

# CONSOLIDATION OF DONATION OF FOOD ACT

S.Nu. 2013,c.8

(*Current to: May 9, 2013*)

## AS AMENDED BY:

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at [www.justice.gov.nu.ca](http://www.justice.gov.nu.ca) but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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## DONATION OF FOOD ACT

### Liability of donor

**1.** A person who donates food, or who distributes donated food, to another person is not liable for damages resulting from disease, injury, death or other harm caused by the consumption of the food, unless

- (a) the food was adulterated, rotten or otherwise unfit for human consumption; and
- (b) in donating or distributing the food, the person either
  - (i) intended to harm the recipient of the food, or
  - (ii) acted with reckless disregard for the safety of others.

### Liability of director, agent, etc.

**2.** A director, officer, agent, employee or volunteer of a corporation or organization that donates food, or that distributes donated food, is not personally liable for damages resulting from disease, injury, death or other harm caused by the consumption of the food, unless

- (a) the food was adulterated, rotten or otherwise unfit for human consumption; and
- (b) in donating or distributing the food, the director, agent, employee or volunteer
  - (i) did not act in good faith,
  - (ii) acted beyond the scope of his or her role as director, agent, employee or volunteer, and
  - (iii) either
    - (A) intended to harm the recipient of the food, or
    - (B) acted with reckless disregard for the safety of others.

### Non-application

**3.** This Act does not apply to a person who distributes donated food for profit.