

No. S 9

WHOLESOME MEAT ORDER, 2011

WHOLESOME MEAT
(IMPORT, EXPORT AND TRANSHIPMENT) REGULATIONS, 2011

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement.
 2. Interpretation.
 3. Persons to whom licence or permit may be granted.
 4. Licence and permit not transferable.
 5. Licensee importing or transshipping meat or meat products to submit documents.
 6. Procedure for examination of imported meat or meat products.
 7. Labelling of meat and meat products.
 8. Export health certificate.
 9. Offences to be compoundable.
-

WHOLESOME MEAT ORDER, 2011

WHOLESOME MEAT
(IMPORT, EXPORT AND TRANSHIPMENT) REGULATIONS, 2011

In exercise of the power conferred by section 38(1) of the Wholesome Meat Order, 2011 the Minister of Industry and Primary Resources, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation and commencement.

1. These Regulations may be cited as the Wholesome Meat (Import, Export and Transhipment) Regulations, 2011 and shall commence on the same date as the Wholesome Meat Order, 2011.

Interpretation.

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

"appropriate fee", in relation to any matter for which a fee is payable, means the fee therefor as specified in the Wholesome Meat Order, 2011;

"basic packaging unit", in relation to any meat or meat product, means —

(a) where the meat or meat product is a prepackaged product, each package of the meat or meat product; or

(b) where meat or meat product consists of a carcass or part of a carcass which has not been prepackaged, each such carcass or part thereof;

"custom port" means any port within the meaning of the Ports Act (Chapter 144) prescribed to be a custom port and, in relation to any meat or meat product which has been imported, means the customs port at which the meat or meat product arrived in Brunei Darussalam;

"export health certificate", in relation to any consignment of meat or meat products that is to be exported to a foreign country, territory or place, means a certificate issued by the Director or an authorised officer stating to the effect that the consignment has been examined in accordance with the requirements of that country, territory or place and has been found to be fit for human consumption and in compliance with the requirements of that country, territory or place;

"health certificate", in relation to any consignment of meat or meat products that originates from a foreign country, territory or place, means a certificate issued by a competent authority of that country, territory or place stating to

the effect that there are in place in that country or territory, such animal health and veterinary public health control programmes which conform to such requirements as may be specified by the Director;

"licence" means a licence required under section 5 for the export or transshipment of any meat or meat product;

"package", in relation to any meat or meat product, means any box, bag, wrapper, packet, can, bottle or other article in which the meat or meat product is contained or packed;

"permit" means a permit required under section 6 for the export or transshipment of any consignment of meat or meat products.

Persons to whom licence or permit may be granted.

3. (1) The Director shall not grant a licence or permit to any person unless he is carrying on business in Brunei Darussalam and is —

(a) registered under the Business Names Act (Chapter 92); or

(b) in the case of a company, incorporated or registered under the Companies Act (Chapter 39).

(2) The Director may refuse to grant a licence to an applicant if he is satisfied that the applicant or one of his partners or, if the applicant is a body corporate, one of its directors —

(a) had previously been convicted of an offence against the Order or these Regulations; or

(b) was the holder of a licence which had been revoked under section 8(1).

• Licence and permit not transferable.

4. (1) No licensee shall transfer or assign the benefit of his licence or any permit granted to him to any other person.

(2) A licensee who contravenes sub-regulation (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

Licensee importing or transshipping meat or meat products to submit documents.

5. (1) A licensee who has imported or who is transshipping any consignment of meat or meat products shall, before the removal of the consignment from the customs port, submit to an authorised officer a copy each of –

(a) the health certificate relating to the consignment (if required by the authorised officer);

(b) the import declaration in respect of the consignment; and

(c) such other document in respect of the consignment as the Director or authorised officer may reasonably require.

(2) A licensee who contravenes or fails to comply with sub-regulation (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000.

Procedure for examination of imported meat or meat products.

6. (1) The examination of any consignment of meat or meat products which has been imported shall be carried out at the place where the consignment is being kept immediately after its import.

(2) The authorised examiner shall conduct –

(a) a general examination of the whole consignment; and

(b) a detailed examination of at least one basic packaging unit of the meat or meat products declared in the cargo clearance permit and health certificate.

(3) Any sample of meat or meat product that is frozen shall be adequately thawed for the purpose of the detailed examination under sub-regulation (2)(b).

(4) The person who has imported the consignment or his representative shall, before the commencement of the examination, present to the authorised examiner conducting the examination 2 sets (in duplicate) of the cargo clearance permit and health certificate relating to the consignment.

(5) Where the authorised examiner upon having conducted the requisite examination, finds that the consignment of meat or meat products is fit for human consumption, he shall endorse the cargo clearance permit relating to the consignment with a statement to that effect.

(6) Where the authorised examiner upon having conducted the requisite examination, finds that the consignment of meat or meat products is unfit for human consumption, he shall —

(a) endorse the cargo clearance permit relating to the consignment with a statement to that effect; and

(b) notify an authorised officer of his finding.

(7) The authorised officer may detain the consignment pending its removal from Brunei Darussalam, destruction or disposal under section 10.

Labelling of meat and meat products.

7. (1) For the purpose of section 6(1), a licensee shall ensure that —

(a) every basic packaging unit of any meat or meat product to be imported by him; and

(b) every carton containing one or more of such basic packaging units of the meat or meat product,

are labelled with the following particulars —

- (i) a description of the meat or meat product;
- (ii) the country from which the meat or meat product originates;
- (iii) the brand name of the meat or meat product, if any;
- (iv) the name and designation number of the processing establishment in which, and the date on which, the meat product was processed, if applicable;
- (v) the name and designation number of the slaughtering centre in which the animals used in the production of such meat or meat product were slaughtered and the date of the slaughter;
- (vi) the name and designation number of the establishment in which, and the date on which, the meat or meat product was packed;
- (vii) the batch number and, where the meat product is canned, the canning code; and

(viii) the net weight of the meat or meat product as contained in each basic packaging unit and outer carton thereof.

(2) For the purpose of section 6(2)(g), a licensee shall ensure that any meat or meat product to be exported by him is packaged and labelled in accordance with the requirements of the country to which the meat or meat product is to be exported.

(3) Where a licensee to whom sub-regulation (1) applies fails to comply with that sub-regulation –

(a) he is guilty of an offence and liable on conviction to a fine not exceeding \$10,000; and

(b) the Director or an authorised officer may, as the case requires –

(i) take such measures as may be necessary to ensure that no part of the meat or meat product imported by the licensee is sold or distributed; or

(ii) cause the meat or meat product to be destroyed or removed from Brunei Darussalam,

and recover any costs and expenses reasonably incurred by him from the licensee.

Export health certificate.

8. (1) Any licensee who requires an export health certificate for the export of any consignment of meat or meat products may apply to the Director or an authorised officer for the issue to him of the export health certificate.

(2) Any application under sub-regulation (1) shall be in such form as the Director may require and shall be accompanied by –

(a) a written document from a competent authority of the country to which the consignment is to be exported specifying the import requirements of that country; and

(b) the appropriate fee.

(3) Upon receiving an application for an export health certificate, the Director or the authorised officer shall examine the consignment to be exported or cause the consignment to be examined by an authorised examiner and shall issue the export health certificate to the applicant only if —

(a) the examination reveals that the consignment is fit for human consumption; and

(b) the import requirements of the country to which the consignment is intended to be exported are complied with.

Offences to be compoundable.

9. All offences under these Regulations may be compounded in accordance with section 36.

Made this 28th. day of Safar, 1432 Hijriah corresponding to the 2nd. day of February, 2011.

PEHIN ORANG KAYA SERI UTAMA DATO SERI SETIA
AWANG HAJI YAHYA BIN BEGAWAN MUDIM
DATO PADUKA HAJI BAKAR
Minister of Industry and Primary Resources,
Brunei Darussalam.