

PUBLIC HEALTH (BAKERY) REGULATIONS, 1974

Date of commencement: 20th September, 1974.

Arrangement of Regulations

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Citation.

1. These regulations may be cited as the Public Health (Bakery) Regulations, 1974.

Interpretation.

2. In these regulations, unless the context otherwise requires —
 - “authorised officer” means a medical officer of health or an officer to whom he has delegated his powers under the Act or an health inspector;
 - “baker” means any person who carries on the business of selling, whether by wholesale or by retail, bakery products baked or made by him;
 - “Bakery” means the premises on which a baker carries on the business of baking and/or making bakery products for sale;
 - “bakery products” means bread, bread stuffs, biscuits, cakes, pies, confectionery or sweetmeats and pastry;

“bakehouse” means that portion of the bakery used for the purpose of baking or the manufacture of bakery products;

“licensee” means the person to whom a certificate of registration has been granted in terms of regulation 4.

Application.

3. These regulations apply to all bakeries wherever situated in Eswatini.

Premises to be registered.

4. (1) Subject to regulation 19 no person shall use any premises as a bakery unless he has obtained from the local authority a certificate of registration permitting him to use such premises for such purpose.

(2) A certificate issued under these regulations shall be —

- (a) in the form of Form B in the Schedule;
- (b) produced for inspection when required to do so by an authorised officer;
- (c) personal to the licensee and not transferable.

Application for registration certificate.

5. (1) An application for a certificate of registration under these regulations shall be made to the local authority in the form of Form A in the Schedule, and shall be accompanied by a sketch plan drawn to scale showing the situation, arrangement and dimensions of the premises.

(2) Subject to paragraph (4) and any order made by a court as provided in regulation 20(2) the local authority may refuse, cancel or suspend a certificate of registration if —

- (a) the premises do not comply with the requirements of these regulations;
- (b) the business is carried on in contravention of any of the provisions of these regulations or the Public Health (Food Hygiene) Regulations, 1973 No. 5/1969(2);
- (c) the provisions of any other law are or would be contravened.

(3) In all cases where it does refuse, cancel or suspend a certificate of registration, the reasons shall be specified and notified in writing to the applicant or licensee, as the case may be.

(4) The local authority shall not issue a certificate or registration unless it is satisfied that the premises in respect of which the certificate is required are in conformity with the requirements of these regulations.

Registration fee.

6. (1) Every person who submits an application in terms of regulation 5 shall, at the time of submission, pay the local authority a registration fee of two emalangeni and fifty cents.

(2) The fee payable under paragraph (1) is not refundable:

Provided that the local authority may remit the whole or any part of the fee due if the application is a re-submission of a previous application refused on account of minor contraventions of the regulations.

Requirements relating to premises.

7. Any premises used, or intended to be used for the purpose of a bakery shall comply with —

- (a) Part II of the Public Health (Food Hygiene) Regulations, 1973 No. 5/1969(2); and
- (b) any requirements of these regulations relating to such premises.

Bakehouse.

8. Every bakery shall have in a separate room a bakehouse which complies with the following requirements—

- (a) no portion shall be below ground level;
- (b) the walls shall be constructed of durable material and made rodent proof;
- (c) the surface of the walls shall be either —
 - (i) glazed or glass bricks;
 - (ii) glazed tiles; or
 - (iii) cement plaster brought to a smooth finish and painted with a light coloured oil paint;
- (d) the minimum height from floor to ceiling shall be 3,658 metres;
- (e) a minimum of 16,990 cu. metres of air space per head of those regularly employed clear of ovens, machinery and stored goods shall be provided;
- (f) the doors, windows and any other opening shall be effectively fly-screened, and all fly-screened doors shall be self-closing;
- (g) the opening of the furnace shall be situated outside the bakehouse and at least 1,829 metres in the bakery, but this shall not apply in respect of ovens heated by oil or electricity;
- (h) there shall be provided a suitable and efficient means for the removal of hot oven gases from the bakehouse;
- (i) no pipes used in connection with any sewerage system shall be laid beneath the floor of the bakehouse.

Mixing machines.

9. (1) Subject to paragraph (3) every baker preparing or making any bakery products shall mix all dough, butter or paste to be used in the preparation or making of such bakery products in and by means of proper and suitable mixing machines.

(2) Any baker who mixes any dough or paste by hand, or in any other way than in and by means of mixing machine, shall be guilty of an offence.

(3) Paragraphs (1) and (2) shall not apply to a person who mixes any dough, butter or paste of a quantity not exceeding 9,072 kilograms in weight, when prepared in a proper and suitable mixing utensil for confectionery purposes only.

Tables.

10. Every table or working surface used in connection with the bakery shall be made of a non-absorbent material and covered with marble, galvanised sheet iron or other impervious and washable material approved by the medical officer of health.

Bakehouse to be washed down after use.

11. The floor of the bakehouse and every table or working surface shall be cleansed of all scraps and thoroughly washed after each time of use.

Protection against contamination.

12. (1) The licensee shall provide suitable means for protecting all bakery products by glazed or fly-screened show-cases or cabinets from contamination by dust, dirt or flies while exposed for sale, or by means of closed dust-proof and fly-proof cases or vehicles when in course of delivery to purchasers.

(2) Except where regulation 28(2) of Public Health (Food Hygiene) Regulations, 1973, No. 5/1969(2) has been complied with, every baker who conveys or delivers any bakery products shall cause them to be packed in dust-proof containers and conveyed or delivered in a vehicle complying with the requirements of regulation 13(1).

Delivery vehicles.

13. (1) Any baker who conveys or delivers any bakery products from a bakery shall cause them to be conveyed in a properly constructed van or a vehicle with enclosed sides, end and tops or otherwise effectively and completely protected from contamination by dust, dirt, or other noxious matter.

(2) No article other than bakery products shall be carried in a vehicle used for conveying or delivering bakery products from a bakery and the interior of the vehicle shall be maintained in a clean condition at all times.

(3) The licensee shall, before commencing to use a vehicle for the transport of bakery products from his bakery, cause to be painted, stencilled or otherwise placed on the rear or sides of vehicle, in letters of not less than 127 millimetres in height, the name or style under which the bakery business is carried on.

Washing facilities to be provided.

14. In addition to the facilities required to be provided by regulation 14 of the Public Health (Food Hygiene) Regulations, 1973, No. 5/1969(2) every bakery shall be provided with showers for the use of persons employed on the premises as follows —

(a) one shower for every fifteen males or portion thereof; and

(b) one shower for every fifteen females or portion thereof.

Caps to be worn.

15. (1) Every person employed in a bakery shall, while engaged in the handling of raw materials or bakery products, wear clean and sound overalls complying with the requirements of the Public Health (Food Hygiene) Regulations, 1973, No. 5/1969(2) and a clean and sound cap of a light-coloured washable material.

(2) The licensee shall provide clean and sound caps for the use of all persons engaged in the handling of raw materials or bakery products, and shall maintain such caps in a clean and sound condition.

Compliance with other regulations.

16. The Public Health (Food Hygiene) Regulations 1973, No. 5/1969(2) shall be complied with in respect of the control, management and conduct of all bakeries.

Duty of licensee.

17. If any agent, servant or employee of the licensee does or omits to do any act which it would be an offence under these regulations for the licensee to do or omit to do, then unless it is proved that —

- (a) such act or omission occurred without the connivance or permission of the licensee; and
- (b) all reasonable steps were taken by the licensee to prevent any act or omission of the kind in question, and
- (c) it was not in any circumstances within the scope or authority or in the course of the employment of the agent, servant, or employee to do or to omit to do the acts whether lawful or unlawful of the character of the act or omission charge,

the licensee shall be presumed to have done or omitted to do such act and be liable to be convicted and sentenced in respect thereof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, in itself, be accepted as conclusive proof that he took all reasonable steps to prevent the act or omission.

Inspection.

18. (1) An authorised officer may at all reasonable times, and at any time when the process of baking or making any bakery product is being carried on, enter and inspect any bakery and may examine any person or materials or any process carried on therein.

(2) Any authorised officer may at any time inspect any vehicle used for carrying bakery products.

Saving in respect of existing premises.

19. A person who is lawfully using any premises as a bakery at the time these regulations come into force may continue to do so in a period of three months after such time without obtaining a certificate of registration in terms of regulation 4, but such premises shall forthwith be made to comply with these regulations.

Offences and penalties.

20. (1) Any person who contravenes any of these regulations shall be guilty of an offence and liable on conviction to a fine of two hundred emalangeni or, in default of payment thereof, six months imprisonment and, if the offence is a continuing offence, an additional fine not exceeding four emalangeni for each day on which such offence is continued after a date fixed by the court for the rectification of the contravention in question.

(2) If a person is convicted of an offence under paragraph (1), the court may, in addition to or in substitution for any other penalty, cancel or suspend, for such period not exceeding twelve months as it thinks fit, any certificate of registration granted in terms of regulation 4, and may order that such person shall, for a period not exceeding twelve months, from the date of conviction, be disqualified from holding or obtaining any such certificate of registration.

Repeal.

21. Regulations 128 to 133 (inclusive) of the Urban Area Regulations, 1962 (Government Notice No. 88 of 1962), are hereby repealed.

SCHEDULE
[Regulation 4 and 5]

FORM A
APPLICATION FOR CERTIFICATE OF REGISTRATION
THE PUBLIC HEALTH (BAKERY) REGULATIONS, 1969
[Regulation 5]

To: (Address of applicant)

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I, We, (insert name(s)
in block capitals) hereby apply for a certificate of registration in respect of a bakery in prem-
ises situated at:

A sketch plan showing the situation, arrangement and dimensions of the premises is attached

Date Signature of Applicant.

REPORT OF MEDICAL OFFICER OF HEALTH

Date Medical Officer of Health.

DECISION OF LOCAL AUTHORITY

Date Chief Executive Officer.

FORM B
CERTIFICATE OF REGISTRATION
(PUBLIC HEALTH (BAKERY) REGULATIONS, 1969
[Regulation 4])

Certificate No.

Name of Licensee:

Premises situated at

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may hereby be used for the purpose of a Bakery.

Dated at this day of 20.....

Fee paid: E2.50

(Signature of chief executive officer and name
of local authority to be inserted)

Receipt No
