



REPUBLIC OF GHANA

LOCAL GOVERNMENT BULLETIN

Published by Authority

No. 19

WEDNESDAY, 26TH FEBRUARY

2020

Kwahu West Municipal Assembly (Food) Bye-laws, 2018

In exercise of the powers conferred on Kwahu West Municipal Assembly by section 181 (1) of the Local Governance Act, 2016 (Act 936), these Bye-laws are hereby made:

1. Prohibition Against Sale of Unwholesome, Poisonous or Adulterated Food

- (1) Any person who sells or offers for sale any food within the jurisdiction of the Assembly;-
- a) has in it or upon it any poisonous or harmful substance;
 - b) is unwholesome or unfit for human consumption
 - c) consists in whole or in part of any filthy, putrid, rotten, decomposed or diseased substance;
 - d) is adulterated;
- e) is not of the nature, substance or quality prescribed by standards commits an offence.
- (2) In determining whether an articles of food is injurious to health, it shall not only be to the probable effect of that article on the health of a person consuming it, but also on the probable cumulative effect of articles of substantially similar composition on the health of a person consuming such articles in ordinary quantities.

2. Food Offered as Prizes, etc.

- (1) Section 1 of this Bye-law shall apply to any food intended for human consumption that is –
- (a) offered as a prize or a reward in connection with any entertainment to which the public is admitted whether on payment of money or not: or
 - (b) offered as a prize or reward or given away for the purpose of advertisement or in furtherance of any trade or business, as if the food were exposed for sale by the organizers of the entertainment of the person offering or giving away the food.
- (2) In this section” entertainment” includes any public or social gathering, amusement, exhibition, performance, sport or game.
- (3) Food shall be deemed to be adulterated if-
- (a) any constituent has in whole or in part has been omitted or abstracted:
 - (b) damaged or inferiority has been concealed in any manner;
 - (c) any substance has been substituted wholly or in part of it;
 - (d) any substance has been added to it or mixed or packed with it so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is;
 - (e) it contains any additive not expressly permitted by the regulations for the Food concerned, or is in excess of

the quantity permitted;

- (f) any constituent exceeds, the amount stated on the label or permitted in the regulations; or
- (g) its nature, substance and quality has been injuriously affected.

3. Any person who labels, packages, sells or advertises any food in a manner that is false, misleading or deceptive as regards to its character nature, value, substance, quality, composition, merit or safety commits an offence.

4. Deception of Consumers

Where a standard has been prescribed under any enactment for any food, any person who labels, packages, sells or advertises any food in such a manner that it is likely to be mistaken for food of the prescribed commits an offence.

5. Standards of Foods

(1) Any person who sells to the prejudice of a purchaser any food which is not of the nature, substance or quality of the article demanded by the purchaser commits an offence.

(2) It is not a defense to an offence under subsection (1) to plead that the purchaser was not prejudiced by reason that he bought the food for analysis or some purpose other than for consumption.

6. Prohibition Against Sale of Food not of Nature, Substance or Quality Demanded

No person licensed under the Manufacturing Industries Act. 1971 (Act. 356) shall manufacture any food for sale unless the food is manufactured under the supervision of a person with appropriate knowledge and qualification who can ensure the purity and wholesomeness of the food.

7. Manufacture of Food Supervision

Any person who sells, prepares, packages, conveys, stores or displays for sale any food under insanitary conditions commits an offence.

8. Sale, etc. of Food Under Insanitary Conditions

(1) Any person who-

(a) sells, or offers or exposes for sale, or has in his/her possession for sale: or

(b) deposits with or consigns to any person for the purpose of sale, any food intended for, but unfit for human consumption commits an offence.

(2) Where a food in respect of which an offence under paragraph (a) of subsection (1) has been committed and was sold to the person charge by some other person, that other person shall also be guilty of the offence.

(3) Where a person is charge with an offence under paragraph (b) of subsection (1) or under subsection (2), it is a defense for him/her to prove-

(a) that he gave notice to the person to whom he sold, deposited or consigned the food in question that it was not intended for human consumption; or

(b) that, at the time when delivered or dispatched it to that person, either it was fit for human consumption or he/she did not know, and could not with reasonable diligence have ascertained that the food was unfit for human consumption

9. Health Certificate of Food Sellers

Any person, who prepares, packages, sells offers or displays for sale any food without being medically screened and issued food vendors health certificate commits an offence.

10. (1) Any person who is found guilty of an offence under this part is liable on conviction to a fine not exceeding 20 penalty units or to imprisonment to a term not exceeding two years or to both and shall in the case of a continuing offence be liable to a further fine of 2 penalty units for each day on which the offence continues.

(2) In proceedings under this part in respect of any food containing some extraneous matter, unless the presence of the extraneous matter has rendered the food injurious to health, it is a defense for the accused to prove that the presence of the matter was an unavailable consequence and forms part of the process of preparation or collection of that food.

(3) In any proceedings under this part consisting of the advertisement for sale of any food, it is a defense for the accused to prove that the publication was received and made in the ordinary cause of his business as a publisher.

11. The Municipal Co-ordinating Director shall on the advice of the Municipal Environmental Health Officer order the closure of any premises where food is manufactured, prepared or sold if the Assembly has reason (s) to believe that the food is exposed to the risk of contamination and the Municipal Co-ordinating Director may make such further order as he deems appropriate in the circumstances.

12. Interpretation

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In this Bye-law, unless the context otherwise requires,

“food” includes salt and an article manufactured, sold or represented for use as food or drink for human or animal consumption, chewing gum, water and an ingredient of food, drink, chewing gum or water;

“label” includes a legend, work or mark attached to include in, belonging to or accompanying a food, drug, cosmetic device or chemical substance;

“manufacture” with respect to food means the making or composition of a product, including its production, preparation, processing or preservation in combination with other components, substances, ingredients or products;

“package” includes a thing in which a food is wholly or partly placed or packed;

“premises” includes a building, hut, shed, kiosk or tent together with the land on which it is situated and an adjoining land used in connection with it, and a vehicle, conveyance or vessel;

“selling” includes offering for sale, exposing for sale and having in possession for sale or distribution:

“unsanitary conditions” means the conditions or circumstances which might contaminate food with dirt or filth or might render the food injurious or dangerous to health.

