

- (ii) any information or to produce any document when required to do so by a notice sent under section 57;
- (b) knowingly makes any false statement in any return furnished by him under this Act, or knowingly furnishes any false information when required by the Authority to furnish any information ; or
- (c) obstructs any officer acting in the exercise of his powers under section 58,

shall be guilty of an offence under this Act, and shall on conviction after trial before a Magistrate, be liable —

- (i) where such person is not a body corporate, to a fine not less than rupees one thousand and not exceeding rupees five thousand or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment in the case of a first offence, and to a fine not less than rupees two thousand and not exceeding rupees ten thousand or to an imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment in the case of a subsequent offence ; or
- (ii) where such person is a body corporate, to a fine not less than rupees five thousand and not exceeding rupees ten thousand in the case of a first offence, and to a fine not less than rupees ten thousand and not exceeding rupees twenty thousand in the case of a subsequent offence.

(2) (a) Any person who fails or refuses to comply with an order made under paragraph (b) of subsection (1) of section 41 or acts in contravention of such order, shall be guilty of an offence under this Act, and shall on conviction after trial before a Magistrate be liable —

- (i) where such person is not a body corporate, to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment in the case of a first offence, and to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to an imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment in the case of a subsequent offence ; or
- (ii) where such person is a body corporate, to a fine not less than rupees fifty thousand and not exceeding rupees one million in the case of a first offence, and to a fine not less than rupees one hundred thousand and not exceeding rupees two million in the case of subsequent offence.

(b) The court may in addition, order such persons to refrain from carrying on the activities in respect of which an order has been made under paragraph (b) of subsection (1) of section 41 for such period as may be determined by such court or until such person complies with the order made under that paragraph.

(3) Any person guilty of an offence under this Act by reason of a contravention of the provisions of section 15 or section 16 or section 17 shall, on conviction after trial before a Magistrate, be liable —

- (a) where such person is not a body corporate, to a fine not less than rupees one thousand and not exceeding rupees ten thousand or to an imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment in the case of a first offence, and to a fine not less than rupees two thousand and not exceeding rupees twenty thousand or to an

imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment in the case of a subsequent offence ; or

- (b) where such person is a body corporate, to a fine not less than rupees ten thousand and not exceeding rupees fifty thousand in the case of a first offence, and to a fine not less than rupees one hundred thousand and not exceeding rupees two hundred thousand in the case of a subsequent offence.

(4) Any person guilty of an offence under this Act by reason of a contravention of the provisions of section 18 shall, on conviction after trial before a Magistrate, be liable —

- (a) where such person is not a body corporate, to a fine not less than rupees five thousand and not exceeding rupees fifty thousand or to an imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment in the case of a first offence, and to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand or to an imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment in the case of a subsequent offence ; or
- (b) where such person is a body corporate, to a fine not less than rupees fifty thousand and not exceeding rupees one million in the case of a first offence, and to a fine not less than rupees one hundred thousand and not exceeding rupees two million in the case of a subsequent offence.

(5) Every person who acts in contravention of any provision of this Act, (other than the provisions referred to in subsections (1), (2), (3) and (4) of this section) or any requirements imposed under any such provision, or any regulations made under section 72, shall be guilty of an offence under this Act and shall, on conviction after trial before a Magistrate, be liable —

- (a) where such person is not a body corporate, to a fine not less than rupees one thousand and not exceeding rupees ten thousand or to an imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment in the case of a first offence, and to a fine not less than rupees two thousand and not exceeding rupees twenty thousand or to an imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment in the case of a subsequent offence ; or
- (b) where such person is a body corporate to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand in the case of a first offence, and to a fine not less than rupees twenty thousand and not exceeding rupees two hundred thousand in the case of a subsequent offence.

(6) The Authority may publish or cause to be published in such manner as it shall deem fit, the names and addresses of all persons convicted under this Act.

(7) Where any offence under this Act is committed by a body of persons, then —

- (a) if the body of persons is a body corporate, every director and officer of such body corporate ; and
- (b) if the body of persons is a firm, every partner of that firm,

shall be deemed guilty of that offence :

Provided that no such director, officer or partner shall be deemed guilty of that offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

**61.** (1) The Authority may where it has reason to believe that any goods that are being sold do not conform to the standards and specifications laid down under section 12 of this Act—

Obtaining samples for purpose of ensuring compliance with standards and specifications.

(a) authorize an officer in writing to obtain a sample of such goods —

(i) from any premises in which a manufacturer or trader of such goods are carrying on his business ;

(ii) from any premises where any such goods are being stored or exposed for sale ; or

(iii) from any vehicle in which such goods are being transported ; and

(b) issue a directive to the manufacturer or trader from whose possession such sample was obtained, to refrain from selling or exposing for sale the goods concerned for a period to be specified in the directive, so however such period shall not exceed a period of six weeks from the date of the issue of such directive.

(2) It shall be the duty of the officer who obtained the sample to forthwith submit it to an approved analyst for purpose of determining whether such goods conforms to the standards and specifications laid down under section 12, and the said approved analyst may, except in exceptional circumstances, submit his report to the Authority within a period not exceeding one month of the receipt of the sample.

(3) On receipt of the report of an approved analyst, the Authority shall —

(a) where it discloses that the goods concerned conforms to the standards and specifications laid down under section 12, forthwith remove the restriction imposed by the directive issued under subsection (1) ; or

(b) where it discloses that the goods do not conform to the standards and specifications laid down under section 12 of this Act and that such non conformity has resulted in the goods concerned being rendered unfit for any use or consumption, seize and detain such goods or consignment of goods as the case may be.

(4) Where any goods or consignment of goods are seized and detained under paragraph (b) of subsection (3) from any manufacturer or trader as the case may be, such manufacturer or trader shall be guilty of an offence under this Act.

(5) In a prosecution for an offence under this section, a certificate issued under the hand of an officer authorised by the Director-General in writing to analyse any goods for the purpose of this section, stating the ingredients or the composition of the goods in relation to which the offence is alleged to have been committed, shall be admissible in evidence and shall be *prima facie* proof of the statements made therein.

(6) A prosecution for an offence under this section shall not be instituted except by or with the written sanction of the Director-General.

(7) For the purpose of this section, an “approved analyst” means a person who is qualified to perform such function and approved by the Director-General.

General forfeiture.

**62.** (1) Where in a conviction for an offence under subsection (4) of section 61 it is proved that the non-conformity with the standards and specifications has rendered the goods or consignment of goods unfit for any use or for consumption, then —

(a) if no appeal has been preferred to the High Court of the relevant Province established by Article 154P of the Constitution, against the relevant conviction within the time allowed therefor ; or

- (b) if an appeal has been preferred to the High Court of the relevant Province established by Article 154P of the Constitution, against the relevant conviction, and the conviction is affirmed,

the court shall order that such goods or consignment of goods be forfeited to the State to be destroyed in such manner as the court may direct.

(2) Where in an action for an offence referred to in subsection (1), the accused is acquitted for the reason that it was not proved to the satisfaction of the court that the non-conformity with the standards and specifications has rendered the goods or consignment of goods unfit for any use or consumption, then —

- (a) if no appeal has been preferred to the High Court of the relevant Province established by Article 154P of the Constitution, against the relevant acquittal within the time allowed therefor ; or
- (b) if an appeal has been preferred to the High Court of the relevant Province established by Article 154P of the Constitution, against the relevant acquittal and the acquittal is affirmed by the Court of Appeal,

the court shall order the release of goods or consignment of goods seized.

**63.** Every court shall give priority to the disposal of any case filed under section 61 before such court, and to the hearing of any appeal from any conviction against any order imposed on such conviction.

Priority to be given for cases under section 61.

**64.** No civil or criminal proceedings shall be instituted—

Protection for action taken under this Act.

- (a) against the Authority for any act which in good faith is done or purported to be done by the Authority under this Act ; or

- (b) against any member, Director-General, Director, Deputy Director, Assistant Director, officer, servant or adviser of the Authority or any member of the Council, for any act which in good faith is done or purported to be done by him under this Act or on the directions of the Authority or the Council as the case may be.

Expenses to be paid out of the Fund.

**65.** (1) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court, shall be paid out of the Fund of the Authority, and any costs paid to or recovered by the Authority in any such suit or prosecution, shall be credited to the Fund of the Authority.

(2) Any expenses incurred by any member, Director-General, Director, Deputy Director, Assistant Director, officer, servant or adviser of the Authority or any member of the Council in any suit or prosecution brought by or against such person before any court, in respect of any act which is done or purported to be done by such person under this Act or on the directions of the Authority or Council shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expenses are recovered by him in such suit or prosecution.

Members of the Authority and the Council and officers and servants of the Authority deemed to be public servants.

**66.** All members of the Authority and the Council, Director-General, Directors, Deputy Directors, Assistant Directors, officers, servants and advisers of the Authority shall be deemed to be —

- (a) public servants within the meaning of, and for the purposes of the Penal Code ; and
- (b) public servant within the meaning of section 136 of the Code of Criminal Procedure Act, No. 15 of 1979 for the purpose of instituting proceedings in respect of offences under this Act.



**67.** The Authority and the Council shall be deemed to be Scheduled Institutions within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

The Authority and the council deemed to be Scheduled Institutions within the meaning of the Bribery Act.

**68.** Where any offence under this Act is committed by an agent or servant of any manufacturer or trader, such offence shall be deemed to have been committed by such manufacturer or trader, unless he proves that such offence was committed without his knowledge.

Principal liable for offences of agents and servants.

**69.** Where any person is convicted of any offence under this Act or where any goods are seized and ordered to be forfeited under this Act, the Authority may pay —

Rewards to certain persons.

- (a) to the person who provided the information leading to such conviction or the seizure and forfeiture of such goods ; and
- (b) to any person who was concerned in the detection of such offence or effecting the seizure and forfeiture of such goods,

such amount as it may deem reasonable, as a reward.

**70.** Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979, every offence under this Act, shall be deemed to be a cognizable offence within the meaning and for the purposes of that Code.

Offences to be cognizable offences.

**71.** The Director-General, Directors, Deputy Directors and Assistant Directors of the Authority shall be deemed to be peace officers within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979 for the purpose of exercising any of the powers conferred upon peace officers by that Code.

Certain officers to be peace officers.

**72.** (1) The Minister may make regulations in respect of any matter required by this Act to be prescribed or in respect of which regulations are authorised by this Act to be made.

Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :—

- (a) prescribing the manner in which meetings of the Authority shall be convened ;
- (b) prescribing the manner of conduct of meetings of the Authority ;
- (c) prescribing the persons by whom, and the manner in which, the expenses of witnesses notified to attend inquiries and investigations held by the Authority and the Council are to be paid.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in such regulation.

(4) Every regulation made by the Minister shall as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded, shall be published in the Gazette.

Repeal of  
Consumer  
Protection Act,  
No. 1 of 1979,  
Fair Trading  
Commission Act,  
No. 1 of 1987,  
Control of Prices  
Act, (Chapter  
173) and savings.

**73.** (1) (a) The Consumer Protection Act, No. 1 of 1979 is hereby repealed.

(b) Notwithstanding the repeal of the aforesaid Act—

- (i) (aa) every scheme of distribution published under section 3 of the repealed Act ;
- (bb) every general direction issued by the Commissioner of Internal Trade under section 6 of the repealed Act ;