

REGISTRATION AND LICENSING REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I - PRELIMINARY

1. Citation
2. Interpretation

PART II

3. Scope
4. Registration and Licensing of Food Business
5. License for food business
6. Application for license to the Licensing Authority
7. Processing of Application for license
8. Validity and Renewal of Registration and License
9. Suspension or Cancellation of Registration Certificate or License
10. Modifications, Expansion or Changes in premise(s) after grant of License or Registration
11. Mode of payment
12. Transfer of Registration Certificate or License in case of death
13. Food Business Operator to be bound by direction or order

PART III - Miscellaneous

14. Offences

Registration and Licensing Regulations, 2020

IN EXERCISE of the powers conferred on the Vice President under Section 59 of the Food Safety and Quality Act, 2011 these Regulation are hereby made.

PART I - PRELIMINARY

1. Citation

These Regulations may be cited as Registration and Licensing Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires –

“**Act**” means the Food Safety and Quality Act, 2011;

“**Competent Person**” has the meaning given to it in the Act;

“**Trade**” includes the sale, distribution, import, export, use of, or other dealing in any article in the course of business;

“**Food Business Operator**” has the meaning given to it in the Act;

“**Registering Authority**” means the Food Safety and Quality Authority;

“**Licensing Authority**” means the Food Safety and Quality Authority; and

“**Board of Directors**” means the Board of Directors of the Food Safety and Quality Authority.

A word or expression used in these Regulations, which is defined in the Act, has same meaning given to it in the Act.

PART II

3. Scope

These Regulations applies to all Food or Feed Business Operators, Establishments, Vehicles, Vessels.

4. Registering and Licensing of Food Business

All Food Business Operators in the country shall be registered or licensed in accordance with the procedures laid down hereinafter;

- (1). Every Food or Feed Business Operator shall register with the Registering Authority by submitting an application for registration along with a prescribed fee.
- (2). The food manufacturer shall follow the prescribed requirements for basic safety, sanitary and hygiene requirements of the Gambian Standard on Food Hygiene (GAMS CAC/RCP 1-1969).
- (3). The Registering Authority shall consider the application and may either grant registration or reject it with reasons to be recorded in writing or issue notice for inspection, within seven days of receipt of an application where applicable.
- (4). In the event of an inspection being ordered, the registration shall be granted by the Registering Authority after being satisfied with the prescribed safety, sanitary and hygiene conditions of the premises within a period of thirty days.

If registration is not granted, or denied, or inspection not ordered within seven days as provided in above sub regulation (3) or no decision is communicated within thirty days as provided in sub regulation (4), the food operator may start its business, provided that it will be incumbent on the Food Business Operator to comply with any improvement suggested by the Registering Authority even later.

- (5). The Registering Authority shall issue a registration certificate, which shall be displayed at a prominent place at all times within the establishment or carrier or show upon request by the Authority.
- (6). The Registering Authority or Competent Bodies or Persons specifically authorized for this purpose shall carry out food safety inspection of the registered establishments at any given time.

5. Licensing for food business

- (1). Subject to Regulation 4, no person shall commence any food business unless he/she possesses a valid license.
- (2). Provided that any person or Food Business Operator carrying on food business on the date of notification of these Regulations under a license or registration, as the case may be, get their existing license converted into the License/Registration under these regulations by making an application to the Licensing/Registering Authority after complying with the safety requirements mentioned in the Schedule 4 contained under different parts dependent on nature of business, within six months of notification of these Regulations.
- (3). In case of difficulty, the Licensing Authority with the approval of the Food Safety Director General will determine the advisability of applying any specific condition keeping in view the need to ensure safety of food and public interest. No License fee will have to be paid for the remaining period of the validity of the earlier License or Registration granted.
- (4). Provided further that any Food Business Operator holding Registration/License under any other Act/Order with no specific validity or expiry date, and otherwise entitled to obtain a license under these regulations, shall have to apply and obtain a Registration/License under these Regulations within six months from the date of notification by paying the applicable fees.
- (5). Notwithstanding the provisions contained above or in any of the Registration or License certificates issued under existing Acts or Orders, if the Licensing Authority has reason to believe that the Food Business Operator has failed to comply with all or any of the conditions of the existing Registration or

License or the safety, sanitary and hygiene requirements, may give appropriate direction to the Food Business Operator to comply with.

(6). The Food Business Operator shall ensure that all conditions of License on safety, sanitary and hygiene requirements depending on nature of business are complied with at all times.

(7). Provided that the Licensing Authority shall ensure periodical food safety audit and inspection of the licensed establishments through its own or Competent Bodies or Persons authorized for this purpose.

6. Application for license to the Licensing Authority

An application for the grant of a License shall be made to the Licensing Authority as specified in Regulation 5 (6) and it will be accompanied by a self-attested declaration and copies of documents requested by the Licensing Authority along with the prescribed applicable fees.

7. Processing of Application for License

(1) A License shall, subject to the provisions of these Regulations, be issued by the Licensing Authority within a period of sixty days from the date of issue of an application ID number as provided in subsection (3) below.

(2) If, upon scrutiny of the application within fifteen days from the date of receipt of the application, the Licensing Authority requires any additional information with respect to an application or if the application is incomplete, the Licensing Authority shall inform the applicant in writing, to furnish such additional information or complete the application, as the case may be, within thirty days from such notice. In case the applicant fails to furnish the required information within the stipulated time of thirty days, the application for license shall stand rejected.

(3) On the receipt of a complete application including the additional information if asked for, the Licensing Authority shall issue an Application ID number to each applicant that will be referred to in all future correspondence between the Licensing Authority and the Applicant.

(4) After the issue of Application ID number, the Licensing Authority may direct the Food Safety Officer or any other person specially designated for such functions to inspect the premises in the manner prescribed by the Food Safety and Quality Authority in accordance with these Regulations. Such Inspecting Officer or person may issue a notice to the applicant, if it deems fit, guiding food business operator on necessary steps to be taken or changes or alteration to be made in the premises. The applicant shall carry out the required steps, changes or alterations and intimate the Licensing Authority within thirty days or such period as may be allowed by the Licensing Authority.

(5) Within a period of thirty days from receipt of an inspection report excluding the time taken by the applicant in complying with the advice, if any, given in the inspection report and verification thereof, the Licensing Authority shall consider the application and may either grant license or reject the application. Provided that before refusing license an applicant shall be given an opportunity of being heard and the reasons for refusal shall be recorded in writing.

(6) The Licensing Authority shall issue a License, a true copy of which shall be displayed at a prominent place at all times within the premises or be produced upon request.

8. Validity and Renewal of Registration and License

(1) A Registration or license granted under these Regulations shall be valid and subsisting, unless otherwise specified, for a period of one to three years considering the classification of the food business, from the date of issue of registration or license subject to remittance of fee applicable for the period and compliance with all conditions of license.

(2) Any application for the renewal of a registration or license granted under these Regulations shall be made, as the case may be, not later than thirty days prior to the expiry date indicated in the license.

(3) The Registration or License shall continue to be in force till such time that the orders are passed on the renewal application which in no case shall be beyond three days from the date of expiry of registration or license.

(4) Any renewal application filed beyond the period mentioned under Regulation 8 (2) above but before the expiry date shall be accompanied by a late fee to be prescribed by the Licensing Authority.

(5) Any Registration or license for which renewal has not been applied for within the period mentioned in Regulation 8 (2) or 8 (4) above shall expire and the Food Business Operator shall stop all business activity at the premises. The Food Business Operator will have to apply for fresh Registration or license as provided in Regulation 4 (1) and (4) 3 as the case may be, if it wants to restart the business. Provided that Designated Officer may order an inspection before renewal if considered necessary for reasons to be recorded in writing.

9. Suspension or cancellation of Registration Certificate or License

(1) The Registering or Licensing Authority in accordance with the provisions of Section 36 of the Act may, after giving the concerned Food Business Operator a reasonable opportunity of being heard, suspend any registration or license in respect of all or any of the activities for which the registration/license has been granted under these Regulations after recording a brief statement of the reasons for such suspension. If there is reason to believe that the Food/Feed Business Operator has failed to comply with the conditions within the period mentioned in any Improvement Notice, a copy of such statement shall be furnished to the concerned Food Business Operator whose Registration or license has been suspended.

(2) The Registering or Licensing Authority, as the case may be, may direct an inspection of the Food Business Operator's premise(s) within a reasonable period which shall not be less than fourteen days from the date of order of suspension.

(3) In the event that the Registering or Licensing Authority is of the opinion, on a review of the inspection report, that the Food Business Operator has still failed to rectify the defects or omissions or comply with the conditions of the improvement notice causing the suspension, such authority may cancel the license/registration of the Food Business Operator after giving him an opportunity to show cause.

(4) Notwithstanding anything contained in these Regulations, the Registering or Licensing Authority may suspend or cancel any registration or license forthwith in the interest of public health and safety for reasons to be recorded in writing.

(5) A suspension or cancellation of registration or license under these Regulations shall not entitle the Food Business Operator for any compensation or refund of fee(s) paid in respect of the registration certificate or license or renewal thereof.

(6) After a period of sixty days from the date of cancellation under Regulation 9 (3) above the Food Business Operator may make fresh application for Registration or license to the concerned authority if all observations made in the improvement notice have been complied with.

10. Modifications, Expansion or Changes in premise(s) after grant of license or registration

(1) Food Business Operators shall ensure that the Registering or Licensing Authority always has up-to-date information on their food business establishments and shall inform the relevant Authority of any modifications or additions or changes in product category, layout, expansion, closure, or any other material information based on which the license was granted and such information shall be conveyed before the changes occur.

(2) Provided that any change that alters the information contained in the license certificate shall require an approval or endorsement in license prior to start of business with such changes. The Food Business Operator shall submit the original license to the Licensing Authority along with a fee equivalent to one year license fee for effecting necessary changes. The licensing Authority may approve and issue an amended license incorporating such changes in activities within thirty days from the date of receipt of such information. While approving the afore mentioned changes the concerned registering or Licensing Authority shall take into account the feasibility of carrying on the business and the legal and other relevant aspects of the desired modifications or additions or changes in activities and, if required, may order an inspection of the premises before granting the approval.

11. Mode of payment

All fees, charges and fines payable under these regulations shall be paid vide payment order at an identified bank or as may be prescribed in this regard, by the registering or Licensing Authority.

12. Transfer of registration certificate or License in case of death

(1) In the event of death of the holder of a Registration certificate or license, such certificate or license shall subsist for the benefit of the legal representative or any family member of the deceased or until the expiry of:—

- (a) the period of ninety days from the date of death of the holder of a Registration certificate or license; or
- (b) such longer period as the Designated Officer may allow, for reasons to be recorded in writing.

(2) The legal representative or family member of the deceased holder of the registration certificate or license shall apply to the concerned Authority for transfer of such certificate or license in his favour.

(3) The registering or Licensing Authority, as the case may be, may, after making such enquiry as it may deem fit, either approve the transfer of the Registration certificate or license if satisfied that the applicant is the legal representative, or refuse the request. Provided that the Registering or Licensing Authority shall not refuse the request without giving the applicant an opportunity of being heard and for reasons to be recorded in writing.

(4) Upon filing of application for transfer and pending the decision of the authority, the registration or license shall continue to be in force.

13. Food Business Operator to be bound by directions or order

(1) Every Food Business Operator to whom any direction or order is issued in pursuance of any provisions of this regulation shall be bound to comply with such directions or regulation and any failure on

the part of the Food/Feed Business Operator to comply with such direction or order shall be deemed to be contravention of the provisions of these Regulations and will attract legal action under the provisions of the Act.

14. Appeal

A Food Business Operator aggrieved by an order of the Registering Authority or Licensing Authority, as the case may be, under these Regulations may prefer an appeal to the Board of Directors through the Chairman.

15. Offences

A person who contravenes a provision of these Regulations or an order made under these Regulations commits an offence and is liable to a fine prescribed in Schedule 1 of this Regulation and failure to do so will amount to revocation of License.

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SCHEDULE I

Offences

1. Operating without valid Registration

A person shall not operate a business dealing in food or feed unless he or she is registered with the Authority.

Except those specified under section 32(3) of the Act:

- a) An individual person who contravenes this provision commits an offence and is liable to a fine of **up to five thousand dalasis** or closure or both.
- b) An establishment, vessel or vehicle operator who contravenes this provision commits an offence and is liable to a fine of **up to fifty thousand dalasis** or closure or both.

2. Operating without a valid License

A person shall not operate an establishment, vehicle or vessel dealing in food or feed unless he or she applies for and is issued a license by the Authority.

Except those specified under section 32(3) of the Act:

- a) A Small Medium Enterprise Operator who contravenes this provision commits an offence and is liable to a fine of **up to ten thousand dalasis** or closure or both.
 - b) A major establishment, vessel or vehicle operator who contravenes this provision commits an offence and is liable to a fine of **up to fifty thousand dalasis** or closure or both.
3. A Food Business Operator who fails to inform the Authority of modification, expansion, changes or any other relevant information based on which the license was granted commits an offence and is liable to a fine of **up to twenty thousand dalasis** or closure or both.
 4. Section 57 - A person who contravenes the provisions of sections 33 of the Act commits an offence and is liable on conviction to a fine **not exceeding five hundred thousand dalasis** or imprisonment not exceeding five years or both the fine and imprisonment.

SCHEDULE II

Annex 1 – Application Form

APPLICATION FORM FOR LICENSING AND REGISTRATION OF FOOD/FEED BUSINESS

Type of Application: New () Renewal ()

Category of Business*:

1.0 DETAILS OF APPLICANT:

1.1 Name of Applicant:

1.3 Name of Business:

1.2 Address of Business:

.....

1.3 Telephone..... E-mail:

Website:

1.4 Name of Contact Person(s):

Telephone Number(s):

2.0 OVERALL BUSINESS SIZE / NUMBER OF EMPLOYEES (Please tick):

1 – 10 11-20 21 – 50 51 – 100 100+

3.0 BUSINESS TYPE (tick all that apply)

Importer Exporter Retailer Processor/Manufacturer Wholesaler

4.0 PREMISES INFORMATION

4.1 Number of Premises:

4.2 Type of Premises (tick all that apply): Factory Warehouse Retail Outlet

4.3 Location(s) of premises ticked:

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(Attach details/additional information, where necessary)

5.0 Any additional information

.....
.....
.....
.....

DECLARATION

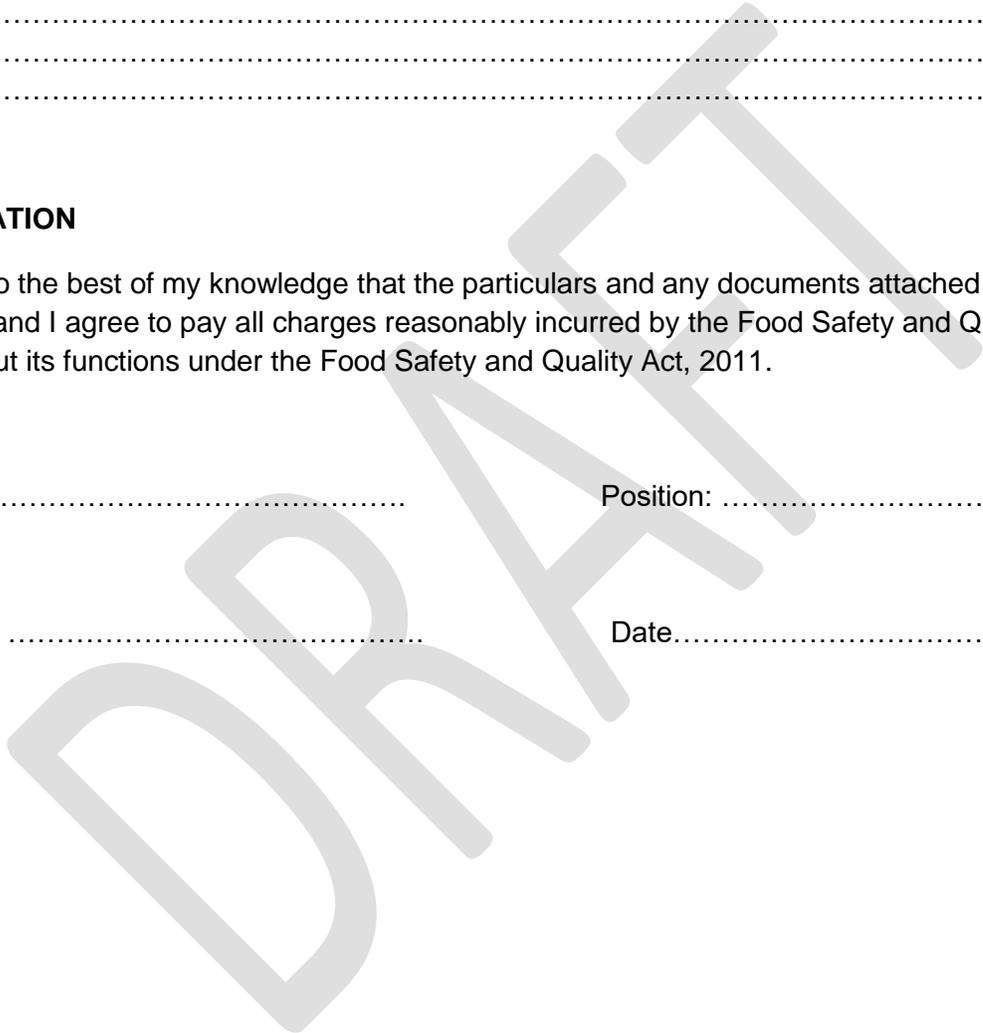
I declare to the best of my knowledge that the particulars and any documents attached are true and complete and I agree to pay all charges reasonably incurred by the Food Safety and Quality Authority in carrying out its functions under the Food Safety and Quality Act, 2011.

Name:

Position:

Signature:

Date.....



Annex 2

Documents to be enclosed with the application

- Completed application form for licensing of food and feed business
- Copy of Business registration certificate
- Memorandum and Articles of Association
- Copy of Business Tax Identification Number (TIN) Certificate
- Environmental Impact Assessment Report/Permit from the National Environment Agency (to be provided by Manufacturing and processing facilities)
- Health Screening Certificate of Staff
- Business Plan (to be provided by food/feed New Business)
- Food Safety System Document (to be provided by existing food/feed business)
- Sample of packaging materials and product labels

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SCHEDULE III

CATEGORIES OF FOOD/FEED ESTABLISHMENT

Category	Type of Establishment
Category 1	Food/Feed Processing Factories
Category 2	Import and Export Establishments
Category 3	Supermarkets
Category 4	Mini Markets
Category 5	Warehouses
Category 6	Mechanized Bakeries
Category 7	Non-Mechanized Bakeries
Category 8	Restaurants (Formal)
Category 9	Restaurants (Informal)
Category 10	Retail Shops
Category 11	Street Food Vendors
Category 12	Fishing and Processing Vessels
Category 13	Pirogues
Category 14	Fishing Trawlers
Category 15	Local Food Processors (SME)
Category 16	Horticultural Farms
Category 17	Animal Farms*
Category 18	Food Transports
Category 19	Small Butcheries
Category 20	Big Butcheries
Category 21	Abattoirs/Slaughter Slabs
Category 22	Market Vendors
Category 23	Wholesale Shops

Animal Farms* Poultry, Pig, Ruminants and Dairy

SCHEDULE IV

Registration/License/Certification Fees Per Annum

Category	Type of Establishment	Registration/License/Certification Fees
Category 1	Food/Feed Processing Factories	D50,000
Category 2	Import and Export Establishments	D50,000
Category 3	Supermarkets	D25,000
Category 4	Mini Markets	D15,000
Category 5	Warehouses	D30,000
Category 6	Mechanized Bakeries	D10,000
Category 7	Non-Mechanized Bakeries	D2,000
Category 8	Restaurants (Formal)	D10,000
Category 9	Restaurants (Informal)	D5,000
Category 10	Retail Shops	D1,500
Category 11	Street Food Vendors	D500
Category 12	Fishing and Processing Vessels	D75,000
Category 13	Pirogues	D5,000
Category 14	Fishing Trawlers	D50,000
Category 15	Local Food Processors (SMEs)	D2,000
Category 16	Horticultural Farms	D5,000
Category 17	Animal Farms*	D5,000
Category 18	Food Transports	D1,000
Category 19	Small Butcheries	D3,000
Category 20	Big Butcheries	D10,000
Category 21	Abattoirs/Slaughter Slabs	D5,000
Category 22	Market Vendors	D500
Category 23	Wholesale Shops	D5,000

Animal Farms* Poultry, Pig, Ruminants and Dairy