

# THE PUBLIC HEALTH (ICE-CREAM) REGULATIONS [ARRANGEMENT OF REGULATIONS]

## Regulation

1. Title
2. Application of Regulations
3. Interpretation
4. Registration of premises
5. Form of certificate of registration
6. Application for registration of premises
7. Premises must be suitable for registration
8. Safeguards
9. Storage of ice-cream, water ices and ingredients
10. Manufacture of ice-cream and water ices
11. Street traders, etc., to be licensed
12. Manufacturer or dealer to give notice of milk-borne disease
13. Prohibition of ice-cream, etc., likely to spread disease
14. Obstruction of officer
15. Prohibition of sale as ice-cream or water ices of other substances
16. Penalties
17. Exemption

SCHEDULE-Prescribed forms

**SECTION 82-THE PUBLIC HEALTH (ICE-CREAM)  
REGULATIONS  
Regulations by the Minister**

*Government  
Notices  
314 of 1953  
253 of 1956  
291 of 1964  
Federal  
Government  
Notice  
156 of 1962  
Act No.  
13 of 1994*

1. These Regulations may be cited as the Public Health (Ice-cream) Regulations. Title
  
2. The Minister may, by statutory notice, declare that on and after a date to be specified in such notice the whole of these Regulations or only such provisions thereof as are mentioned in such notice shall apply to the whole of or only to such part of the area of any Local Authority as shall be defined in such notice. Application of  
Regulations  
*(As amended by No. 291 of 1964)*
  
3. In these Regulations, unless the context otherwise requires- Interpretation  
  
"complete cold mix" means a product which is capable of manufacture into ice-cream or water ice with the addition of water only, is sent out by the manufacturer in airtight containers and which has been made by evaporating a liquid mixture which has already been submitted to heat treatment comparable with that prescribed in these Regulations;  
  
"ice-cream" means a preparation of milk or milk products and other wholesome ingredients containing not less than eight per centum by weight of milk fats, ten per centum by weight of sugar and not less than thirty per centum by weight of total solids, including milk fats and sugar, and one Imperial gallon of such ice-cream shall weigh not less than five and a half Imperial pounds when frozen and in the form in which it is sold to the public. The bacterial content shall be not more than 200,000 organisms per cubic centimetre and no Coliform bacilli or any pathogenic organisms shall be present in a sample of 0.01 cubic

centimetre;

"ingredients" means wholesome food articles usually or normally used for human consumption and includes sugar and dried egg, but does not include colouring or flavouring materials or fruit or fruit juices, nuts, chocolate or other similar substances;

"milk-borne diseases" includes enteric fever (including typhoid and paratyphoid fevers), dysentery, diphtheria, scarlet fever, acute inflammation of the throat, gastro enteritis and undulant fever;

"water ices" means all other preparations manufactured in a similar manner to ice-cream and sold to the public in a frozen or semi-frozen state, whether resembling ice-cream or not; and when resembling ice-cream in appearance or consistency, containing not less than six per centum by weight of milk fat and not less than eight per centum by weight of milk solids not fat. The bacterial content of all water ices shall be not more than 200,000 organisms per cubic centimetre and no Coliform bacilli or any pathogenic organisms shall be present in a sample of 0.01 cubic centimetre.

*(As amended by F.G.N. No. 156 of 1962)*

**4.** (1) Subject to the provisions of regulation 12, no premises shall be used for the sale, storage for sale, or manufacture for sale for human consumption of ice-cream or water ices unless such premises have been registered for that purpose by the Local Authority.

Registration of premises

(2) The Local Authority may register premises for the sale or storage for sale of ice-cream or water ices when such ice-cream or water ices are brought to the premises in a suitable wrapping or container and sold from or stored in approved refrigerating appliances.

(3) Where a certificate of registration for the sale or storage for sale of ice-cream or water ices is granted under the conditions prescribed in sub-regulation (2), the Local Authority may dispense with such provisions of these Regulations as it may deem proper.

**5.** Every certificate of registration of any premises for the sale, storage for sale or manufacture for sale of ice-cream or water ices issued under these Regulations shall be in Form 1 in the Schedule and shall expire on the 31st December of the year for which it shall have been granted.

Form of certificate of registration

**6.** Every person desiring to have premises registered under these Regulations shall make application in writing to the appropriate Local Authority and shall supply the following information: Application for registration of premises

- (a) the name and address of the applicant;
- (b) the situation of the premises in respect of which the certificate of registration is desired;
- (c) a full description and particulars of the premises;
- (d) the source or sources of ingredients including fresh milk to be used by the applicant for the manufacture of ice-cream or water ices;
- (e) any other relevant information required by the Local Authority or Medical Officer of Health.

**7.** No certificate of registration shall be granted in respect of any premises under these Regulations unless the premises are, in the opinion of the Local Authority on the report of the Medical Officer of Health, suitable for registration in respect of drainage, lighting, ventilation, locality, construction and general sanitation and unless the requirements of these Regulations and all such other regulations, orders or rules as may be applicable to such premises are complied with. Premises must be suitable for registration

**8.** A certificate of registration granted in respect of any premises under these Regulations may be revoked at any time if during the currency of such certificate there is not provided and maintained in respect of such premises- Safeguards

- (a) a wholesome and conveniently accessible water supply in sufficient quantity for all purposes connected with the business, including the cleaning of all utensils and appliances;
- (b) when so required by the Local Authority, an impervious floor and walls to the whole of or to any part of such premises and constructed to the satisfaction of the Local Authority;
- (c) proper and sufficient arrangements for safeguarding the ice-cream or water ices or ingredients intended for the manufacture of ice-cream or water ices from flies, vermin, dust or any impurities;
- (d) suitable arrangements for the washing, sterilisation by steam or boiling water and storage when not in use of the receptacles and appliances used in the business; and
- (e) for persons employed in the premises-

(i) a change room containing suitable ablution facilities with a sufficient supply of hot and cold water, soap and towels; and

(ii) suitable and sufficient and reasonably accessible sanitary facilities; and

(iii) suitable white overalls.

**9.** Ice-cream or water ices intended for sale and any ingredients intended for use in the manufacture of ice-cream or water ices for sale shall not be deposited, kept or stored-

Storage of ice-cream, water ices and ingredients

(a) in any room or place where such ice-cream, water ices or ingredients would be liable to infection or contamination;

(b) in any room used as a kitchen, bathroom, lavatory, sleeping, work or change room;

(c) in any room or building communicating directly with any sanitary convenience or with any room used as a sleeping room;

(d) in any vessel not properly covered so as effectually to prevent contamination of the contents thereof;

(e) in any vessel which has not been thoroughly cleansed and sterilised since the last occasion of use and which is not in a thoroughly clean condition at the time of use.

**10.** The following requirements shall be observed in the manufacture of ice-cream and water ices intended for sale for human consumption:

Manufacture of ice-cream and water ices

(a) where a complete cold mix is used which is reconstituted with wholesome drinking water and to which nothing is added other than colouring or flavouring materials, fruit or juices, nuts, chocolate or other similar substances, the reconstituted product shall be converted into ice-cream or water ices within one hour of reconstitution;

(b) in any other case after the ingredients have been mixed together, the following provisions shall apply:

(i) the mixture shall not be kept for more than one hour at any temperature which exceeds 23.4 degrees Celsius before being subjected to heat treatment in accordance with sub-paragraph (ii);

(ii) the mixture shall be subjected to heat treatment as follows: It shall be raised to and kept at a temperature of not less than 78 degrees

Celsius for thirty minutes or alternatively of not less than 83.2 degrees Celsius for ten minutes;

(iii) after the mixture has been subjected to heat treatment as aforesaid, it shall be reduced to a temperature of not more than 23.4 degrees Celsius within one and a half hours and shall be kept at such a temperature until the freezing process is begun;

(iv) such indicating and recording thermometers shall be used as the Local Authority considers requisite for indicating and recording the temperatures to or at which the ice-cream or water ices are raised, kept or reduced;

(v) the records of any thermometers used to record the temperatures to or at which the ice-cream or water ices are raised, kept or reduced shall be preserved for a period of not less than one month;

(vi) all apparatus used for the purposes of this paragraph shall be installed, maintained and operated to the satisfaction of the Local Authority and the Medical Officer of Health.

**11.** (1) Any person may make application to the Local Authority for a licence to sell ice-cream or water ices in any street or public place within the area of the Local Authority, and any such applicant shall supply the following information: Street traders,  
etc., to be  
licensed

(a) the name and address of the applicant;

(b) a full description of the equipment to be used and the manner in which the ice-cream or water ices are to be sold.

(c) the period for which the licence is required;

(d) the source from which the ice-cream or water ices are to be obtained.

(2) On receipt of such application a Local Authority may grant a licence in Form 2 in the Schedule with or without special conditions for any period it may deem proper expiring not later than the 31st December of the year in which it is granted.

(3) Ice-cream and water ices sold in any street or public place in accordance with a licence granted under this regulation shall only be sold from a refrigerating appliance approved by the Local Authority and shall only be sold in the wrapping or container in which they were originally placed in such appliance.

**12.** Every manufacturer or dealer in ice-cream or water ices shall upon the occurrence of any milk-borne disease among the persons living or working in or about the premises on which the ice-cream or water ices are manufactured, stored or sold, forthwith give notice thereof to the Medical Officer of Health or the Local Authority.

Manufacturer or dealer to give notice of milk-borne disease

**13.** If it appears to the Local Authority, on the certificate of the Medical Officer of Health, that the consumption of any ice-cream or water ices from any source within or without the district of such Local Authority is likely to cause the outbreak of or to spread infectious or contagious disease, such Local Authority may forthwith prohibit the introduction, storage, sale or use within its area of such ice-cream or water ices for a period to be specified by such Local Authority on the advice of the Medical Officer of Health.

Prohibition of ice-cream, etc., likely to spread disease

**14.** Any person who wilfully obstructs the Medical Officer of Health, Health Inspector, or any other duly authorised officer in the performance of his duties under these Regulations shall be guilty of an offence.

Obstruction of officer

**15.** No person shall sell, or cause to be sold, or have in his possession for sale, or manufacture for sale, any preparation or substance designated as or purporting to be ice-cream or water ices which does not comply with the definition of ice-cream or water ices contained in regulation 3.

(No. 253 of 1956 as amended by F.G.N. No. 156 of 1962)

Prohibition of sale as ice-cream or water ices of other substances

**16.** (1) Any person who contravenes or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty penalty units.

Penalties

(2) On the conviction of any person under these Regulations the court may, on the application of the Local Authority, cancel any certificate of

registration or licence granted under these Regulations to such person and order that no new certificate or licence shall be granted under these Regulations to such persons for a period not exceeding two years from the date of such cancellation and thereupon such persons shall become disqualified to hold a certificate or licence during such period of cancellation.

*(As amended by Act No. 13 of 1994)*

**17.** Hotels and lodging-houses where ice-cream or water ices are manufactured or stored solely for the use of customers on the premises shall be exempted from the provisions of paragraph (b) of regulation 10 and such provisions of these Regulations as specifically relate to the registration of premises. Exemption

## **SCHEDULE**

### **PRESCRIBED FORMS**



**FORM 1**  
***(Regulation 5)***

THE PUBLIC HEALTH (ICE-CREAM) REGULATIONS

Number.....

Municipality/Township of

CERTIFICATE OF REGISTRATION OF PREMISES FOR THE  
\*MANUFACTURE/STORAGE/SALE OF ICE-CREAM OR WATER ICES

The premises known as.....numbered..... on  
plot.....in the Municipality/Township  
of.....are hereby registered for  
the purpose of \*manufacture/storage/sale of ice-cream and water ices.

This certificate expires on 31st December, 19.....

Date

Signed: Town Clerk/Secretary

Medical Officer of Health

\*Delete where inapplicable.

**FORM 2**

*(Regulation 11)*

**THE PUBLIC HEALTH (ICE-CREAM) REGULATIONS**

**Number .....**

**Municipality/Township of**

LICENCE TO SELL ICE-CREAM OR WATER ICES IN A STREET OR PUBLIC PLACE

.....of.....is hereby licensed as a purveyor of ice-cream or water ices in the streets or any public place within the Municipality/Township of..... subject to the conditions endorsed hereon.

The licence expires on.....19.....or 31st December, 19....., whichever shall be the sooner.

\*Purveyor on own account/Employee of

Date

Signed: Town Clerk/Secretary

Signed: Town Clerk/Secretary

Medical Officer of Health

\*Delete where inapplicable.