

PARLIAMENT OF CEYLON

1st Session 1952



Food and Drugs (Amendment) Act, No. 38 of 1952

Date of Assent : November 22, 1952

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AN ACT TO AMEND THE FOOD AND DRUGS ACT,
No. 25 OF 1949.

[Date of Assent: November 22, 1952]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Food and Drugs (Amendment) Act, No. 38 of 1952.

Short title.

2. The following new section is hereby inserted immediately after section 46 of the Food and Drugs Act, No. 25 of 1949, and shall have effect as section 46A of that Act:—

Insertion of
new section
46A in Act
No. 25 of 1949.

" Default
of local
authority.

46A. (1) Where the Minister, after communication with a local authority, is satisfied—

(a) that such authority has failed in relation to any kind of food to execute or enforce any of the provisions of this Act which it is the duty of such authority to execute or enforce in its capacity as a competent authority under this Act; and

(b) that its failure to do so affects the general interests of consumers of food of that kind in Ceylon,

the Minister may, by Order published in the *Gazette*, empower the Director of Health Services to execute and enforce, or procure the execution and enforcement of, those provisions in relation to food of that kind; and accordingly for the purpose only of enabling such Order to be given effect to, any reference in those provisions to an appropriate competent authority or authorised officer shall be deemed to include a reference to the Director or any officer acting under his authority, as the case may be.

(2) Every Order made under subsection (1) may contain such directions and such supplemental, consequential and incidental provisions (including provisions varying or modifying the provisions of this Act) as may be necessary for the purpose only of giving effect to the Order, and shall on publication in the *Gazette*, have the force of law.

(3) The expenses incurred under any such Order by the Director shall be paid in the first instance out of moneys provided for the purpose by Parliament, but the amount of those expenses as certified by the Director shall, on demand, be paid to the Director by the local authority out of its funds and shall be recoverable by the Director from the local authority as a debt due to the Crown.

(4) Nothing in this section shall be deemed or construed to affect any other power exercisable by the Minister with respect to defaults of local authorities.