemed to warrant that the agricultural produce is not adulterated. Implied warranty on sale.

5. Where an employer is charged with an offence against this Law he shall be entitled, upon a charge duly brought by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court that he had used due diligence to enforce the execution of this Law, and that the said other person had committed the offence in question without his knowledge, consent or connivance, the said other person shall be convicted of such offence and the employer shall be exempt from penalty. Exemption from penalty.

6.—(1) An Inspector may examine any agricultural produce intended for export if he suspects that such agricultural produce has been adulterated contrary to the provisions of this Law. If upon examination the Inspector is of opinion that the agricultural produce has been adulterated he may call upon the owner or person in charge of the agricultural produce to have any foreign, superfluous or inferior substance removed therefrom and may detain such agricultural produce in the custody of the Customs authorities until such foreign, superfluous or inferior substance has, to his satisfaction, been removed. Power to Inspector to examine agricultural produce intended for export and take sample for analysis.

(2) If the owner or other person in charge of the agricultural produce fails or refuses to remove such foreign, superfluous or inferior substance when called upon so to do, the Inspector shall take a sample of the agricultural produce and divide the sample so taken into three parts each of which he shall mark and seal or fasten up in such manner as its

nature permits, and deliver one of such parts to the owner or other person in charge of the produce. The Inspector shall retain one of the said parts for future comparison and, if he deems it expedient to have the agricultural produce analysed, submit the other part to the Analyst :

Provided that no agricultural produce of which a sample for analysis has been taken under the provisions of this sub-section shall be exported without the permission of the Director or an Inspector.

(3) The Director or an Inspector shall not be liable in damages for any action taken by him in pursuance of his powers under the provisions of this section.

(4) Any action taken by the Director or an Inspector shall be without prejudice to any prosecution under the provisions of section 3.

Power to
Inspector to
examine
imported
agricultural
produce and
take sample
for analysis.

7.—(1) An Inspector may examine any imported agricultural produce if he suspects that such agricultural produce has been adulterated contrary to the provisions of this Law. If upon examination the Inspector is of the opinion that the agricultural produce has been adulterated he may call upon the owner or person in charge of the agricultural produce to have any foreign superfluous or inferior substance removed therefrom and may detain such agricultural produce in the custody of the Customs authorities until such foreign superfluous or inferior substance has, to his satisfaction, been removed.

(2) If the owner or such other person fails or refuses to remove such foreign, superfluous or inferior substance when called upon so to do, the Inspector shall take a sample of the agricultural produce and submit it for analysis in the manner provided in sub-section (2) of section 6 :

Provided that no agricultural produce of which a sample for analysis has been taken under the provisions of this sub-section shall be allowed to be cleared from the Customs without the permission of the Director or an Inspector.

(3) The Director or an Inspector shall not be liable in damages for any action taken by him in pursuance of his powers under the provisions of this section.

(4) Any action taken by the Director or an Inspector shall be without prejudice to any prosecution under the provisions of section 3.

Power to
examine
agricultural
produce
processed,
intended for
sale and
take sample.

8. Any officer acting on behalf of the Director of Agriculture, any officer acting on behalf of the Director of Medical Services, or any police officer, may examine any agricultural produce being processed or intended or exposed for sale, and if he suspects such agricultural produce to have been adulterated contrary to the provisions of this Law may take

a sample thereof for the purpose of further examination and, if necessary, for the purpose of submitting the same for analysis :

Provided that if such sample is taken for the purpose of submitting the same for analysis, the said officer shall divide such sample into three portions and shall proceed in accordance with the procedure with regard to submission for analysis in sub-section (2) of section 6. At the time of taking such sample the officer shall serve a notice on the owner or person in possession of the agricultural produce from which the sample is taken prohibiting the removal of such agricultural produce from the premises pending the testing of the sample taken, and any such owner or person who fails to comply with the provisions of such notice shall be guilty of an offence and shall be liable, on conviction, to imprisonment not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

9. Any person who refuses to allow any Inspector, any officer acting on behalf of the Director, any officer acting on behalf of the Director of Medical Services or any police officer to examine any agricultural produce or take a sample of any agricultural produce as provided in section 6, 7 or 8 and any person who hinders or obstructs any such officer or other person in the execution of any duty imposed upon him by this Law, shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Penalty for refusal to allow execution of duty and for obstruction.

10. No prosecution for an offence against this Law shall be commenced after the expiration of one year from the date of the commission of such offence, or six months from the date of the discovery thereof by the prosecutor.

Limitation of prosecution.

11. The Analyst's certificate of analysis shall be in the form set forth in the Schedule, or to the like effect. A copy of every certificate so issued shall be sent to the owner or person in possession of the agricultural produce to which such certificate relates.

Form of certificate of analysis. Schedule.

12. At the hearing of any charge for an offence under this Law the production of the Analyst's certificate of analysis shall be sufficient evidence of the facts therein stated, unless the person charged shall require that the Analyst shall be called as a witness.

Analyst's certificate prima facie evidence.

13. The Governor-in-Council may make Regulations—
(a) prescribing anything which under this Law is required or permitted to be prescribed ;

Power to make Regulations.

- (b) determining what proportion of foreign ingredients or extraneous matter (if any), whether such ingredients or extraneous matters are in the nature of preservative or not, shall be permitted in the manufacture, sale or preparation for sale, export, import or preparation for export or import of agricultural produce ;
- (c) prescribing the fees payable in respect of the examination or re-examination of agricultural produce ;
- (d) generally for the better carrying out of the provisions of this Law.

Cap. 34.

14. The Adulteration of Produce Law is hereby repealed :

Provided that any Regulations made under the said Law which are in force on the date of the coming into operation of this Law shall, as from that date and until other Regulations are made under this Law, be deemed to be Regulations made under this Law and shall, with any necessary modifications, have effect accordingly.

SCHEDULE.

(Section 11).

GOVERNMENT OF CYPRUS.

This is to certify that the sample, particulars of which are given herebelow, has been examined by me, a duly authorized Analyst, and declare the result of my analysis as follows :—

- (1) Sample submitted by.....
 - (2) Date received.....
 - (3) Date of Examination.....
 - (4) Nature of the sample.....
 - (5) Weight of the sample submitted.....
 - (6) Results of the analysis and statement whether sample conforms to the provisions of any regulations made, or deemed to be made, under the Adulteration of Agricultural Produce Law, 1954.
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Date : *Signature of Analyst*.....

Place : *Official Designation*

30th November, 1954.

J. FLETCHER-COOKE,
Colonial Secretary.