

**2003 ENVIRONMENTAL HEALTH SERVICES S.R.O. 58
(FOOD HYGIENE)**

COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS NO. 58 OF 2003

REGULATIONS

**MADE BY THE MINISTER UNDER SECTION 30 OF
THE ENVIRONMENTAL HEALTH SERVICES
ACT, 1997 (ACT NO. 8 OF 1997).**

(Gazetted 26th February, 2004.)

1. These Regulations may be cited as the -

Short title.

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2. In these Regulations -

Interpretation.

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not;

“certificate of exemption”, in relation to a food business, means a certificate for the time being in force and granted in accordance with the provisions of regulation 25;

“container” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“contamination” includes contamination by rodents, dust, flies and other insects and by odours, and “contaminated” shall be construed accordingly;

“equipment” includes apparatus, furnishings and utensils used for the storage, preparation and distribution of food and drink;

“fish” means cooked or uncooked fish (including cured or smoked fish) and includes any other form of sea-food;

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“food” means cooked or uncooked fish or part thereof and any other article used for food or drink by man, other than drugs or water, or any other article which ordinarily enters into or is used in the composition or preparation of human food or flavouring matters and condiments, intended for sale, or sold, for human consumption;

“food business” has the meaning assigned to it by paragraph (2) of regulation 3;

“food premises” means any premises on or from which there is carried on any food business, and includes a stall;

“food room” means any room in which any person engages in the handling of food or in the cleaning of equipment for the purposes of a food business, but does not include:

(a) a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to any person occupying it as a sleeping place;

(b) a room communicating with a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to any person (not being a person carrying on a food business at the premises which include the room of a person employed by him) by whom the room is occupied as a sleeping place; or

(c) a day room in a hospital or in a home for the reception of aged or disabled persons;

“meat” means the flesh (including edible offal and fat) of cattle, swine, sheep, rabbits, poultry and goats, which is sold or intended for sale for human consumption, and includes bacon and ham;

“open food” means food not contained in containers and so closed as to exclude all risk of contamination;

“premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with a building;

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“preparation” in relation to food includes manufacture and any form of treatment and “prepared” shall be construed accordingly;

“stall” includes any stand, marque, tent, or mobile canteen.

3. (1) A person shall be deemed for the purpose of these Regulations to engage in the handling of food for the purpose of food business he carries out or assists in carrying out of any process or operation in the sale of food or in the preparation, transport, storage, packing, wrapping, exposure for sale, service or delivery of food.

Persons deemed to be handling or selling food.

(2) For the purpose of these Regulations, the supply of food otherwise than by sale, at, in or from any place where food is supplied in the course of business, shall be deemed to be a sale of that food, and refuses to purchasing and purchasers shall be construed accordingly; and where in connection with any business in the course of which food is supplied the place where food is served to customers is different from the place where food is consumed, both these places shall be deemed to be places in which food is sold.

(3) In these Regulations “food business” means, subject to paragraph (4) any trade or business for the purposes of which any person engages in the handling of food, and includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not.

(4) The expression “food business” does not include any agricultural activity or (except so far as the handling of food may be involved in the course of a retail business or in the course of supplying food for immediate consumption) so much of any trade or business as consists of the handling of food at, in or upon:

(a) any dock, wharf, carenage, public warehouse or cold store; or

(b) except for any requirements relating to the transport and carrying of meat any premises or place occupied by a carrier

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of goods for the purpose of his trade or business as such a carrier; or

- (c) any slaughter-house; or
- (d) any premises or place occupied by a wholesale of raw vegetables and used exclusively for the purposes of his trade or business as such a wholesaler; or
- (e) any premises which are not used for the storage of open food.

General requirements for food business.

4.(1) No food business shall be carried on in any premises, stall or place, the use of which because of the situation, construction or condition thereof exposes food to the risk of contamination.

(2) All multi-use utensils used for preparing, serving, eating, or drinking of food shall be thoroughly cleaned after each usage.

(3) Single-service containers shall be used once.

(4) Drying cloths, if used, shall be clean and reasonably dry and shall be used for no other purpose.

(5) No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for cleaning or polishing of any utensils which is used for the preparation, storage or serving of food.

(6) Without prejudice to the provisions of the preceding paragraphs, all containers (including returnable containers) intended for use with food in the course of a food business, whether or not they come into contact, or are liable to come into contact with food, shall so far as is reasonably practicable, be protected and kept free from contamination.

Requirements and prohibitions relating to persons handling food.

5. (1) A person who engages in the handling of food shall, while so engaged, protect the food from risk of contamination, and in particular, without prejudice to the generality of the foregoing:

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(a) shall not so place the food, or permit it to be so placed, as to involve any risk of contamination;

(b) shall not in or about any alley, yard, market or stall place any food lower than eighteen inches from the ground unless it is adequately protected by other means from risk of contamination.

(2) No person shall engage in the handling of food unless he is in possession of a certificate of good health from a registered medical practitioner, and such certificate shall be in the prescribed form.

(3) The duration of such a certificate shall extend over a period not exceeding twelve months and shall expire on the anniversary of such issue.

(4) Such certificates shall be kept at the place of employment and shall be available for inspection by any authorised officer of the Ministry.

(5) No person shall engage in the handling of food without carrying on in his person a photo identity card to indicate that he is a certified food handler.

(6) A person who engages in the handling of food shall, while so engaged:-

(a) Keep as clean as reasonable practicable all parts of his person which are liable to come into contact with the food;

(b) keep as clean as reasonable practicable all parts of his clothing or overalls which are liable to come into contact with the food;

(c) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing;

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- (d) refrain from spitting;
- (e) refrain from the use of tobacco (including snuff) while he is handling any open food or is in any food room in which there is open food;
- (f) after using the toilet wash his hand before resumption of duties.

(7) No person with any septic or infected cut or abrasion on any exposed part of his body shall engage in the handling or preparation of food.

(8) A person who engaged in the handling of open food shall not, while so engaged:

- (a) carry any food in a vehicle or container along with any article from which there is risk of contamination of the food, or with any live animal or live poultry, without taking all such precautions as are reasonable practicable to avoid risk of contamination, and in particular shall not allow any live animal or live poultry to come into contact with meat or fish;
- (b) use for wrapping or containing any open food any paper or other wrapping material or container which is not clean or which is liable to contaminate the food; and in particular shall not allow any printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables.

Notification of infection.

6. (1) Subject to this regulation, as soon as any person engaged in the handling of food becomes aware that he is suffering from any fever, vomiting, diarrhoea, dysentery or other

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bowel disease, jaundice, persistent cough, any skin disease or any infection likely to cause food poisoning, he shall immediately give notice of that fact:

- (a) to the occupier of the food premises, if he is engaged in the handling of food at or from food premises;
- (b) to the owner of the business, if he is engaged in the handling of food other wise than at or from food premises;

and the owner or occupier, as the case may be shall immediately after being notified of such fact, cause such person to cease work immediately and notify the Medical Officer of the area in which the said premises or business are situated.

(2) When the person referred to in paragraph (1) is himself the occupier of the food premises or the owner of the food business, as the case may be, he shall immediately cease work and give notice immediately to the Medical Officer of the area in which the said premises or business are situated.

(3) Without prejudice to the provisions of regulation 5(2) if a Medical Officer or an Environmental Health Officer has reason to believe that a person in the preparation or handling of food is suffering from any disease liable to cause food borne illness, he may require such person to submit to a medical examination by a Medical Officer, who shall issue a certificate stating whether the person is fit or unfit to engage in such work, and if the certificate states that he person is unfit for such work the person shall cease work forthwith.

(4) Any person who has ceased work under the preceding paragraphs shall not resume work unless he has obtained a certificate of good health from a Medical Officer.

7. (1) No fresh air intake of any ventilation pipe included in the soil drainage system shall be situate in a food room.

Air intake and water supply.

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(2) Every inlet into such systems situate in any such room shall be trapped.

(3) No cistern for the supply of water to a food room shall supply a sanitary convenience otherwise than through an efficient flushing cistern or some other flushing apparatus equally efficient and suitable for the prevention of contamination of water supplies.

General conditions for
food premises.

8. (1) All food premises shall be supplied with sanitary facilities which are, in the opinion of the Chief Environmental Health Officer, adequate.

(2) Every sanitary convenience situated on any food premises:

(a) shall be kept clean and in efficient order;

(b) shall be so placed that no offensive odour therefrom can penetrate into any food room.

(3) Any room or other place which contains a sanitary convenience shall be suitable and sufficiently lighted and ventilated to the satisfaction of the Chief Environmental Health Officer.

(4) No room which contains a sanitary convenience shall be used as a food room.

(5) No room which communicated directly with a room or other place which contains a sanitary convenience shall be used:-

(a) for the handling of open food;

(b) for the cleaning of equipment for use in any food business in the course of which open food is handled.

(6) There shall be affixed and maintained in a prominent and suitable position near every sanitary convenience

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situated on any food premises a clearly legible notice requesting users to wash their hands after using a convenience.

9. (1) Subject to the provisions of any certificate of exemption, in all food premises suitable and convenient wash-hand basins for the use of all persons engaged in the handling of food on those premises shall be provided and maintained in a position conveniently accessible to such persons.

Wash-hand basins.

(2) Subject as aforesaid, there shall be provided and maintained for every such wash-hand basin an adequate supply of water.

(3) At or near every wash-hand basin available for the use of such persons as are mentioned in paragraph (1) there shall be provided and maintained for the use of persons engaged in handling of food on the food premises adequate supplies of soap or other suitable drying facilities, which shall be used only for securing the personal cleanliness of such persons.

(4) All wash-hand basins so available shall be kept clean, and any taps in connection therewith shall be kept clean in efficient working order.

10. Suitable and sufficient bandages, dressing and antiseptics for first-aid treatment shall be provided and maintained in all food premises, in a readily accessible position, for the use of persons engaged in the handling of food on those premises.

First Aid Supplies.

11. Except where adequate provision is made and elsewhere than in a food room, suitable and sufficient cupboards for locker accommodation shall, subject to any certificate of exemption, be provided and maintained in all food premises, other than food premises in which no open food is handled, for the clothing and food wear not worn during working hours of all persons engaged in the handling of food on those premises.

Cupboards lockers.

12.(1) Subject to the grant of a certificate of exemption and to the provisions of paragraph (2):

Sinks for food.

(a) there shall be provided and maintained to the satisfaction of the Chief Environmen-

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tal Health Officer in all food premises suitable and sufficient sinks or other facilities (not being wash-hand basins mentioned in paragraph 3 of regulation 9 for washing food and equipment used in the food business;

- (b) for every such sink or other facility there shall be provided and maintained to the satisfaction of the Chief Environmental Health Officer an adequate supply either of hot water at a suitably controlled temperature, but a supply of cold water shall be sufficient for any sink or other facility not used for any other purpose than the washing of fish, tripe, animal casings, fruit or vegetables;
- (c) all sinks and other facilities available for the said purposes shall be kept clean and in efficient working order.
- (d) there shall be provided and maintained for use at all such sinks and other facilities adequate supplies of soap or other suitable detergent and clean cloths or other adequate and suitable cleaning and drying facilities.

(2) Nothing contained in paragraph (1) shall apply in relation to food premises where open food is not handled.

Lighting.

13. Suitable and sufficient means of lighting shall be provided in every food room, and every such room, shall be suitably and sufficiently lighted to the satisfaction of the Chief Environmental Health Officer.

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14. Except in the case of a humidity-controlled or temperature-controlled chamber, suitable and sufficient means of ventilation shall be provided in every food room, and suitable and sufficient ventilation shall be maintained there to the satisfaction of the Chief Environmental Health Officer.

Ventilation.

15. (1) No food room shall be used as sleeping place, and no sleeping place shall be used as a food room.

Sleeping in food room prescribed.

(2) Subject to the provisions of any certificate of exemption, no food room which communicates directly with a sleeping place shall be used for the handling of open food.

16. (1) The walls, floors, doors, windows, ceiling, woodwork and all other parts of the structure of every food room shall at all times be kept clean and shall be kept in such good order, repair and conditions as to:

Walls, floors, etc.

- (a)** enable them to be effectively cleaned; and
- (b)** prevent, so far as is reasonably practicable, any risk of infestation by rats, mice and insects and the entry of birds.

(2) Where at any time after the coming into operation of these Regulations any works affecting the structure (other than mere removal of part of the structure) are executed, the structure affected by such works shall after completion of the works to be such as to:

- (a)** enable it to be effectively cleaned; and
- (b)** prevent, so far as is reasonably practicable, any risk of infestation by rates, mice and insects and the entry of birds.

17. (1) No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in a food room except so far as may be unavoidable for the proper carrying on of the trade or business, and any such refuse or filth shall be removed as soon as is practicable, and in any case before the end of each working day.

No accumulation of refuse in food room.

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- (a) except in the case of a closed van, the vehicle shall be covered by canvas or other washable material supported on frames or poles so as to enclose completely that part of the vehicle in which meat or fish is placed, and so far as is reasonably practical the cover shall not be allowed to come into contact with the meat or fish;
- (b) the floor shall be impervious and fitted with movable duck boards in such matter as to prevent the meat or fish or its wrappings from touching the floor of the vehicle;
- (c) any receptacle or duck board in or on which the meat or fish is placed and such parts of any slings, implements or other equipment used for the loading or unloading of meat or fish as to come in contact with the meat or fish or its wrappings shall be kept clean and in a proper state of repair;
- (d) every such vehicle shall be provided with a sufficient number of suitable receptacles to contain separately all offal (other than offal that has not been detached from the carcass) transported in the vehicle, which receptacles shall be constructed of impervious materials kept clean and in such good order, repair and condition as to enable them to be thoroughly cleaned;
- (e) no official shall be transported in any such vehicle except in the separate receptacles provided therefor.

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(2) Sub-paragraphs (a) and (b) shall not apply in relation to the transport of meat and fish on isolated occasions in the course of a business of a carrier if the meat or fish is adequately protected by suitable material from the risk of contamination.

22. (1) Every person who in the course of a food business carries meat and fish or either of them, being meat and fish which is open food, otherwise than in the course of distribution by a retailer to his customers, shall while so engaged wear a clean and washable overall, and, if the meat or fish is liable to come into contact with his neck or head a clean and washable head covering.

Open food.

(2) The provisions of this regulation shall not apply in relation to the transport of meat and fish in the course of a business of a carrier in which the vehicle used for the transport is not ordinarily used for the transport of meat and fish if the person carrying the meat or fish takes all such other precautions as are reasonably practical to prevent the meat or fish coming into contact with any exposed part of his person or with any clothing other than an overall.

23. (1) An Environmental Health Officer may at all reasonable times enter any premises and inspect and examine, and may in any street or other public place inspect and examine, any food sold or exposed for sale or deposited in any place, or in the course of transmission for the purpose of sale, preparation or manufacture for sale.

Power to enter premises,
examine food, etc.

(2) An Environmental Health Officer may condemn and seize and carry away any or cause to be carried away any food which appears to him to be diseased, unsound, unwholesome or unfit for human consumption and may cause any such food to be destroyed or otherwise disposed of.

(3) Where the Environmental Health Officer is not in possession of a certificate denoting his competency for the inspection of meat and other foods, he shall not have the power to order the food to be destroyed or otherwise disposed of, but such

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an order may be made by another Environmental Health Officer possessing such a certificate or by a Medical Officer of Health.

(4) The expenses incurred in destroying or otherwise disposing of any food condemned in accordance with the provisions of this regulation shall be a debt due by the owner of the food and may be recovered on an information laid by or on behalf of the person by whom such expenses were incurred in a summary manner before a magistrate from the owner or from the person who is in possession of such food.

(5) No person having in his possession any food which is diseased, unsound, unwholesome or unfit for human consumption shall give, sell or consign any such food to any other person or to any firm, business, organisation, institution or association.

(6) Subject to paragraph (7), every person having in his possession any food which is diseased, unsound, unwholesome or unfit for human consumption shall destroy or dispose of such food to the satisfaction of the Medical Officer of Health.

(7) Any Such person may request the Medical Officer of Health or Environmental Health Officer to remove and dispose of any such food, and the Medical Officer of Health or the Environmental Health Officer shall cause it to be removed and disposed of, and such person pay a reasonable sum for such removal and disposal.

Burden of proof.

24. The proof that any food was not sold, exposed or deposited or in course of transmission for the purpose of sale, preparation or manufacture for sale was not diseased, unsound, unwholesome or unfit for human consumption shall rest upon the person alleging the same.

Food business subject to licence.

25. (1) No person shall carry on a food business until he has registered such food business with, and has received a licence permitting him to carry on such food business from the Medical Officer of Health of the area in which it is intended to carry on such food business.

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(2) The licence shall expire on the 31st day of December next after the date after the date of issue, but may be suspended or withdrawn at any time by the Medical Officer of Health upon the violation of any provisions of these regulations by the person to whom the licence has been granted or by his agent, if any, in charge of the food business.

(3) The licence shall be displayed in some conspicuous place in the food premises, and if the licence is removed, damaged, hidden or obscured or allowed to become illegible, the person to whom the licence has been granted and his agent, if any, in charge of the food business, shall be guilty of a breach of this regulation.

(4) If a licence to carry on a food business is refused, suspended or withdrawn, the proprietor of the food business or his agent as aforesaid may appeal to the magistrate for the district in which such food business is carried on, and the magistrate shall make such order concerning the licence as appears to be just and equitable.

26. (1) In granting a licence to carry on a food business, a Medical Officer of Health may grant a certificate to the effect that compliance with any of the provisions of the regulations specified in such certificate cannot be reasonably required with respect to the premises in which it is intended to carry on such food business or to any activities carried on therein, and those premises shall be exempt from the provisions mentioned in the licence.

Certificate of exemption.

(2) Such a certificate of exemption shall not be granted by a Medical Officer of Health with respect to any food premises unless he is satisfied that by reason of restricted accommodation or other special circumstances affecting the premises it is reasonable that such a certificate should be in force with respect thereto.

(3) Any such certificate of exemption may be withdrawn by the Medical Officer of Health if at any time he ceases to be satisfied as aforesaid.

27. (1) The occupier of any premises who fails to comply with the requirements of these regulations with respect to the structure of, or provision of fixtures at or in, the food premises, commits an offence under these regulations.

Offenses.

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(2) If the owner or the person in charge of any food business fails to comply with the requirements of these regulations as to the provision of any equipment (including cloths, towels, or other drying facilities and soap or other detergents) on the food premises where such business is carried on, he is guilty of an offence under these regulations.

(3) If any person engaged in the handling of food fails to comply with any provision of these regulations, other than a provision referred to in paragraph (1) and (2), or if the occupier of any food premises, or the owner of any food business, or any other person for the time being having the control or management of a food business, fails to take all reasonable steps to secure compliance therewith by any person employed by him or under his control, he is guilty of any offence under these regulations.

Penalties.

28. A person who contravenes any of the provisions of these Regulations commits an offence and shall be liable on summary conviction to a fine of one thousand dollars or to imprisonment for three months or to both such fine and imprisonment, and in the case of a continuing offence, to a further fine of one hundred dollars for each day or part of a day during which the offence continues after a conviction is first obtained.

Made by the Minister this 31st day of December, 2003.

HERBERT SABROACHE
Minister for Health and Social Security

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