Tembo

THE MALAWI GAZETTE SUPPLEMENT, DATED 18TH SEPTEMBER AND 2ND OCTOBER, 1998

# IODIZATION OF SALT ACT, 1995 (NO. 10 OF 1995)

# IODIZATION OF SALT (SPECIFICATION) ORDER, 1998 AND IODIZATION OF SALT REGULATIONS, 1998

GOVERNMENT NOTICES 70 & 75 Nos. 31A & 33A

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Mrs Orchardson
UNICEF
MALAWI

(No. 10)

MALAWI GOVERNMENT

(Published 25th August, 1995)

Act

No. 10 of 1995

# IODISATION OF SALT ACT

Assent

BAKILI MULUZI

PRESIDENT

2nd August, 1995

SECTION ARRANGEMENT OF SECTIONS


1. Short title and commencement
2. Interpretation
3. Salt to be iodized
4. Registration
5. Restriction on iodization of salt
6. Inspection
7. Offences and penalties
8. Regulations


An Act to control the iodization of common salt and for matters incidental thereto and connected therewith

ENACTED by the Parliament of Malawi as follows—

Short title and commencement

1. This Act may be cited as the Iodization of Salt Act, 1995, and shall come into operation on a date to be appointed by the Minister by notice published in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

"iodize" means to treat salt with iodine or a compound of iodine;

"salt" means salt in any form commonly used for domestic purposes or in the manufacture or processing of food for human or animal consumption.

Salt to be iodized

3.—(1) Salt shall, before it is sold or distributed to the public or used in the manufacture or processing of food for human or animal consumption, be iodized to such specification as the Minister may, by Order published in the *Gazette*, prescribe.

(2) The Order made under subsection (1) may further prescribe the manner of labelling, packaging, storing, transporting or otherwise treating iodized salt.

Registration

4. Every person who is engaged in the business of salt iodization in accordance with this Act shall register such particulars thereof as the name and address of the business and every change thereof and for this purpose the Minister shall keep and maintain an appropriate register.

Restriction on iodization of salt

5.—(1) No person shall iodize salt or permit or cause any other person to iodize salt nor continue to do so after the expiry of a period of ninety days from the date of commencement of this Act otherwise than in accordance with this Act and unless that person is registered under section 4.

(2) The Minister may, once only, extend the period prescribed in subsection (1) by a further period not exceeding a period so prescribed and shall cause notice of the extension to be published in the *Gazette*.

Inspection

6.—(1) The Minister may in writing appoint any public officer to be an inspector for the purposes of this Act.

(2) Every inspector shall be furnished with a certificate verifying his appointment and authorizing him to exercise the powers conferred on an inspector.

(3) When an inspector seeks to exercise power conferred under this Act, he shall, if requested by any person in relation to whom the power is sought to be exercised, produce to that person his certificate issued under subsection (2).

(4) An inspector may, for the purposes of this Act—

(*a*) Without previous notice, at any time during business hours, enter upon any premises in or upon which any salt is or is reasonably suspected to be iodized or intended to be sold or distributed to the public;

(*b*) inspect and take samples of any such salt or any material or substance in or on such premises used or suspected to be intended for use in the iodization of salt and open any package or container in or on such premises which contains, or he reasonably suspects to contain, any quantity of any such salt, material or substance;

(*c*) inspect any operations carried out in or upon such premises in connexion with the iodization of salt;

(*d*) at any time require any person to produce there and then or at a time and place to be fixed by the inspector any book, notice, record, list or other document which relates to the iodization, sale or distribution of salt and is in the possession or custody, or under the control, of that person or of any other person on his behalf;

(*e*) examine any such book, notice, record, list or document and make copies of, or take extracts from any such book, notice, record, list or document which relates to the iodization, sale or distribution of salt and require from any person an explanation of any entries therein and seize any such book, notice, record, list or document which, in the opinion of the inspector, may afford evidence of any offence under this Act;

(*f*) in regard to any matter which is being investigated by the inspector, question, either alone or in the presence of any other person, as the inspector thinks fit, every person whom he finds on the premises which he has entered under this subsection or who he has reasonable grounds for believing is, or has been employed on any such premises, or is in possession, custody or control of anything referred to in this subsection;

(*g*) order any person referred to in paragraph (*d*), (*e*) or (*f*) to appear before him at a time and place fixed by him, and at such time and place question that person concerning any matter which is being investigated by him pursuant to this Act.

(5) Any person who is in charge of any premises referred to in this section shall, at all times, furnish such facilities as are required by an inspector for the purpose of exercising his powers under this section and shall not obstruct or hinder an inspector while exercising such powers.

Offences and penalties

7.—(1) Any person who contravenes sections 4, 5 and 6 shall be guilty of an offence and shall be liable—

(*a*) in respect of an offence contrary to section 4 to a fine of K10,000 and to imprisonment for two years;

(*b*) in respect of an offence contrary to section 5—

(i) for a first offence, to a fine of K10,000 and to imprisonment for two years;

(ii) for a second or subsequent offence, to a fine of K20,000 and to imprisonment for five years;

(*c*) in respect of an offence contrary to section 6, to a fine of K10,000 and to imprisonment for two years.

Regulations

8. The Minister may make regulations for giving effect to the provisions of this Act.

Passed in Parliament this nineteenth day of July, one thousand, nine hundred and ninety-five.

R. L. Gosnowe
*Clerk of Parliament*

G. J. BUNDAUNDA PHIRI
*Minister of State in the President's Office responsible for District and Local Government Administration*

(FILE NO. 36/6/12)

GOVERNMENT NOTICE NO. 73

IODIZATION OF SALT ACT, 1995

(NO. 10 OF 1995)

IODIZATION OF SALT (SPECIFICATION) ORDER, 1998

IN EXERCISE of the powers conferred by section 3 of the Iodization of Salt Act, I, HARRY I. THOMSON, Minister of Health and Population, make the following Order—

1. This Order may be cited as the Iodization of Salt (Specification) Order, 1998. Citation

2. Salt shall, before it is sold or distributed to the public or used in the manufacture or processing of food for human or animal consumption, be iodized to the specification set out in the Schedule. Salt to be iodized

3.—(1) All iodized salt packages shall be legibly and indelibly labelled and the salt in each package shall conform to the specifications on its label. Labelling

(2) A label on an iodized salt package shall contain the following information—

IODIZED SALT

Name of manufacturer, importer or packer;

Name of Iodization plant;

Iodine compound; potassium iodate level of iodine or potassium-mg/kg;

Best used before date;

CAUTION: STORE IN A COOL AND DRY PLACE.

(3) All salt iodized or prepacked in Malawi shall bear a certification mark of Malawi Bureau of Standards which shall be displayed prominently on the package in which the salt is contained.

(4) For avoidance of doubt, the provisions of subparagraph (3) are in addition to, not in substitution for, the provisions of the Malawi Bureau of Standards Act and any other written law governing issuance of certification marks. Cap. 51:02

4. Every person who imports, manufactures, displays, distributes, sells or exports any salt shall be deemed to warrant to the immediate purchaser that the salt confirms to all legal requirements and meets the specification on its label. Warranty

5.—(1) All iodized salt shall be packed and sealed in moisture-proof lined packaging material. Packaging

(2) The total mass of an iodized salt package shall not exceed 20 kg.

Transport, storage, and display

6. All iodized salt shall not, during transportation, storage and display, be exposed to any of the following conditions—

(*a*) direct sunlight or strong light;

(*b*) heat above 35 degrees C;

(*c*) humidity above 75%, or water, including rain;

(*d*) contamination with dust or other particles or substances;

(*e*) mixture with non-iodized salt;

(*f*) inadequate ventilation or aeration;

(*g*) unduly long storage time (more than six months);

(*i*) storage in uncovered rooms or warehouses; and

(*j*) stacking less than 30 centimetres above the floor level.

Distribution and sale

7 6. All iodized salt shall be dispatched, distributed and sold strictly according to the principle of first in, first out.

Private right of action

8 7. Any consumer who has purchased or received salt that does not comply with the requirements of this Order may pursue a legal action against any person in the salt manufacture-distribution chain shown to have violated the requirement of this Order.

Offences and penalties

9 8. Any person who contravenes any provision of this Order shall be guilty of an offence and liable to a fine of K1,000 and to imprisonment for three months.

SCHEDULE paragraph 2

Salt shall be iodized as follows—

| Location of Salt | Level of iodine, per 1kg of salt |
|---|---|
| Port of entry, iodization plant and prepacking factory | Between 80 and 100 milligrammes of potassium iodate |
| Wholesale and retail | A minimum of 50 milligrammes of potassium iodate |

Made this 22nd day of July, 1998.

(FILE NO. MED./2/22)

H. I. THOMSON
*Minister of Health and Population*

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GOVERNMENT NOTICE No. 75

## IODIZATION OF SALT ACT, 1995
(NO.10 OF 1995)

## IODIZATION OF SALT REGULATIONS, 1998

IN EXERCISE of the powers conferred by section 8 of the Iodization of Salt Act, I, HARRY I. THOMSON, Minister of Health and Population, make the following Regulations—

### PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Iodization of Salt Regulations, 1998.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"authorized officer" means a customs officer, an environmental health officer or any inspector appointed under section 6;

"business" means business of salt iodization;

"Registrar" means the Principal Secretary or such other officer in the public service as he may authorize to act on his behalf.

### PART II—REGISTRATION

Manner and particulars of registration

3. Every person who is engaged in the business of salt iodization shall furnish by sending by post or delivering to the Registrar a statement in writing in the form set out in the First Schedule containing the following particulars—

(*a*) the name of the business;

(*b*) the address of the business;

(*c*) the general nature of the business; and

(*d*) date of commencement of the business.

4. The statement required for the purpose of registration under regulation 3 shall—

(*a*) in the case of an individual, be signed by him; and

(*b*) in the case of a firm, either by all the individuals who are partners and by a director or the secretary of all corporations which are partners or by an individual who is a partner, director or the secretary of a corporation which is a partner and in either of these two cases shall be verified by an affidavit or statutory declaration made by the signatory:

Provided that no such affidavit or statutory declaration stating that any person other than the deponent or declarant is a partner, or omitting to state that any person other than as aforesaid is a partner, shall be evidence for or against such other person in respect of his liability or non-liability as a partner, and that the High Court may on application of any person alleged or claiming to be a partner direct the rectification of the register and decide any question arising under this regulation.

Certificate

5. The Registrar shall issue a certificate of registration in the form set out in the Second Schedule to every firm or person registered under these Regulations.