

## CHAPTER 322.

## SOAP.

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## SECTION.

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## LICENCE TO MANUFACTURE SOAP.

## CHAPTER 322.

## SOAP.

**An Ordinance to control the manufacture and importation of soap; to provide for a standard of quality thereof and for purposes connected with the matters aforesaid.** 24 of 1944.

[Paragraph (d) of subsection (1) of section 9, in so far as its provisions relate to soap imported into the Colony—1st November, 1947; remainder—1st September, 1944.]

1. This Ordinance may be cited as the Soap Ordinance. Short title.
2. In this Ordinance, unless the context otherwise requires—  
“factory” means any premises wherein soap is manufactured in the Colony; Interpretation.

“ Government Analyst ” includes an assistant analyst;

“ manufacturer ” includes any person beneficially interested in, or superintending the manufacture of, soap;

“ premises ” includes messuages, buildings, land, easements and hereditaments;

“ warehouse ” means any place where goods are lodged, kept or secured.

Penalty for manufacturing or importing soap below standard quality.

3. (1) No person shall manufacture any soap which is below the standard quality prescribed in the section next following.

(2) Except with the permission of the Governor no person shall import into the Colony any soap which is below the standard quality prescribed in the section next following:

Provided that the provisions of this subsection shall not apply to any soap which is proved by the relevant bill of lading to have been laden into the ship which transported it to the Colony within fourteen days of the date of the commencement of this Ordinance.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and shall, on summary conviction thereof, be liable to pay a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months:

Provided that it shall be a defence to any charge against an importer of soap under this section that such soap was covered by a certificate, signed by the exporter thereof, stating that the soap is of, or over, the standard of quality hereinafter prescribed.

Standard of quality of soap.

4. Soap shall contain—

(a) not less than sixty *per centum* by weight of fatty acids;

(b) not more than thirty *per centum* by weight of water; and

(c) not more than 0.05 *per centum* by weight of free caustic soda.

Power to grant soap manufacturing licences.

5. (1) Any person who desires to manufacture soap shall make application for the grant of a licence (hereinafter referred to as a “ soap manufacturing licence ”) to the district commissioner of the district wherein the factory in which the manufacture is to take place is situate and each such application shall state the address of the intended factory.



(2) Upon receipt of an application for the issue of a soap manufacturing licence, the district commissioner shall cause it to be forwarded to the Chief Secretary for the consideration of the Governor in Council.

(3) The Governor in Council may, in his discretion, grant, or refuse to grant, authority to the district commissioner to issue a soap manufacturing licence to any applicant and the decision of the Governor in Council shall be final.

(4) The Governor in Council may grant authority to issue to the applicant—

(a) a licence for one year only or for the balance of the current year; or

(b) annual licences for a specified number of years; or

(c) annual licences for an unlimited number of years.

(5) Where authority is granted under subsection (4) of this section to issue a soap manufacturing licence, the district commissioner shall issue the licence in the form set out in the schedule hereto.

Schedule.

(6) A licence shall be required in respect of each factory.

(7) A fee of five dollars shall be payable in respect of each soap manufacturing licence issued under this Ordinance.

(8) Unless previously revoked under the provisions of paragraph (a) of section 6 of this Ordinance, a licence shall expire on the 31st December in the year in which it is issued.

6. The Governor in Council may, at his discretion—

Power to cancel licence and to revoke authority.

(a) cancel any licence to manufacture soap; and

(b) where authority was granted under paragraph (b) or paragraph (c) of section 5 of this Ordinance to issue annual licences, revoke such authority.

7. Any person who manufactures soap in any place other than a factory duly licensed in his name under this Ordinance shall be guilty of an offence and shall, on summary conviction thereof, be liable to a penalty not exceeding five hundred dollars or to a term of imprisonment not exceeding six months.

Penalty for manufacturing soap in unlicensed premises.

8. (1) Every officer of the police force shall be an officer to enforce the provisions of this Ordinance (hereinafter referred to as "an authorised officer").

Officers to enforce provisions of Ordinance. Authorised officer.

(2) Any officer of police not below the rank of district superintendent may authorise in writing any member of the

police force to perform and exercise the powers, duties and functions of an authorised officer under this Ordinance or under such section thereof as may be specified in the authority; and any member of the police force who is so authorised, shall be an authorised officer for the purposes of this Ordinance, or of the specified section thereof, as the case may be.

Duties and powers of authorised officer.

9. (1) Any authorised officer may—

(a) at all reasonable hours enter, inspect and search any warehouse or factory, or any shop or other place in which soap is stored, kept, manufactured, sold, bartered or exposed for sale or barter;

(b) take a sample of any soap found in any such place and cause the said sample to be analysed;

(c) direct in writing any manufacturer to retain in his possession or control any soap pending the receipt by the authorised officer of a certificate from the Government Analyst relating to such soap;

(d) seize any soap which is not of the standard of quality prescribed in section 4 of this Ordinance.

(2) Where any direction has been given under paragraph (c) of the preceding subsection and the certificate of the Government Analyst proves the soap to be of, or over, the standard of purity prescribed in section 4 of this Ordinance an authorised officer shall, forthwith after the receipt of the said certificate, inform the manufacturer at the address of his licensed factory that the direction is cancelled.

(3) Any manufacturer who, during the currency of any direction given in writing under the provisions of paragraph (c) of subsection (1) of this section, transfers, or attempts to transfer, the possession or control of any soap to which such direction relates shall be guilty of an offence under this Ordinance and, on summary conviction thereof, shall be liable to pay a fine not exceeding one hundred dollars.

(4) For the purposes of this Ordinance nothing contained in paragraphs (c) and (d) of subsection (1) of this section shall be deemed to authorise the seizure of any soap which is in the process of manufacture.

Power to take samples for analysis.

10. (1) On any officer applying to purchase or to be allowed to take a sample from any person in charge or in possession of any soap in any warehouse, factory or shop or other place such



person shall either sell such sample to, or permit such sample to be taken by, the authorised officer and may demand either reasonable payment, or a receipt, for such sample and the authorised officer shall comply with such demand.

(2) Any receipt given under the preceding subsection by the authorised officer shall fully indemnify the person in charge or in possession of the soap from which the sample was taken in respect of all claims by the owner of the said soap.

(3) On demand being made in that behalf by the owner of any soap, from which a sample has been taken and a receipt given therefor, to the authorised officer who took the sample the said owner shall be entitled to be paid the market value of the said sample.

(4) Any person in charge or in possession of any soap who refuses to sell, or to permit to be taken, a sample thereof after being requested so to do by the authorised officer shall be liable to a fine not exceeding one hundred dollars.

11. (1) Any authorised officer who has purchased soap or taken a sample of soap with the intention of submitting it to analysis shall forthwith notify the seller or his agent or the person for the time being in charge or in possession of the soap from which the sample was taken of his intention to have the soap or sample of soap analysed, and shall offer forthwith to divide it in the presence of the seller, agent or person aforesaid into three parts, each part to be separately packed and sealed and if the offer be accepted the officer shall proceed accordingly and shall deliver one of the packages to the seller, agent or other person as aforesaid.

Procedure  
on taking  
sample.

(2) The authorised officer shall thereafter retain one of the packages for future comparison and shall forthwith take or send the third package to the Government Analyst to be analysed.

(3) If the offer be not accepted the authorised officer shall send or take all the soap purchased or the whole sample, as the case may be, to the Government Analyst and shall communicate the fact of non-acceptance of the offer aforesaid to him and the Government Analyst shall divide the soap or sample into two parts and shall parcel and seal one of the parts and cause it to be delivered to the officer who shall retain it for production, and the Analyst shall analyse the other part.

Government Analyst to issue a certificate.

12. (1) After completion of any analysis made under the provisions of this Ordinance the Government Analyst shall issue a certificate and each such certificate shall—

(a) set out the composition of the soap as ascertained by the analysis;

(b) state whether in the opinion of the Government Analyst the soap satisfies the requirements of section 4 of this Ordinance; and

(c) contain any observations the Government Analyst deems desirable to include therein.

(2) In any case where the Government Analyst has issued a certificate under this section and proceedings are instituted under section 3 of this Ordinance a copy of such certificate shall be served upon the defendant together with the writ of summons.

Sections 23 to 30 of Cap. 144 incorporated in this Ordinance.

13. (1) Subject to the provisions of this section, the provisions of sections 23 to 30 inclusive of the Sale of Food and Drugs Ordinance are hereby incorporated with this Ordinance and shall apply to proceedings under this Ordinance.

(2) As incorporated in this Ordinance, for the words “ article of food ” in every place they appear in the sections aforesaid there shall be deemed to be substituted the word “ soap ”.

Notice of intention to destroy deficient soap to be given.

14. In any case where soap has been seized and has been certified by the Government Analyst as being of lesser quality than that prescribed by this Ordinance the authorised officer shall give not less than twenty-one days' notice to the consignee, owner, manufacturer or other person from whose possession it was taken of his intention to cause such soap to be destroyed.

Right of appeal.

15. (1) Any person upon whom a notice of intention to destroy soap has been served or who claims any right, title or interest in such soap or any part thereof may appeal in writing to the Governor for such relief as he desires and shall serve a copy of his appeal upon the authorised officer at any time before the soap has been destroyed.

(2) Upon receipt of a copy of appeal made under this section the authorised officer shall refrain from destroying the soap which is the subject of the appeal until he receives the Governor's directions and he shall thereupon comply with the said directions.

(3) The Governor may give such directions in any appeal as he may deem just and his decision shall be final.



16. The Governor in Council may, by order, restrict or prohibit the importation of soap or of soap of any specified kind or variety or of any soap not being of a specified kind or variety.

Power to restrict or prohibit importation of soap.

17. Nothing in this Ordinance contained shall be construed as affecting the operation of section 95 of the Public Health Ordinance.

Operation of section 95 of Cap. 145.

SCHEDULE.

s. 5 (5).

LICENCE TO MANUFACTURE SOAP.  
*The Soap Ordinance.*

No. ...

..... (a) of  
..... (b) is  
hereby authorised to manufacture soap in the factory situate at.....  
.....(c).

This licence will expire on the 31st day of December, 19.....

Dated this..... day of..... 19.....

(Signed).....  
District Commissioner.

Fee \$5.00.

- (a) Insert name of licensee.
- (b) Insert business address of licensee.
- (c) Insert address of factory describing which part of the building if necessary.