

L.N. 105 of 2004

**FOOD SAFETY ACT
(CAP. 449)**

The Hygiene of Food (Amendment) Regulations, 2004

IN exercise of the powers conferred by article 10 of the Food Safety Act, the Minister of Health has made the following regulations:-

Citation. L.N. 264 of 2002.

1. The title of these regulations is the Hygiene of Foods (Amendment) Regulations, 2004, and they shall be read and construed as one with the Hygiene of Food Regulations, 2002, hereinafter referred to as “the principal regulations”.

Amends regulation 3 of the principal regulations

2. The following shall be added to regulation 3 of the principal regulations immediately after the definition ‘sale’:-

“ “wholesome food” means food which is fit for human consumption as far as hygiene is concerned.”

Amends regulation 4 of the principal regulations

3. For regulation 4(3) of the principal regulations there shall be substituted the following:-

“(3) “If, in the opinion of the health authority, failure to comply with these regulations may result in risks to the safety or wholesomeness of food, it shall take all the appropriate measures to prevent or minimize such risks, including the withdrawal of the food or the closure of all or part of a food business for such period as may be required to secure compliance with the provisions of these regulations.”.

Amends regulation 6 of the principal regulations

4. (1) For regulation 6(2) of the principal regulations there shall be substituted the following:-

“(2) The proprietor shall also adopt such appropriate working methods as will ensure the safety of the food. For such purpose, compliance with any guide -

(i) published by the Food Safety Commission in terms of paragraph (i) of subarticle (1) of article 7 of the Act, or

(ii) approved and recognized by the Food Safety Commission, shall be deemed, to the extent provided in the guide, to constitute appropriate working methods.”.

(2). Immediately after regulation 6(2) of the principal regulations, there shall be added the following new sub-regulations :-

“ (3) Where the guides referred to in regulation 6(2)(ii) are developed, they shall be developed as follows:

(a) by food business sectors and representatives of other interested parties, such as appropriate authorities and consumer groups,

(b) in consultation with interests substantially affected, including the Food Safety Commission,

(c) where appropriate, having regard to the Recommended International Code of Practice, General Principles of Food Hygiene of the *Codex Alimentarius*.

(4) The Food Safety Commission, prior to approving and recognizing any guide referred to in regulation 6(2)(ii), shall assess it with a view to determining the extent to which it may be presumed to comply with regulation 7.”.

5. For paragraph 4 of Part II of the Schedule to the principal regulations there shall be substituted the following:-

Amends Part II of the Schedule to the principal regulations

“4. Windows and other openings must be constructed to prevent the accumulation of dirt. Those which can be opened to the outside environment must be fitted with insect-proof screens which can be easily removed for cleaning; where open windows would result in contamination of food, windows must remain closed and fixed during production:

Provided that the health authority may authorise the use of other insect control mechanisms in lieu of the requirement for an insect-proof screen.”.

6. For subparagraph (c) of paragraph 2 of Part V of the Schedule to the principal regulations there shall be substituted the following:-

Amends Part V of the Schedule to the principal regulations

“(c) with the exception of non-returnable containers and packaging, be so constructed, be of such materials and be kept in such good order, repair and condition as to enable them to be kept thoroughly cleaned and, where necessary, disinfected, sufficient for the purposes intended;”.

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Amends Part IX of the Schedule to the principal regulations

7. The following paragraph shall be added to Part IX of the Schedule to the principal regulations:-

“Adequate labelling

8. Hazardous and/or inedible substances, including animal feedstuffs, shall be adequately labelled and stored in separate and secure containers.”.

Adds new Part X to the Schedule to the principal regulations

8. The following shall be added immediately after Part IX as Part X of the Schedule to the principal regulations:-

“PART X

Training

Food business operators shall ensure that food handlers are supervised and instructed and/or trained in food hygiene matters commensurate with their work activity.”.