

LAWS OF FIJI

CHAPTER 118

DAIRIES

Ordinances Nos. 27 of 1965, 7 of 1966, 48 of 1969

AN ACT TO REGULATE DAIRIES

[31st December, 1965]

Short title

1. This Act may be cited as the Dairies Act.

(Amended by 48 of 1969, s.4.)

Interpretation

2. In this Act -

"cattle" means bulls, cows, oxen, steers, bullocks, heifers and calves;

"dairy" means the buildings, yards and sheds used for the milking or herding of cattle for the purpose of producing milk to be sold or supplied or to be manufactured into any alimentary product and the land upon which such buildings, yards and sheds are constructed and includes any building in which milk is stored;

"inspector" means the Permanent Secretary for Agriculture, any agricultural officer, any veterinary officer, livestock officer, veterinary assistant, medical officer, health inspector or assistant health inspector;

"milk" means the normal sweet secretion obtained from the udder of a cow and includes cream, skimmed milk, separated milk and ghee;

"prescribed" means prescribed by regulations made under the provisions of this Act;

"proprietor" means a person in whose name a dairy is registered under the provisions of this Act and includes the agents and servants of such person. *(Section amended by 48 of 1969, s. 5.)*

Regulations

3.-(1) The Minister may make regulations to provide for -

(a) the proper management, control and sanitary condition of dairies and premises used for the storage and sale of milk and the inspection of dairies;

(b) the registration and licensing of dairies and dairymen;

(c) the inspection of cattle in dairies and of any pasturage used for the grazing of milch cows and for prescribing for and regulating the cleaning and drainage of dairies and other places occupied by persons carrying on the trade of dairyman;

(d) the erection and regulation of cow sheds;

(e) prescribing places for the milking of cows and the precautions to be taken for protecting milk against infection or contamination;

(f) ensuring the cleanliness of vessels used for keeping milk for sale and of the milk therein;

(g) providing that all vehicles and containers from or in which milk may be sold or offered for sale shall be marked or labelled with the name of the licensee of the dairy in which such milk has been produced;

(h) the powers and duties of inspectors of dairies;

(i) prescribing the fees and charges which may be charged or imposed in respect of licences and inspections issued or carried out under the provisions of this Act.

(2) Any regulation made under the provisions of this section may be applied to the whole or any part of Fiji specified in the regulation.

Milk not to be sold unless from registered dairy

4. Subject to any exemption which may be prescribed, no person shall offer for sale or sell any milk unless such milk originated from a registered dairy:

Provided that the provisions of this section shall not apply to the sale of milk imported into Fiji.

Power of entry

5. Any inspector may at any time enter upon premises to which this Act applies for the purpose of carrying out the provisions thereof or of any regulations made thereunder.

General penalty

6. Any person who -

(a) disobeys any of the provisions of this Act by -

(i) wilfully doing any act which it forbids; or

(ii) refusing or wilfully omitting to do any act which it requires to be done;
or

(b) refuses or wilfully omits to carry out any lawful order, instruction or condition made, given or imposed by any inspector under the authority of this Act,

shall be guilty of an offence against this Act and shall, where no specific penalty is provided, be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and, in the case of a continuing offence, to a fine not exceeding four dollars for each day during which such offence continues after conviction.

(Substituted by 7 of 1966, s. 42.)

Controlled by Ministry of Agriculture and Fisheries

Subsidiary Legislation

CHAPTER 118

DAIRIES

SECTION 3-DAIRIES REGULATIONS

Regulations 19th July, 1965, [in force 31st Dec., 1965]. 5th Dec., 1974, 9th Dec., 1975.

Made by the Governor in Council

Short title

1. These Regulations may be cited as the Dairies Regulations.

Interpretation

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

"disease" means any infectious or contagious disease specified in Parts VII or VIII of the Public Health Act;

(Cap. 111.)

"Permanent Secretary" means the Permanent Secretary for Agriculture and includes any officer duly authorised by him, in writing, to perform any of his functions.

Registration of dairies

3.-(1) No person shall keep or use any premises as a dairy or carry on business as a dairyman unless such premises are registered as a dairy under the provisions of these Regulations.

(2) The Permanent Secretary shall keep a register of all dairies registered under the provisions of these Regulations and, upon registration of a dairy, he shall issue to the proprietor thereof a certificate of the registration of such dairy.

Application for registration

4.-(1) Any person desiring to establish a dairy shall, not less than one month prior to the proposed date of commencing the business of such dairy, apply in writing to the Permanent Secretary, for the registration of the premises as a dairy and such application shall be accompanied by such specifications, information and particulars as the Permanent Secretary may require.

(2) If the Permanent Secretary is satisfied that the applicant is a fit and proper person to become the proprietor of a registered dairy and that the proposed premises and the equipment to be installed therein comply with the provisions of these Regulations, he may, on payment of the fee prescribed in the First Schedule, subject to the provisions of paragraph (3) and to any conditions which he may impose, register the dairy.

(3) Registration of a dairy under the provisions of these Regulations shall remain in force until the 31st day of December in the year of registration and may be renewed from year to year.

(4) In the event of the dairy in respect of which application for registration has been made being a new dairy or if the Permanent Secretary imposes any condition upon registration, registration of the dairy shall not be effective until such time as any construction required has been completed, or the conditions imposed have been complied with, to the satisfaction of the Permanent Secretary.

Suspension or cancellation of registration

5.-(1) When the Permanent Secretary is of the opinion that any dairy is not being maintained in accordance with any conditions imposed by him, he may order the suspension of the registration of such dairy until such time as the proprietor has complied with all such conditions to the satisfaction of the Permanent Secretary.

(2) If the registered proprietor of a dairy is convicted of an offence against the provisions of these Regulations, the court recording the conviction may order the registration of such dairy to be cancelled or to be suspended for such period as the court may think fit and the Permanent Secretary may cause the necessary entries to be made in the register accordingly.

Cessation of business of dairy

6. If the Permanent Secretary is satisfied that a registered dairy has ceased to be used as such for a period of three months, he may cancel the registration of such dairy:

Provided that the proprietor of a dairy may make a fresh application for registration in the event of his intending to re-establish a dairy in the same premises.

Transfer of dairy

7.-(1) If the proprietor of a registered dairy desires to transfer his business to another person he shall apply to the Permanent Secretary for permission to make such transfer and the Permanent Secretary may approve, either absolutely or subject to such conditions as he may see fit to impose, or refuse permission for the transfer to take place.

(2) If the transfer is approved absolutely, the transferee shall, on payment of the fee prescribed in the First Schedule, be entitled to be registered as the proprietor of the dairy.

(3) If the transfer is approved subject to conditions, the transferee shall upon observing and performing such conditions and upon payment of the fee prescribed in the First Schedule, be entitled to be registered as the proprietor of the dairy.

Cessation of business

8.-(1) In the event of the proprietor of a registered dairy ceasing to carry on business as such he shall within 14 days of so ceasing to carry on business, inform the Permanent Secretary thereof and his name shall thereupon be removed from the register.

Name of dairy to be inscribed on containers, etc.

9. The proprietor of a registered dairy and every milk vendor shall cause the name of the dairy to be legibly inscribed upon every container used by such proprietor or vendor in the distribution and sale of milk.

Cows to be tested

10. No cow shall be permitted to remain on the premises of a registered dairy unless such cow shall have been tested for Brucella Abortus infection and found free of such infection or shall have been inoculated against such infection with a vaccine approved by the Assistant Director Agriculture (Animal Health and Production).

Restriction on sale of milk, etc.

11. No milk or cream shall be sold or used for the making of butter or any other alimentary product until the expiration of seven clear days after the date of calving of the cow by which the milk is produced.

Milk from diseased cow, etc., not to be used

12.-(1) When an inspector has reason to believe that any animal found on the premises of a dairy is diseased or otherwise unfit to supply milk for human consumption he may -

(a) prohibit the employment of such animal for milking purposes; or

(b) order the removal of such animal from the premises of the dairy until the inspector is satisfied that the animal is restored to good health and no compensation

shall be payable to the owner of such animal or any other person in respect of such prohibition or removal.

(2) The certificate of an inspector that an animal is unfit to supply milk for human consumption shall be final and conclusive.

No infected person to be employed in dairy

13.-(1) No person having been exposed to infection, or suffering, from any disease shall knowingly be employed or allowed to take part in the conduct of the trade or business of a dairyman until such time as such person shall have shown to the satisfaction of a Medical Officer of Health that all danger of his communicating such infection has ceased.

(2) The proprietor of a dairy shall immediately inform a Medical Officer of Health in the event of any case of any disease affecting any person employed or residing in the dairy and the proprietor shall, in such event, and if required by the Medical Officer of Health so to do, disclose to the Medical Officer of Health particulars of the customers of the dairy.

Prohibition on sale or supply of infected milk

14. No proprietor shall sell or supply any milk which shall have been produced from any diseased animal or from any animal which shall have in any place or in any way, been exposed to infection from any person suffering from any disease or which shall have been on any premises where any case of disease existed at that time.

Design and construction of vessels and utensils used for containing milk

15. No receptacle, strainer or other utensil shall be used in any dairy for containing milk intended for sale or distribution for the purpose of sale unless the same is of such design and constructed of such material as the Permanent Secretary has, for the time being, approved.

Provisions as to prevention of infection or contamination of milk

16.-(1) All reasonable and proper precautions shall be taken in and in connexion with the milking of animals, and the cooling, processing, handling, storage and distribution of milk, to prevent milk becoming infected or contaminated.

(2) Without prejudice to the generality of the provisions of paragraph (1) the following provisions shall apply in connexion with the milking of animals and the cooling, processing, handling, storage and distribution of milk:-

(a) the milking of animals shall be carried out in a good and proper light whether in the day time or during the hours of darkness;

(b) immediately before any animal is milked, all dirt on or around the flanks, tail, udder and teats of the animal shall be removed, and the udder and teats shall be kept thoroughly clean during milking;

(c) the hands of any person who milks any animal shall be thoroughly washed before he commences the milking and shall, at all times when he is engaged in the milking of any animal, be kept clean, free from contamination and, as far as practicable, dry;

(d) as soon as possible after any animal has been milked, the milk shall be strained through a strainer of a type approved by the Permanent Secretary and removed to a milk room and, pending its removal, shall be kept in a covered receptacle;

(e) when any milk has been so removed to a milk room, it shall be placed in a receptacle approved by the Permanent Secretary and shall thereafter be kept in such receptacle until it is removed from the dairy for the purpose of sale or distribution for the purpose of sale in a covered receptacle or receptacles of a type approved by the Permanent Secretary;

(f) no milk intended for sale or distribution for the purpose of sale shall be deposited or kept in any place in any dairy, other than a milk room or, pending the removal to a milk room, in any place in which cattle are milked;

(g) no room shall be used as a milk room unless its use for that purpose has been approved by the Permanent Secretary and it is kept sealed and fly-proof to the satisfaction of an inspector;

(h) a milk room shall not be used for any purpose other than the cooling, processing, handling and storage of milk and the cleansing and storing of any appliances, receptacles, strainers and other utensils used in the milking of animals or in the cooling, processing, handling, storage or distribution of milk;

(i) no article, other than appliances, receptacles, strainers and other utensils used in the milking of animals or in the cooling, processing, handling, storage or distribution of milk, shall be deposited in a milk room;

(j) no appliance, receptacle, strainer or other utensil used in the milking of animals or in the cooling, processing, handling, storage or distribution of milk shall be used for any other purpose, and every such appliance, receptacle, strainer and other utensil shall, after each occasions on which it has been used and before it is used again, be thoroughly rinsed and washed and thereafter sterilized, with a sterilizing agent approved by the Permanent Secretary or by steam or immersion in boiling water for a period of not less than five minutes, and, when not in use, shall be kept in the milk room or in a separate apartment adjacent thereto approved for that purpose by the Permanent Secretary;

(k) every vehicle used by a dairyman or a vendor of milk for the carriage or distribution of milk intended for sale shall, before being used for that purpose be submitted for inspection and approval by an inspector as being of fit and proper construction so as to exclude dust and dirt and to be of such type as to allow proper cleansing and no such vehicle shall be used for such purpose unless it has been so approved by an inspector;

(l) the interior of every vehicle used for the carriage or distribution of milk shall be thoroughly cleansed at least once daily;

(m) every vehicle used for the distribution of milk intended for sale shall be clearly labelled with the name of the proprietor or the business name under which he operates.

(3) For the purpose of the enforcement of the provisions of paragraph (2), an inspector may stop and inspect any vehicle which he reasonably suspects of being used for the carriage or distribution of milk.

Spitting or drinking from milk vessels prohibited

17.-(1) No person shall spit in any building or other place in which cattle are kept in any dairy, or in any milk room.

(2) No person shall drink out of any appliance, receptacle or other utensil used in any dairy in the milking of animals or in the cooling, processing, handling, storage or distribution of milk intended for sale.

Water requirements

18.-(1) Every dairy shall be provided with an efficient water supply to the satisfaction of the Permanent Secretary. No water drawn from a well imperfectly protected or any polluted source may be used in a dairy.

(2) A boiler for the provision of boiling water shall be provided to the satisfaction of the Permanent Secretary and, whenever milking or cleansing of utensils is in progress, hot water shall be readily available.

Prohibited animals and things near dairies

19.-(1) No swine shall be permitted to approach or remain within 60 metres, nor any calf within 18 metres, of any milk room or store.

(2) No earth-closet, latrine, cess pool, dust-bin or rubbish or manure heap shall connect with any building used by a dairy or be permitted to exist within 18 metres of any well or tank containing water or any water tap on the premises of the dairy. (*Amended by Legal Notice 89 of 1979.*)

SCHEDULE
(Regulation 4)

(Substituted by Legal Notice 22 of 1979.)

FEES

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(a) On registration of a dairy.....	5.00

(b) On renewal of registration of a dairy (Annually).....	2.50
(c) On transfer of a registered dairy	2.50

Controlled by Ministry of Primary Industries