

Subsidiary Legislation made under ss. 6, 8 and 58.

## **Chloroform in Food Regulations, 1987**

**LN.1987/020**

*Commencement*                      **1.8.1987**

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### **ARRANGEMENT OF REGULATIONS**

#### Regulation

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**1964-07**

## Food and Drugs

**1987/020**

### Chloroform in Food Regulations, 1987

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#### **Title and Commencement.**

1.(1) These regulations may be cited as the Chloroform in Food Regulations, 1987.

(2) These regulations shall come into operation on the 1st day of August, 1987.

#### **Interpretation.**

2.(1) In these regulations, unless the context otherwise requires—

“food” has the same meaning as in the Act, except that it is limited to food intended for sale for human consumption;

“the Act” means the Food and Drugs Act;

“sell” includes offer or expose for sale or have in possession for sale, and 'sale' shall be construed accordingly.

(2) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

(3) Any reference in these regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these regulations.

#### **Exemptions.**

3.(1) These regulations shall not apply to—

(a) any food intended for exportation to any place outside Gibraltar; or

(b) any medicinal product to which the United Kingdom ‘Medicines (Chloroform Prohibition) Order 1979’ applies.

#### **Prohibition of chloroform in food.**

4. No person shall sell or import into Gibraltar any food which has in it or on it any added chloroform.

#### **Condemnation of food.**

5. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell or import into Gibraltar, that food may be treated for the purposes of section

10 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

**Penalties.**

6. If any person contravenes or fails to comply with regulation 4 he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

**Application of various sections of the Act.**

7. Sections 46(2) and (3) (which relate to prosecutions), 47(1) and (2) (which relate to evidence of analysis), 49 (which relates to the power of a court to require analysis by the Government Chemist in the United Kingdom), 50 (which relates to a contravention due to some person other than the person charged), 51(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 52 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these regulations and as if the reference in the said Section 49 to subsection (3) of Section 46 included a reference to that subsection as applied by these regulations.