LAWS OF MALAYSIA

Act 727

FOOD ANALYSTS ACT 2011

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FOOD ANALYSTS ACT 2011

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LAWS OF MALAYSIA

Act 727

FOOD ANALYSTS ACT 2011

An Act to provide for the establishment of the Malaysian Food Analysts Council, to provide for the registration of persons practising as food analysts and to regulate the practice of food analysts and for matters connected therewith.

[ ]

ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Food Analysts Act 2011.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

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

"government food-related agency" means a government agency that is involved in conducting food analysis;

"registered chemist" means a person who is registered under the Chemists Act 1975 [*Act 158*];

"food analysis" means the detailed examination of food which includes physical, microbiological, chemical, biochemical, biotechnological, toxicological or sensory evaluation properties of food and such examination may include examination of package, packaging materials and containers;

"package" means anything in which or any means by which food is wholly or partly cased, covered, enclosed, contained, placed or otherwise packed in any way whatsoever and includes any basket, pail, tray or receptacle of any kind whether opened or closed;

"Register" means the register kept or maintained in accordance with section 17;

"prescribed" means prescribed by the Minister by regulations;

"higher educational institution" means an educational institution providing higher education leading to the award of a diploma, degree or its equivalent;

"registered food analyst" means a person who conducts food analysis and is registered under section 19;

"Director General" means the Director General of Health, Malaysia;

"Council" means the Malaysian Food Analysts Council established under section 4;

"food" has the meaning assigned to it under the Food Act 1983 [*Act 281*];

"Minister" means the Minister charged with the responsibility for health;

"authorized officer" means a person appointed by the Minister to be an authorized officer under section 37;

"Registrar" means the Registrar referred to in section 16;

"Secretary" means the Secretary of the Malaysian Food Analysts Council appointed under section 7.

Non-application

3. This Act shall not apply to the chemists registered under the Chemists Act 1975.

PART II

THE MALAYSIAN FOOD ANALYSTS COUNCIL

Establishment of Council

4. (1) A body corporate by the name of "Malaysian Food Analysts Council" is established.

(2) The Council shall have perpetual succession and a common seal and may sue and be sued in its name.

Functions and powers of the Council

5. (1) The Council shall have the following functions:

(a) to perform the duties and functions and exercise the powers provided in this Act;

(b) to determine and regulate the professional conduct and ethics of food analysts and to issue any code of ethics for food analysts;

(c) to determine the scale of fees to be charged by registered food analysts for services rendered;

(d) to hear and determine disputes relating to the professional conduct or ethics of registered food analysts and to establish committees or appoint arbitrators to hear and determine such disputes;

(e) to conduct examinations in association with the Malaysian Institute of Food Technology for admission to the food analysis profession;

(f) to hold or cause to be held professional development programmes for registered food analysts to further enhance their knowledge in the latest developments relating to the practise of food analysis;

(g) to issue guidelines to specify the procedures and test methods of food analysis; and

(h) to do such other things as it considers fit to enable it to perform its functions effectively or that are incidental to the performance of its functions.

(2) The Council shall have all such powers as may be necessary for, or in connection with, or reasonably incidental to, the performance of its functions under subsection (1).

(3) The Council shall not borrow or raise money in any manner without the prior approval of the Minister and the Minister of Finance.

Common seal

6. (1) The Council shall have a common seal that shall bear a device approved by the Council.

(2) The common seal may be broken, changed, altered and made anew as the Council considers fit.

(3) Until a seal is provided by the Council, a stamp bearing the words "Malaysian Food Analysts Council" may be used and shall be deemed to be its common seal.

(4) The common seal shall be kept in the custody of the Chairman or a member of the Council.

(5) The common seal shall be affixed in the presence of any two designated members of the Council and such members shall sign every deed, document or other instrument to which the common seal is affixed.

(6) All deeds, documents or other instruments purporting to be sealed with the common seal and authenticated as specified in subsection (5) shall, until the contrary is proved, be deemed to have been validly executed.

(7) The common seal of the Council shall be officially and judicially noticed.

Membership of the Council

7. (1) The Council shall consist of the following members:

(a) the Director General who shall be the Chairman;

(b) the Senior Director of Food Safety and Quality Division, Ministry of Health Malaysia who shall be the Deputy Chairman;

(c) two registered food analysts from the private sector appointed by the Minister, one of whom shall be a member of the Malaysian Institute of Food Technology;

(d) two registered food analysts recommended by the Malaysian Institute of Food Technology from among its members and appointed by the Minister;

(e) two food scientists employed by a higher educational institution offering a degree in food science or food technology or food science and technology, to be appointed by the Minister; and

(f) three representatives from a government food-related agency appointed by the Minister.

(2) The Chairman shall, with the approval of the Minister, appoint an officer of the Ministry of Health to be the Secretary of the Council.

(3) If the Chairman is unable to exercise his functions under this Act due to illness, absence from Malaysia or any other cause, his functions shall be exercised by the Deputy Chairman.

(4) The Chairman may delegate to the Deputy Chairman any of his powers, and when so delegated such power shall be exercised by the Deputy Chairman under the control of and subject to such directions and restrictions as may be specified by the Chairman.

Tenure of office

8. (1) A member who is appointed or elected under paragraph 7(1)*(c)* to *(f)* shall hold office for a term not exceeding three years.

(2) A member who is appointed or elected under paragraph 7(1)*(c)* to *(f)* is eligible for reappointment but such member shall not hold office for more than two consecutive terms.

(3) If the office of a member becomes vacant before the expiration of his term of office, the person appointed to fill the vacancy shall hold office for the remainder of the term of office of the member whose office has become vacant.

Allowances

9. All members of the Council shall be paid such allowances at such rates as the Minister may determine.

Vacation of office

10. The office of a member of the Council is deemed to have been vacated if—

(a) he dies;

(b) his appointment is terminated;

(c) he becomes a bankrupt;

(d) he is of unsound mind;

(e) there has been proved against him, or he has been convicted on, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under any law relating to corruption; or

(iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;

(f) his resignation is accepted by the Minister;

(g) he is absent without leave of the Council for three consecutive meetings of the Council; or

(h) in the case of an appointed member under paragraph 7(1) *(c)* or *(d)*, he ceases to be a registered food analyst.

Meetings of the Council

11. (1) A meeting of the Council shall be convened by the Chairman by notice in writing to the other members and the meeting shall be held at the time and place specified in the notice.

(2) The Council shall meet at least once in four months.

Procedure at meetings

12. (1) The Chairman shall preside at all meetings of the Council.

(2) If the Chairman is absent from any meeting of the Council, the Deputy Chairman shall preside.

(3) The Chairman or the Deputy Chairman, when he is presiding at a meeting, shall have a casting vote.

(4) Seven members shall form the quorum of a meeting of the Council.

(5) All questions before a meeting of the Council shall be decided by a simple majority of the members present and voting.

(6) The Council may determine its own procedure.

Committees

13. (1) The Council may establish committees to assist it in carrying out its functions under this Act.

(2) The Council may appoint any person to be a member of any committee established under subsection (1).

(3) The committee established under this section may elect any of its members to be chairman and may regulate its own procedure and, in carrying out its functions under this subsection, such committee shall be subject to and act in accordance with any direction given to the committee by the Council.

(4) The Council may at any time revoke the appointment of any member of a committee.

Public Authorities Protection Act 1948

14. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Council or against any member or agent of the Council in respect of any act, neglect or default done or omitted by him in such capacity.

Public servant

15. Every member of the Council, while discharging his duties as such member, shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

PART III

REGISTRATION OF FOOD ANALYSTS

Registrar

16. For the purposes of this Act, the Senior Director of Food Safety and Quality Division, Ministry of Health Malaysia shall be the Registrar.

Register

17. (1) The Registrar shall cause to be kept in the prescribed form a register of food analysts to be known as the Register of Food Analysts.

(2) The Registrar shall be responsible for the maintenance and custody of the Register.

(3) The Register shall be deemed to be a public document within the meaning of the Evidence Act 1950 [*Act 56*].

(4) A certificate signed by the Registrar that any person—

(a) is or is not registered under this Act; or

(b) was or was not at any time registered under this Act,

shall be conclusive evidence of the matters referred to therein.

Application for registration

18. (1) No person shall be registered as a food analyst under this Act unless—

(a) he holds—

(i) a degree in food science or food technology or food science and technology from any higher educational institution as may be approved by the Council; or

(ii) any other degree in science in any related field as may be approved by the Council;

(b) he produces to the Council evidence to the satisfaction of the Council—

(i) that he has been selected for employment under the supervision of any registered food analyst or registered chemist; or

(ii) that he has two years of working experience in food analysis if he holds a degree in food science or food technology or food science and technology, or four years of working experience in food analysis if he holds any degree in science in any related field; and

(c) he is not less than eighteen years of age.

(2) An application for registration shall be made to the Council in the prescribed form.

Mode of registration

19. (1) Registration under this Act shall be effected by entering in the Register the applicant's particulars as prescribed upon payment of the prescribed fee.

(2) Where a person is registered under this Act, the Council shall cause to be issued to him a certificate of registration under the hand of the Chairman.

Annual practising certificate

20. (1) A registered food analyst who intends to practise as a food analyst may make an application to the Registrar in the prescribed form and pay the prescribed fee for a certificate to practise as a food analyst.

(2) Upon receipt of the application and payment specified in subsection (1), the Registrar may, upon approval, issue to the registered food analyst an annual practising certificate in the prescribed form, authorizing the registered food analyst to practise as a food analyst during the year for which the certificate is issued.

(3) A certificate by the Registrar that any person—

(a) is or is not the holder of an annual practising certificate; or

(b) was or was not at any time a holder of an annual practising certificate,

shall be conclusive evidence of the matter referred to therein.

Renewal of annual practising certificate

21. (1) The application for the renewal of an annual practising certificate shall be made to the Registrar not less than thirty days before the date of expiry in the prescribed form and upon payment of the prescribed fee.

(2) If the Registrar approves the application, the Registrar shall issue to the registered analyst an annual practising certificate in the prescribed form authorizing the registered food analyst to practise as a food analyst during the year for which the certificate is issued.

Compliance with guidelines issued by the Council

22. (1) A registered food analyst shall comply with all guidelines issued by the Council.

(2) A registered food analyst who fails to comply with subsection (1) commits an offence.

PART IV

DISCIPLINE

Council's disciplinary jurisdiction

23. (1) The Council shall have disciplinary authority over registered food analysts.

(2) The Council may exercise disciplinary authority over any registered food analyst—

(a) whose registration has been obtained by fraud or misrepresentation;

(b) whose degree has been withdrawn or cancelled by the university, college or body by which it was conferred;

(c) who has been convicted by a court in Malaysia or elsewhere of any offence involving fraud, dishonesty or moral turpitude or who has been sentenced to imprisonment (whether in itself only, or in addition to or in lieu of a fine);

(d) who was not at the time of his registration entitled to be registered;

(e) who has been found by the Council to have contravened this Act or its regulations; or

(f) who has failed to discharge his professional duties with due skill, care and diligence.

Inquiry

24. (1) The Council shall establish a Disciplinary Committee to hold an inquiry on any disciplinary matter.

(2) In conducting an inquiry, the Disciplinary Committee shall not be bound by the provisions of the Evidence Act 1950 or by any legal procedure but may conduct the inquiry in a manner it deems fit.

(3) The Council may suspend temporarily the registration of a registered food analyst pending the decision of the Council on the result of any inquiry or the disposal of any appeal.

Disciplinary punishments

25. (1) The Council may, in the exercise of its disciplinary authority, impose any of the following punishments:

(a) order the registered food analyst to be reprimanded in writing;

(b) order the name of the registered food analyst to be suspended from the Register and suspend the annual practising certificate for such period as it thinks fit; or

(c) order the name of the registered food analyst to be removed from the Register and suspend the annual practising certificate for such period as it thinks fit.

(2) The Council may, in any case, make such order as it thinks fit with regard to the payment of costs incurred by the Registrar, any complainant or of the registered food analyst.

(3) Any costs awarded under subsection (2) may be recovered as a civil debt.

Surrender of certificate of registration and annual practising certificate

26. (1) Where the name of a registered food analyst has been ordered by the Council to be suspended or removed from the Register, that person shall deliver his certificate of registration and the annual practising certificate to the Registrar within fourteen days of the receipt of the order.

(2) Any person who fails to comply with subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Removal of name by reason of physical or mental infirmity

27. (1) Without prejudice to paragraph 25(1)*(c)*, the Council may order the name of any registered food analyst to be removed from the Register if the Council is satisfied that the registered food analyst is incapable, by reason of physical or mental infirmity, of carrying out duties as a food analyst.

(2) For the purpose of satisfying itself that any registered food analyst is incapable, by reason of physical or mental infirmity, of carrying out his duties, the Council shall appoint a Medical Review Committee which shall consist of not less than two medical practitioners and one food analyst appointed by the Council to inquire into each case and to make such recommendations as the Committee deems proper.

Alteration to the Register

28. If the Council is satisfied that a registered food analyst is deceased or has voluntarily deregistered himself as a food analyst, the Council shall cause his name and all particulars relating to him to be removed from the Register.

Restoration of name in the Register

29. (1) Where the name of a registered food analyst has been removed from the Register, he may apply for his name to be restored in the Register on the ground that by reason of a specified change in circumstances that had occurred since the date of the removal it is just that his name be so restored.

(2) The Council may, in its discretion, upon application made to it, order that the name of the applicant be restored in the Register.

Appeal

30. (1) Any food analyst who—

(a) has been refused registration by the Council;

(b) has been registered but is dissatisfied with any condition or restriction imposed by the Council under this Act;

(c) having been registered has had his name removed from the Register pursuant to an order of the Council made under section 27;

(d) is not satisfied with any order of the Council under section 25; or

(e) is aggrieved by the decision of the Council under section 29,

may, within twenty-one days of being so notified of the decision of the Council, file a notice of appeal in writing to the Minister, who shall then make a decision.

(2) A copy of the notice of appeal in subsection (1) shall be sent to the Chairman of the Council.

PART V

FOOD ANALYSIS

Registered food analysts may issue food analysis report

31. (1) No person shall issue or certify in writing the result of any food analysis for the purpose of determining the composition or specification of any substance or product consumed or used by, or intended for the consumption or use of the public unless he is a registered food analyst and has a valid annual practising certificate.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both and for a subsequent offence, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Practising without annual practising certificate

32. (1) A registered food analyst who practises without an annual practising certificate commits an offence and shall, on conviction, be liable—

(a) in respect of a first offence, to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding two years or to both; and

(b) in respect of a subsequent offence, to a fine not exceeding forty thousand ringgit or to imprisonment for a term not exceeding four years or to both.

(2) Any person who—

(a) is in partnership with a person who practises food analysis without a valid annual practising certificate; or

(b) employs a person who practises food analysis without a valid annual practising certificate,

commits an offence and shall, on conviction, be liable—

(A) in respect of a first offence, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both;

(B) in respect of a subsequent offence, to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both;

(C) in respect of a continuing offence, to a further fine of five hundred ringgit for each day the offence continues after conviction in addition to the penalties provided under paragraphs (A) and (B).

(3) A person referred to in subsection (2) shall not be deemed to have committed an offence if he proves that the offence was committed without his knowledge, consent or connivance.

PART VI

GENERAL

Fraudulent registration

33. A person who is registered or who attempts to get himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Offence of impersonating, holding out, *etc.*, as a registered food analyst

34. A person who is not registered as a food analyst under this Act commits an offence if he—

(a) impersonates as a registered food analyst;

(b) holds himself out, by advertisement or otherwise, as being qualified or authorized to practise food analysis,

and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding two years or to both and for a subsequent offence, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

General penalty

35. Any person who commits an offence under this Act for which no specific penalty is provided shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Offence committed by body corporate

36. (1) Where a body corporate commits an offence under this Act, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the

body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management—

(a) may be charged severally or jointly in the same proceedings with the body corporate; and

(b) where the body corporate is found to have committed the offence, shall be deemed to have committed that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—

(i) that the offence was committed without his knowledge, consent or connivance; and

(ii) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

(2) Where any person would be liable under this Act to any punishment or penalty for any act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of such agent, if such act, omission, neglect or default was committed—

(a) by his employee in the course of his employment;

(b) by the agent when acting on his behalf; or

(c) by the employee of such agent in the course of his employment by such agent or otherwise on behalf of the agent.

Appointment of authorized officers

37. (1) The Minister may appoint such number of authorized officers as he considers necessary for the purposes of this Act and every authorized officer shall be issued with an authority card which shall in any legal proceedings be admissible in evidence and shall be *prima facie* evidence of the facts so certified.

(2) The authorized officers appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

Power to enter premises, examine and seize documents, *etc.*

38. (1) An authorized officer may, at any time, enter any premises in which a registered food analyst is practising food analysis or in which there is reasonable ground to believe that a person is practising food analysis and exercise the following powers:

(a) examine any document, apparatus or article stored or used in connection with the practice;

(b) where a person is practising food analysis without being registered or without an annual practising certificate under this Act, seize any document, apparatus or article stored or used in connection with the practice;

(c) require that any information relating to the practice as the authorized officer may specify to be provided to him;

(d) inspect any procedure or test performed or carried out by the food analyst, to ensure compliance with the guidelines issued by the Council; and

(e) inspect, take, make copies of, or make extracts from, any record found in the premises.

(2) Any person who—

(a) intimidates or obstructs an authorized officer in the performance of such authorized officer's duty;

(b) refuses to permit an authorized officer to examine any document, apparatus or article;

(c) refuses to produce any document, apparatus or article for examination by an authorized officer;

(d) refuses to surrender any document, apparatus or article to an authorized officer;

(e) refuses to provide any information required by an authorized officer; or

(f) attempts to do any of the acts specified in paragraphs *(a)* to *(e)*,

commits an offence.

(3) Where an authorized officer seizes and seals any document, apparatus or article, he shall give a signed receipt for the document, apparatus or article.

(4) An authorized officer exercising power under this section shall produce his authority card on demand.

Access to computerized data

39. (1) An authorized officer conducting a search under this Act shall be given access to computerized data whether stored in a computer or otherwise.

(2) In this section, "access" includes being provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of computerized data.

Power to require attendance of person acquainted with case

40. (1) An authorized officer making an investigation under this Act may, by order in writing require the attendance before himself of any person who appears to the authorized officer to be acquainted with the facts and circumstances of the case, and such person shall attend as so required.

(2) If any such person refuses to attend as so required, the authorized officer may report such refusal to a Magistrate who shall issue a summons to secure the attendance of such person as may be required by the order made under subsection (1).

Examination of person acquainted with case

41. (1) An authorized officer making an investigation under this Act may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) The person examined by an authorized officer shall be legally bound to answer all questions relating to such case put to him by the authorized officer, but such person may refuse to answer any question the answer to which would have a tendency to expose him to criminal charge, penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to tell the truth, whether or not such statement is made wholly or partly in answer to questions.

(4) An authorized officer examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumb-print, as the case may be—

(a) after it has been read to him in the language in which he made it; and

(b) after he has been given an opportunity to make any correction he may wish.

Admission of statements in evidence

42. (1) Except as provided in this section, no statement made by any person to an authorized officer in the course of an investigation made under this Act shall be used in evidence.

(2) When any witness is called for the prosecution or for the defence, other than the accused, the court shall, on the request of the accused or the prosecutor, refer to any statement made by that witness to an authorized officer in the course of the investigation under this Act and may then, if the court thinks fit in the interest of justice, direct the accused to be furnished with a copy of it and the statement may be used to impeach the credit of the witness in the manner provided by the Evidence Act 1950 [*Act 56*].

(3) Where the accused had made a statement during the course of an investigation, such statement may be admitted in evidence in support of his defence during the course of the trial.

(4) Nothing in this section shall be deemed to apply to any statement made in the course of an identification parade or falling within section 27 or paragraphs 32(1)*(a)*, *(i)* and *(j)* of the Evidence Act 1950.

(5) When any person is charged with any offence in relation to—

(a) the making; or

(b) the contents,

of any statement made by him to an authorized officer in the course of a police investigation made under this Act, that statement may be used as evidence in the prosecution's case.

Compounding of offences

43. (1) The Director General may, with the written consent of the Public Prosecutor, compound any offence committed by any person under this Act or the regulations made under this Act and prescribed by the Minister to be a compoundable offence by making a written offer to such person to compound the offence upon payment to the Director General or any person authorized in writing by the Director General such amount not exceeding fifty per centum of the amount of maximum fine for that offence within such time as may be specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted and where the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Director General or any person authorized in writing by the Director General may grant, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(3) Where an offence has been compounded under subsection (1)—

(a) no prosecution shall thereafter be instituted in respect of such offence against the person to whom the offer to compound was made; and

(b) any book, record, apparatus, equipment, instrument, material, article, substance or any other thing seized in connection with the offence, may be forfeited, destroyed or returned to that person, as the Director General deems fit after taking into consideration the nature of the offence and subject to such terms and conditions as may be imposed.

Institution of prosecution

44. No prosecution for or in respect of an offence under this Act shall be instituted except by or with the consent of the Public Prosecutor.

Appointment of legal advisor

45. (1) The Council or the Disciplinary Committee may appoint a legal advisor to assist the Council or the Disciplinary Committee during any inquiry touching on a disciplinary matter.

(2) The Council or the Disciplinary Committee may appoint any person who is and has been an advocate and solicitor for a period of not less than five years to advise it on—

(a) all questions of law ensuing in the course of the inquiry; and

(b) the meaning and construction of all documents procured during the inquiry.

Power of Minister to exempt

46. (1) The Minister may, by order published in the *Gazette*, exempt subject to such conditions as he deems fit to impose—

(a) any person conducting research and development works at any research institute or higher educational institution or in any industry on food analysis for its own use; or

(b) any person conducting internal quality control or quality assurance at any research institute or higher educational institution or in any industry on food analysis for its own use,

from all or any of the provisions of this Act or any regulations made under this Act.

(2) The Minister may, at any time, by order published in the *Gazette*, revoke any order made under subsection (1) if he is satisfied that the exemption should no longer be granted.

Power to make regulations

47. (1) The Minister may, after consultation with the Council, make such regulations as may be expedient or necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of subsection (1), such regulations may prescribe for any or all of the following:

(a) the duties of the Registrar;

(b) the form and contents of the Register and the mode in which it shall be kept;

(c) the fees to be paid under this Act;

(d) the form and manner in which applications for registration and renewal for annual practising certificates shall be made;

(e) the procedure to be followed in relation to inquiries held under this Act;

(f) the form of any certificate or other document required under this Act;

(g) the offences that may be compounded; and

(h) any other matter which is required by this Act to be prescribed or which is necessary or expedient to be prescribed for carrying this Act into effect.

Transitional provisions

48. (1) Any person who, at the date of the coming into operation of this Act, has been carrying out any food analysis activity to which this Act applies shall, within 12 months from the date of coming into operation of this Act, apply to be registered as a food analyst under this Act.

(2) Any person referred to in subsection (1) may continue to carry out such activity pending determination of his application to be registered under this Act.

DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUALA LUMPUR
PNMB BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA
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