

FOOD HYGIENE REGULATIONS 1950

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S.I. No. 205 of 1950.

FOOD HYGIENE REGULATIONS, 1950.

The Minister for Health, in exercise of the powers conferred on him by the Health Act, 1947 (No. 28 of 1947), after consultation with the Minister for Industry and Commerce and the Minister for Agriculture hereby makes the following Regulations :—

PART I.

PRELIMINARY AND GENERAL.

REG 1

1 Citation.

1. These Regulations may be cited as the

REG 2

Definitions.

2. In these Regulations—

" the Act " means the Health Act, 1947 ;

" authorised officer " means

(a) a health officer,
(b) a veterinary officer of a sanitary authority,
(c) an officer of the Minister for Agriculture enforcing any provisions of these Regulations, or
(d) a member of the Garda Síochána authorised by the Minister under Section 96 of the Act to enforce any provision of these Regulations

;

" cereals " means wheat, barley, rye, oats and maize ;

" cereals officer " means an officer of the Minister for Agriculture who performs duties in relation to the inspection of cereals ;

" chief medical officer " means a county medical officer or a city medical officer and includes also an assistant county medical officer or assistant city medical officer and any other medical officer authorised by the Minister, or by a health authority with the consent of the Minister, to perform specific duties or exercise specific powers under these Regulations ;

" district " means the functional area of a health authority ;

" eggs " means eggs in the shell of domestic fowl and ducks ;

" farm animal " means cattle, sheep, pigs, goats and poultry as defined in the Agricultural Produce (Fresh Meat) Act, 1930 (No. 10 of 1930) ;

" food animal " means a dead farm animal or any other animal whether living or dead intended for food for human consumption ;

" food business " means the manufacture, preparation, importation, storage, distribution or exposure for sale of food intended for sale for human consumption but does not include the preparation, storage, distribution, sale or exposure for sale of raw fruit, raw vegetables, dairy produce or eggs by the producer of such produce ;

" food material " means any material or article which is used or intended for use in the preparation or manufacture of food intended for human consumption and which may enter into the composition of food ;

" food premises " means a premises or part of a premises in which a food business is carried on otherwise than by a Department of State or a local authority but does not include a transit shed at a port or any other premises or part of a premises where

(a) food is not manufactured or prepared and

(b) food is not imported, stored, distributed, exposed for sale or sold except in impermeable containers ;

" food room " means a room or place in a food premises in which food is manufactured, prepared, stored, distributed, or exposed for sale, provided that a room which is a bedroom in a hotel, guest-house, boarding-house, holiday camp, hostel or similar establishment shall not be deemed to be a food room solely by reason of the serving of meals in the room ;

" food stall " means a vehicle, vessel, aircraft (or part of a vehicle, vessel or aircraft), or structure (not included in a food premises) in, at, or on which food is offered for sale or from which food is sold (other than food brought thereto in an impermeable container and offered for sale in the same container) ;

" food vehicle " means a vehicle, vessel or aircraft which is not a food stall and in which food intended for sale for human consumption or food material is or is intended to be conveyed

otherwise than in an impermeable container ;

" food worker " means a proprietor, employee, or any other person who works in or in connection with a food business but does not include a person who works only in a part of a food premises, food stall or food vehicle where

(a) food is not manufactured, prepared, stored, distributed or exposed for sale or

(b) food is imported, stored, distributed, exposed for sale or sold only in impermeable containers ;

" health officer " means an officer of a health authority authorised by the health authority to enforce or execute any provisions of these Regulations ;

" impermeable container " means a container so constructed as to prevent the contamination or infection in any way of the food contained in it ;

" importer " includes any person who, whether as owner consignor or consignee, agent or broker, is in possession of or in anywise entitled to the custody or control of any article of food, food animal or food material brought from a place outside the State ;

" inspect " includes " examine " and " inspection " includes examination ;

" meat " means the flesh or other edible part of an animal and includes meat which has been cured, smoked or frozen but, save as aforesaid, does not include meat which has been cooked or otherwise treated or prepared ;

" meat product " includes

(a) meat packed in airtight containers,

(b) cooked or dried meat,

(c) intestines and other parts prepared in the form of sausage casings,

(d) rendered animal fats, except in margarine,

(e) meat extracts and essences and pies, sausages and other prepared or manufactured articles of food containing any meat or cooked or dried meat other than fat ;

" milk " has the same meaning as in the Milk and Dairies Act, 1935 (No. 22 of 1935) (except Part IV of that Act) ;

" the Minister " means the Minister for Health ;

" occasional food premises " means a food premises in which a food business is carried on for not more than two months at any time and for not more than four months in any calendar year ;

" official certificate " means a certificate, label, mark, stamp or other voucher—

(a) which is affixed to any meat or meat product or to a package containing any meat or meat product by an authority having power under the laws in force in any place outside the State to examine meat or meat products and to certify as to their fitness for human consumption and

(b) which is recognised for the time being, by order of the Minister made after consultation with the Minister for Agriculture, as indicating that the meat or meat product to which it relates was prepared in accordance with criteria satisfactory to the Minister ;

" pig " includes a boar, sow, hog or bonham ;

" premises " includes a building, tent, shed, hut or similar structure ;

" prohibited meat " means

(a) scrap meat, that is to say, meat which consists of scraps, trimmings or other pieces (whether with or without bone) of such shape or in such condition as to afford insufficient means of identification with a definite part of a carcass,
(b) meat comprising the wall of the thorax or abdomen from which there has been detached (except in the case of meat derived from a pig) any part of the pleura or peritoneum, other than a part necessarily removed in preparing the meat,

(c) meat from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been taken out,

(d) the head of a pig from which the submaxillary gland has been removed or

(e) the head of a bull, cow, ox, heifer or calf from which the retropharyngeal gland has been removed ;

" proprietor " in relation to a food premises, means the person who carries on the food business at that premises ;

" provisional registration " means registration under paragraph (b) of sub-article (1) or paragraph (b) of sub-article (2) of Article 42 of these Regulations and cognate expressions shall be construed accordingly ;

" refuse " includes solid and liquid refuse ;

" the Register of Food Premises " means the Register kept under Article 39 of these Regulations ;

" registered " means registered under Part IV of these Regulations, except where the context otherwise requires ;

" registered proprietor " in relation to a registered food premises means a person registered in the Register of Food Premises as being the proprietor of the said premises ;

" room " includes any sub-division of a premises ;

" scheduled infectious disease " means any of the infectious diseases listed in the Second Schedule to these Regulations ;

" single-service utensil " means a utensil designed for use on one occasion only ;

" stall holder " means the person who carries on the food business at a food stall ;

" test " includes an examination or an analysis.

REG 3

Commencement.

3. These Regulations (except Part IV) shall come into operation on 1st day of February, 1951.

REG 4

Revocations.

4. The Regulations mentioned in the First Schedule to these Regulations shall be revoked as from 1st day of February, 1951.

REG 5

Enforcement.

5. These Regulations—

- (a) shall, subject to any arrangement for joint action by health authorities under Section 101 of the Act, be enforced and executed in each district by the health authority for such district through their health officers and by veterinary officers of sanitary authorities, and
- (b) may also be enforced and executed by officers of the Minister for Agriculture to such extent as is prescribed in these Regulations or as may otherwise be determined by the Minister, after consultation with the Minister for Agriculture.

REG 6

Application of Section 64 of the Health Act, 1947.

6. Section 64 of the Act shall apply to any—

- (a) hospital, sanatorium, preventorium, nursing home, convalescent home or similar establishment,
- (b) hotel, guest house, boarding house, holiday camp, hostel or similar establishment in which there is accommodation for six or more guests,
- (c) restaurant, club or similar establishment in which food is supplied by the proprietor.

REG 7

Directions by Ministers.

7. A health authority shall comply with—

- (a) any directions given by the Minister from time to time as to the exercise of their powers or the performance of their functions and duties under these Regulations ;
- (b) any directions given by the Minister for Agriculture from time to time as to the exercise of their powers or the performance of their functions and duties under Part II of these Regulations in relation to food, food animals or food material in slaughterhouses and under Part III of these Regulations in relation to slaughterhouses; and
- (c) any directions given by the Minister for Agriculture with the consent of the Minister as to the exercise of their powers or the performance of their functions and duties under
 - (i) Part II of these Regulations in relation to meat, meat products or food animals not in slaughterhouses, or
 - (ii) Parts III and IV of these Regulations in relation to premises other than slaughterhouses in which meat or meat products are manufactured, prepared, distributed or exposed for sale.

REG 8

Notice of provisions of the Regulations.

- 8.—(1) A health authority shall cause notice to be given at such time or times and in such manner and form and to such persons as

the Minister may direct of the provisions of these Regulations.

(2) The proprietor of a food premises or a stall holder shall display in a place or places approved by the health authority in or at the premises or stall any notices as to the contents of these Regulations which the health authority require him to display.

PART II.

FOOD UNFIT FOR HUMAN CONSUMPTION.

Chapter I.—Sale of Unfit Food.

REG 9

Sale of unfit food.

9.—(1) No person shall sell or offer or keep for sale—

(a) any article of food intended for human consumption,

(b) any food animal or

(c) any food material

which is diseased, contaminated or otherwise unfit for human consumption.

(2) This Article shall not apply to—

(a) the sale of milk,

(b) the sale of a carcase or part of a carcase of a pig to a person who is the holder of a curing licence or a curing and slaughtering licence under the Pigs and Bacon Acts, 1935 to 1940, or the sale of bacon or offals or a carcase or part of a carcase of a pig by such a person,

(c) the sale of an animal to a person who is the registered proprietor or a registered licensee of a premises registered under the Agricultural Produce (Fresh Meat) Act, 1930 (No. 10 of 1930) for the slaughtering of such an animal and the preparing and packing of meat from such an animal or the crating of meat from such an animal or the sale by such a person of meat which has been marked by a veterinary examiner or veterinary inspector under that Act,

(d) the sale of an animal to a person who is the holder of a manufacturing licence under the Slaughter of Cattle and Sheep Act, 1934 (No. 42 of 1934), for the preparation of meat or meat products from such an animal for human consumption or the sale by such a person of the meat or meat products which he is licensed under that Act to produce,

(e) the sale of an animal to a person licensed under the Emergency Powers (Control of Export) Order, 1940 (S. R. & O., No. 149 of 1940), to export open-pack meat products made from the meat of such animal,

(f) the sale of poultry or a rabbit to a person licensed to export poultry or rabbits under the Emergency Powers (Export of Dead Poultry and Rabbits) Order, 1945, (S. R. & O., No. 141 of 1945),

(g) the sale of eggs otherwise than by retail,

(h) the sale of potatoes to or by a person who is the registered proprietor of a premises included in the register of potato packing premises kept under the Agricultural Produce (Potatoes) Act, 1931

(No. 26 of 1931),

(i) the sale to or by a person who is the registered proprietor of a premises registered under the Dairy Produce Acts, 1924 to 1941, or under the Creamery Acts, 1928 and 1934, of dairy produce within the meaning of the Dairy Produce Act 1924 (No. 58 of 1924),

(j) the sale of wheat to a person who is a registered flour miller or registered wheat dealer under the Agricultural Produce (Cereals) Acts, 1933 to 1939.

(3) In sub-article (2) of this Article, the word " sale " includes offering or keeping for sale.

REG 10

Sale etc., of food exposed to infection.

10. No person shall, without the consent of the local chief medical officer (or, in the case of meat which has been exposed to infection with tuberculosis or salmonella infection, the local chief medical officer or a veterinary officer of the local sanitary authority), sell or offer or keep for sale or use in the manufacture or preparation of food

(a) any article of food (other than milk),

(b) any food animal or

(c) any food material

which he previously knew or could by the exercise of ordinary care have ascertained to have been exposed to infection with a scheduled infectious disease.

REG 11

Seizure and destruction or other disposal of unfit food.

11.—(1) An authorised officer may—

(a) seize, remove and detain any article of food intended for sale for human consumption or any food animal or food material intended for such sale which is or is suspected by him to be diseased, contaminated or otherwise unfit for human consumption and

(b) with the consent in writing of the owner or person in apparent charge or control of such article, animal or material or in accordance with an order of a Justice of the District Court or peace commissioner under sub-article (3) of this Article destroy or otherwise so dispose of same as to prevent it being used for human consumption.

(2) An authorised officer, who has seized any article of food, food animal or food material, may, on giving notice in writing to the owner or person in apparent charge or control of such article, animal or material of his intention to do so, apply to a Justice of the District Court or peace commissioner for an order directing that such article, animal or material be destroyed or otherwise so disposed of as to prevent it being used for human consumption.

(3) A Justice of the District Court or peace commissioner to whom an application is made for an order directing the destruction or disposal of an article of food, food animal or food material shall, if satisfied that such article, animal or material is diseased, contaminated or otherwise unfit for human consumption, order that it be destroyed or otherwise so disposed of as to prevent it being

used for human consumption.

(4) This Article shall not apply to—

- (a) a carcase or part of a carcase of a pig intended for sale to a person who is the holder of a curing licence or a curing and slaughtering licence under the Pigs and Bacon Acts, 1935 to 1940, or a carcase or part of a carcase of a pig or bacon or offals, in the possession of such a person,
- (b) an animal intended for sale to or in the possession of a person who is the registered proprietor or a registered licensee of a premises registered under the Agricultural Produce (Fresh Meat) Act, 1930, for the slaughtering of such an animal and the preparing and packing of meat from such an animal or the crating of meat from such an animal,
- (c) an animal intended for sale to a person who is the holder of a manufacturing licence under the Slaughter of Cattle and Sheep Act, 1934 (No. 42 of 1934), for the preparation of meat or meat products from such an animal for human consumption or an animal or part of an animal or meat or meat products in the possession of a person who is licensed to produce such products from such an animal under that Act,
- (d) an animal intended for sale to a person licensed under the Emergency Powers (Control of Export) Order, 1940 (S. R. & O., No. 149 of 1940), to export open-pack meat products made from the meat of such an animal,
- (e) poultry or a rabbit intended for sale to a person licensed to export poultry and rabbits under the Emergency Powers (Export of Dead Poultry and Rabbits) Order, 1945 (S. R. & O., No. 141 of 1945),
- (f) eggs, except when intended for sale by retail,
- (g) potatoes intended for sale to or in the possession of a person who is the registered proprietor of a premises included in the register of potato packing premises kept under the Agricultural Produce (Potatoes) Act, 1931 (No. 26 of 1931),
- (h) dairy produce within the meaning of the Dairy Produce Act, 1924 (No. 58 of 1924), intended for sale to or in the possession of a person who is the registered proprietor of a premises registered under the Dairy Produce Acts, 1924 to 1941, or under the Creamery Acts, 1928 and 1934.

Chapter II.—Importation of Unfit Food.

REG 12

Importation of unfit food.

12. A person who imports into the State any article of food intended for sale for human consumption, any food animal or any food material which is diseased, contaminated or otherwise unfit for human consumption shall—

- (a) notify the chief medical officer of the district in which it is or, in the case of cereals a cereals officer acting in such district, that it is or is suspected to be diseased, contaminated or otherwise unfit for human consumption,
- (b) comply with such directions as the said chief medical officer or the said cereals officer may give as to the place in which and the conditions under which it may be kept and
- (c) destroy it, re-export it, do such things as may be approved by

the said chief medical officer for the purpose of rendering it fit for human consumption or, with the approval of the said chief medical officer or the said cereals officer, otherwise dispose of it.

REG 13

Prohibition of importation of unfit food.

13.—(1) Where an article of food intended for sale for human consumption, a food animal or food material has been or is about to be imported into the State, the local chief medical officer may make a prohibition order in relation thereto if—

(a) on examination of such article, animal or material or
(b) on consideration of the report of an authorised officer who has examined such article, animal or material,
he is of opinion that it is diseased, contaminated or otherwise unfit for human consumption.

(2) Where a consignment of articles of food intended for sale for human consumption, food animals or food material has been or is about to be imported into the State, the local chief medical officer may make a prohibition order in relation thereto or to a specified part thereof if—

(a) on examination of a sample of such consignment or
(b) on consideration of the report of an authorised officer who has examined a sample of such consignment,
he is of opinion that such consignment or a specified part thereof is diseased, contaminated or otherwise unfit for human consumption.

(3) Where a consignment of cereals has been or is about to be imported into the State for sale for human consumption, a cereals officer may make a prohibition order in relation thereto or to a specified part thereof if on examination of a sample of such consignment he is of opinion that such consignment or a specified part thereof is diseased, contaminated or otherwise unfit for human consumption.

(4) Any person aggrieved by a prohibition order may request in writing the person by whom the order was made to have it reviewed by a Justice of the District Court or peace commissioner and thereupon the latter person shall make arrangements to have the order reviewed by a Justice of the District Court or peace commissioner and shall notify the person aggrieved of these arrangements.

(5) Where a Justice of the District Court or peace commissioner to whom an application is made to review a prohibition order is satisfied that an article of food, food animal, food material or a consignment, or part of a consignment thereof to which the order relates is not diseased, contaminated or otherwise unfit for human consumption, he shall make an order (a copy of which shall be given to the person who made the prohibition order) annulling the prohibition order in so far as it relates thereto, and the person who made the prohibition order shall inform the aggrieved person of the annulment.

(6) No person shall—

(a) in contravention of a prohibition order import into the State or remove from the place of importation (except in accordance with the approval of the person who made the order) any article of food

intended for sale for human consumption, food animal or food material or

(b) contravene any condition specified in a prohibition order.

(7) This Article shall not apply to cereals, bran, flour or oatmeal imported by a person who is for the time being the holder of a licence granted by the Minister exempting him from compliance with this Article.

(8) In this Article the expression " prohibition order " means an order in writing made by a chief medical officer or a cereals officer prohibiting, either absolutely or unless specified conditions are complied with, the importation or removal from the place of importation of an article of food intended for sale for human consumption, a food animal, or food material or a consignment or part of a consignment thereof.

REG 14

Restrictions on importation of meat and meat products.

14. No person shall import for sale for human consumption or for use as food material—

(a) any meat or meat product without an official certificate unless such meat is imported from Northern Ireland, Great Britain, the Isle of Man or the Channel Islands or

(b) any meat which is prohibited meat.

REG 15

Notification of proposed importation of food.

15.—(1) The local chief medical officer may require that a particular importer, all importers of a specified class or all importers of a particular food or of food, food animals, or food material of a specified class shall notify him or an authorised officer nominated by him beforehand of his intention to import any such food, food animal or food material.

(2) An importer shall comply with a requirement made under sub-article (1) of this Article and shall also give the chief medical officer or authorised officer such information as he may reasonably require as to the nature of the article, animal or material proposed to be imported and the importation thereof.

REG 16

Saver in relation to personal baggage, parcel post and food served on vehicles, vessels and aircraft.

16. This Chapter of this Part of these Regulations shall not apply to—

(a) an article of food, a food animal or food material imported by parcel post or in the personal baggage of the importer or

(b) an article of food, a food animal or food material on a vehicle, vessel or aircraft which is intended for consumption or use on such vehicle, vessel or aircraft.

REG 17

Duties and powers of officers of customs and excise.

17.—(1) Where the duties of an officer of customs and excise with respect to the examination of a cargo or consignment comprising articles of food, food animals or food material have not been wholly discharged, an examination of an article of food, food animal or food material for the purposes of these Regulations shall not be made without the consent of the officer of customs and excise.

(2) An officer of customs and excise shall afford all reasonable facilities for the examination of an article of food, food animal, or food material for the purposes of these Regulations.

(3) An officer of customs and excise may, if requested by the local chief medical officer, detain an article of food, food animal or food material for examination by such chief medical officer or an authorised officer.

(4) Where the local chief medical officer requests an officer of customs and excise to detain an article of food, food animal or food material under this Article, the chief medical officer shall notify the importer accordingly and shall also in due course inform the officer of customs and excise as to when and under what conditions the detention may be terminated.

Chapter III.—Inspection of Articles of Food, Sampling, etc.

REG 18

Inspection of articles of food.

18.—(1) The local chief medical officer or an authorised officer may at all reasonable times inspect at or in any place in the area in which he acts or in a vehicle, vessel or aircraft in such area any article of food which is intended for sale for human consumption or which is being sold for human consumption or any food animal or food material.

(2) A proprietor of a food premises or any other person carrying on a food business, a master of a ship, a commander of an aircraft or any person in charge for the time being of an article of food, a food animal or food material shall afford

(a) all reasonable facilities for an inspection under sub-article (1) of this Article, including where required the unpacking or uncovering of such article, animal or material and

(b) such other facilities as may reasonably be required for the purposes of these Regulations.

REG 19

Taking of samples.

19. The local chief medical officer or an authorised officer engaged in the enforcement of these Regulations may take (without payment) a sample of food intended for sale for human consumption or of material or articles used in the preparation or manufacture of such food or of articles which are by-products of the manufacture of such food.

REG 20

Restriction on movement of food.

20.—(1) Where the local chief medical officer or an authorised officer takes under Article 19 of these Regulations a sample and intends to arrange to have a test of the sample made, he may direct in writing that, for such specified time as may be necessary to have the test made and the result of the test made known to him, the food, articles, material or by-products from which the sample was taken be not moved or be moved to a specified place until such test is completed.

(2) A person shall not move any food, articles, material or by-product in contravention of a direction given under sub-article (1) of this Article.

REG 21

Records as to origin and distribution of food.

21.—(1) The proprietor of a food premises or any other person carrying on a food business shall keep a record in writing of the persons from whom and the date on which any food, food animals or food material (being food, food animals or food material, the sale of which in a condition unfit for human consumption by such person would constitute a contravention of Article 9 of these Regulations) is obtained by him and, except in the case of a retail business, the persons to whom such food, food animals or food material is distributed and shall produce such record when required for inspection by an authorised officer.

(2) The proprietor of a food premises or any other person carrying on a food business or any person for the time being in charge of an article of food, a food animal or food material, shall give to an authorised officer any information he may require as to the origin or proposed destination of any article of food, food animal or food material in his charge.

REG 22

Persons to carry out tests.

22. The Minister may after consultation with the Minister for Agriculture approve a person or a particular class of persons (defined in such way as the Minister thinks fit) to be responsible for carrying out tests or a specified class of tests under these Regulations.

REG 23

Tests.

23.—(1) A health authority may make arrangements with a person approved under Article 22 of these Regulations for the testing of a sample or of part of a sample taken under these Regulations or procured in the district of the health authority under the Sale of Food and Drugs Acts, 1875 to 1936 or which otherwise comes into

the possession of the health authority or of any of their officers.

(2) A person with whom an arrangement is made by a health authority under this Article shall—

(a) as soon as practicable carry out or have carried out under his general supervision and direction on the sample or part of a sample such tests as he is approved to carry out and as may be necessary to ascertain whether there has been in respect of the food, article or material from which the sample was taken, a contravention of these Regulations and

(b) furnish a certificate in a form approved by the Minister (after consultation with the Minister for Agriculture) as to the result of such test.

(3) A certificate given under sub-article (2) of this Article shall as respects the sample on which or on part of which the test was made, be evidence for all purposes of the result of such test.

PART III.

FOOD PREMISES AND STALLS. TRANSPORT AND HANDLING OF FOOD.

REG 24

Savers for Part III in relation to certain classes of food businesses and food premises.

24.— (1) This Part of these Regulations (except Articles 33 and 34) shall not apply to—

(a) a food premises or that part of a food premises in which no food business is carried on other than that of a dairyman, within the meaning of the Milk and Dairies Act, 1935 (No. 22 of 1935), or

(b) a food business which is the business of a dairyman within the meaning of the said Act and comprises no other food business or

(c) the transport of milk in connection with the business of a dairyman within the meaning of the said Act.

(2) Article 25 of these Regulations shall not apply to a food premises or that part of a food premises—

(a) in respect of which a curing licence or curing and slaughtering licence under the Pigs and Bacon Acts, 1935 to 1940, is for the time being in force, and in which no food business other than the business to which such licence relates is carried on,

(b) which is registered under the Agricultural Produce (Fresh Meat) Act, 1930 (No. 10 of 1930) and in which no food business is carried on other than the slaughtering of animals and the preparation and packing of meat or the crating of meat,

(c) in which no food business is carried on except a food business in respect of which a licence under Part VII of the Slaughter of Cattle and Sheep Act, 1934 (No. 42 of 1934), is for the time being in force,

(d) in which no food business is carried on other than the preparation of open-pack meat products for export under a licence granted under the Emergency Powers (Control of Export) Order, 1940 (S.R. & O. No. 149 of 1940),

(e) which is a premises licensed under the Emergency Powers (Export of Dead Poultry and Rabbits) Order, 1945 (S. R. & O., No. 141 of 1945) and in which no food business is carried on other than the

preparation for sale or export of dead poultry or rabbits,
 (f) which is registered under the Agricultural Produce (Eggs) Act, 1939 (No. 2 of 1939), otherwise than in the register of retailers kept under that Act and in which no food is dealt with except eggs,
 (g) which is registered under the Agricultural Produce (Potatoes) Act, 1931 (No. 26 of 1931) and in which no food business is carried on except the business of grading and packing potatoes, or
 (h) a food premises or part of a food premises in which no food business is carried on other than the manufacture of dairy produce within the meaning of the Dairy Produce Act, 1924, (No. 58 of 1924).

(3) Article 25 of these Regulations shall not apply to a food premises or that part of a food premises—
 (a) in which two or more different classes of food business are carried on and
 (b) to which the said Article would not apply if each class of business were carried on separately in the premises or the part thereof.

(4) Articles 28 and 29 of these Regulations shall not apply to—
 (a) the conveyance of bacon where such conveyance is governed by Regulations made by the Minister for Agriculture under Section 46 of the Pigs and Bacon Act, 1935 (No. 24 of 1935) or
 (b) the conveyance of eggs where such conveyance is governed by Regulations made by the Minister for Agriculture under Section 50 of the Agricultural Produce (Eggs) Act, 1939 (No. 2 of 1939).

REG 25

Food premises.

25. The following provisions shall be complied with in relation to a food premises and a food business carried on in connection therewith by the proprietor thereof :—

- (1) the walls, ceilings, floors, doors, windows and all parts of the premises shall be kept in a proper state of repair and in a clean and hygienic condition ;
- (2) except in the case of an artificially refrigerated room suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained ;
- (3) suitable and sufficient means of lighting shall be provided and each part of the premises shall be kept adequately lighted for the purpose for which it is used ;
- (4) (i) a suitable and sufficient supply of water shall be maintained and for this purpose the health authority may, if they think fit, require that the premises be connected in a specified manner with a public water supply or with an existing pipe which is itself connected with a public water supply,
 (ii) a sufficient number of suitable washing basins shall be provided for the use of the food workers in a readily accessible position and, if reasonably practicable, adjacent to sanitary accommodation and
 (iii) a sufficient supply of water, soap and clean towels or other suitable means of drying shall be provided for the use of the food workers ;
- (5) no sanitary convenience, dustbin or ashpit shall be within, or

communicate directly with any food room, or be so placed that offensive odours therefrom can penetrate into a food room ;

(6) (i) no cistern for the supply of water to any food room shall be so connected with a sanitary convenience or a drain as to make it possible for the water in the cistern to be contaminated ;

(ii) there shall not be within a food room any outlet for the ventilation of a drain, or, except with the approval of the health authority, an inlet into any drain containing sewerage or foul water ;

(7) a sufficient number of suitable sanitary conveniences shall be provided for the use of the food workers either in the premises or in some other suitable adjacent place ;

(8) where required by the health authority a sufficient number of suitable notices shall be displayed prominently in or near the sanitary conveniences provided, instructing food workers to wash their hands after using a convenience ;

(9) no food room shall be used as a sleeping place and, except with the approval of the local chief medical officer, no room adjoining a food room and communicating therewith otherwise than through the open air or an intervening ventilated space shall be used as a sleeping place ;

(10) no machinery or apparatus shall be used in contact with food or food material or kept in a food premises for use in contact with food or food material unless it is constructed and adjusted so as to prevent the contamination of food or food material by dirt from the mechanism ;

(11) no machinery, apparatus, container, utensil, table or other equipment shall be used in contact with food or food material or kept in the food premises for use in contact with food or food material unless it is readily cleanable, is free from corrosion, and is kept in a clean and hygienic condition ;

(12) (i) no container or utensil which is chipped or cracked shall be used in contact with food or food material which is in such a state as to be ready for human consumption or be kept in the food premises for use in contact with such food or food material;

(ii) no container or utensil which is chipped or cracked shall be served for use in the consumption of food by persons, or kept in the food premises for such use ;

(iii) no container or utensil which is chipped or cracked or otherwise damaged shall be used where such use would be likely to permit food or food material to be rendered diseased, contaminated or otherwise unfit for human consumption; and

(iv) a single-service utensil shall be used on one occasion only ;

(13) suitable and sufficient facilities shall be provided and maintained for the washing and cleaning of the premises and the machinery, apparatus, containers, utensils, tables and other equipment and for this purpose a suitable and sufficient supply of hot and cold water and equipment for washing and drying such equipment shall be provided ;

(14) no refuse or filth shall be deposited or allowed to accumulate in a food room except in so far as may be unavoidable for the proper carrying on of the trade or business for which the room is used ;

(15) all waste and garbage (other than clean waste paper, boxes and similar materials and articles) shall, until destroyed or removed

from the food premises, be kept in suitable containers, a sufficient number of which shall be provided for that purpose by the proprietor ;

(16) adequate measures shall be taken for preventing the contamination of food by foreign matter or unnecessary handling or by rats, mice or insects or otherwise, and these measures shall, where an authorised officer enforcing this provision of these Regulations requires, include the distribution or spraying of an insecticide in the premises in such manner and such places and at such intervals as that officer may require ;

(17) unprotected food shall not be placed or kept in a position where it would be likely to be contaminated by animals or otherwise;

(18) only wrappers made of clean paper or other suitable material shall be used to wrap food;

(19) food or food material which would be adversely affected by heat shall be kept in a cool place ;

(20) ice used in, or in connection with, the food business shall be made of potable water, and shall be kept clean ;

(21) cats shall not be allowed into a food room unless suitable precautions are taken to prevent their access to food stored, displayed or kept for sale for human consumption ;

(22) dogs shall not be kept on the food premises save with the consent of the local chief medical officer and in accordance with any conditions he may impose and reasonable precautions shall be taken to exclude dogs which are not leashed from the food premises;

(23) clothes other than overalls or other clothing worn specially while at work in the food business shall not be stored in a room where food is manufactured or prepared or in or on a cabinet, cupboard, shelf or similar place where food is stored ;

(24) in addition to the matters specifically provided for in this Article, the proprietor of the food premises shall take every other reasonable precaution to prevent danger to the public health arising from the food business and to prevent the contamination of food in the food premises.

REG 26

Food stalls.

26. The following provisions shall be complied with by the stall-holder in relation to a food stall and the food business carried on in connection therewith :—

(1) the food stall shall be soundly constructed of suitable materials and shall be kept in a proper state of repair and in a clean and hygienic condition ;

(2) the food stall, while not in use, shall be stored in a clean place ;

(3) the food business shall not be carried on in any place near a sanitary convenience, an accumulation of refuse or filth, or where animals are kept ;

(4) the food stall shall not be used as a sleeping place ;

(5) no machinery or apparatus shall be used in contact with food or food material or kept at the food stall for use in contact with food or food material unless it is constructed and adjusted so as to prevent the contamination of food or food material by dirt from the mechanism ;

- (6) no machinery, apparatus, container, utensil, table or other equipment shall be used in contact with food or food material or kept at the food stall for use in contact with food or food material unless it is readily cleanable, is free from corrosion, and is kept in a clean and hygienic condition ;
- (7) (i) no container or utensil which is chipped or cracked shall be used in contact with food or food material which is in such a state as to be ready for human consumption or be kept at the food stall for use in contact with such food or food material ;
- (ii) no container or utensil which is chipped or cracked shall be served for use in the consumption of food by persons or kept at the food stall for such use ;
- (iii) no container or utensil which is chipped or cracked or otherwise damaged shall be used where such use would be likely to permit food or food material to be rendered diseased, contaminated or otherwise unfit for human consumption ;
- (iv) a single-service utensil shall be used on one occasion only ;
- (8) all waste and garbage (other than clean waste paper, boxes and similar materials and articles) shall, until destroyed or removed from the vicinity of the stall, be kept in suitable containers, a sufficient number of which shall be provided for that purpose by the stall-holder ;
- (9) adequate measures shall be taken for preventing the contamination of food by foreign matter or unnecessary handling or by rats, mice or insects or otherwise and these measures shall, where an authorised officer enforcing this provision of these Regulations requires, include the distribution or spraying of an insecticide in such manner and in such places on, in, under and around the stall as that officer may require ;
- (10) unprotected food shall not be exposed for sale at the food stall unless the stall is so constructed as to prevent the contamination of food exposed for sale and in no case shall unprotected food be exposed in such manner that it is likely to be contaminated by animals or otherwise ;
- (11) only wrappers made of clean paper or other suitable material shall be used to wrap food;
- (12) food or food material which would be adversely affected by heat shall be kept in a cool place ;
- (13) ice used in or in connection with the food business shall be made of potable water and shall be kept clean ;
- (14) in addition to the matters specifically provided for in this Article, the stall-holder shall take every other reasonable precaution to prevent danger to the public health arising from the food business carried on in connection with the stall and to prevent the contamination of food at the stall.

REG 27

Food businesses carried on otherwise than at food premises and food stalls.

27. The following provisions shall be complied with in relation to a food business carried on otherwise than at a food premises or a food stall by the person carrying on such business :—

- (1) any box, basket or other container used or intended for use in connection with such business shall be soundly constructed of

suitable materials and shall be kept in a proper state of repair and in a clean and hygienic condition ;

(2) any such container, while not in use, shall be stored in a suitable place ;

(3) the food business shall not be carried on in any place which is near a sanitary convenience, an accumulation of refuse or filth or where animals are kept ;

(4) no machinery or apparatus shall be used in contact with food or food material or kept for use in contact with food or food material unless it is constructed and adjusted so as to prevent the contamination of food or food material by dirt from the mechanism ;

(5) no machinery, apparatus, container, utensil or other equipment shall be used in contact with food or food material or kept for use in contact with food or food material, unless it is readily cleanable, is free from corrosion and is kept in a clean and hygienic condition ;

(6) (i) no container or utensil which is chipped or cracked shall be used in contact with food or food material which is in such a state as to be ready for human consumption or be kept for use in contact with such food or food material ;

(ii) no container or utensil which is chipped or cracked shall be served for use in the consumption of food by persons or kept for such use ;

(iii) no container or utensil which is chipped or cracked or otherwise damaged shall be used where such use would be likely to permit food or food material to be rendered diseased, contaminated or otherwise unfit for human consumption ;

(iv) a single-service utensil shall be used on one occasion only ;

(7) adequate measures shall be taken for preventing the contamination of food by foreign matter or unnecessary handling or by insects or otherwise ;

(8) unprotected food shall not be exposed for sale in connection with the food business except in a suitable container and unless suitable precautions are taken to prevent the infection or contamination of the food ;

(9) only wrappers made of clean paper or other suitable material shall be used to wrap food ;

(10) food or food material which would be adversely affected by heat shall be kept in a cool place ;

(11) ice used in or in connection with the food business shall be made of potable water and shall be kept clean ;

(12) in addition to the matters specifically provided for in this Article, the person carrying on the food business shall take every other reasonable precaution to prevent danger to the public health arising from the food business and to prevent the contamination of food dealt with in the food business.

REG 28

Food vehicles

28. The proprietor of a food business in connection with which a food vehicle is for the time being in use shall in relation to such food vehicle and the conveyance of food and food material therein comply with the following provisions :—

- (1) the food vehicle shall be so constructed as to prevent the contamination of food carried therein and shall be kept in a proper state of repair and in a clean and hygienic condition;
- (2) adequate measures shall be taken for the prevention of the contamination of food in or on the food vehicle by foreign matter, or unnecessary handling or by rats, mice or insects or otherwise and these measures shall, where an authorised officer enforcing this provision of these Regulations requires, include the distribution or spraying of an insecticide in the vehicle in such manner and such places and at such intervals as that officer may require;
- (3) the part of the food vehicle in which food is or is intended to be conveyed shall not be used as a sleeping place.

REG 29

Transport of food otherwise than in food vehicle.

29. The proprietor of a food business shall in relation to the transport of food otherwise than in a food vehicle comply with the following provisions :—

- (1) any container for such transport shall be so constructed as to prevent the contamination of food carried therein and shall be kept in a proper state of repair and in a clean and hygienic condition
- (2) adequate measures shall be taken for the prevention of contamination of the food by foreign matter or unnecessary handling or by insects or otherwise ;
- (3) where the food is unwrapped and is of such kind as is intended to be or is customarily eaten without being cleaned or cooked, it shall be kept in a covered container.

REG 30

Food in impermeable containers.

30. The proprietor of a food business shall in relation to the importation, storage, distribution or exposure for sale of food intended for sale for human consumption or of food material in an impermeable container, comply with the following provisions :—

- (1) adequate precautions shall be taken to prevent any damage to the container which might lead to the contamination of the food or food material ;
- (2) the container shall be kept in such a clean and hygienic condition as to prevent the contamination of the food or food material while being taken out of it ;
- (3) in addition to the foregoing matters, every reasonable precaution shall be taken to prevent the contamination of food or food

material in the container.

REG 31

Food worker.

31. A food worker, while engaged on any work in connection with a food business :—

- (1) shall keep himself clean and shall, in particular
 - (a) wash his hands immediately after using a sanitary convenience, and
 - (b) wash his hands and (if they are uncovered while engaged on his work) his forearms at other times as often as may be necessary to keep them clean ;
- (2) shall wear clean outer clothing ;
- (3) shall maintain all machinery, apparatus, utensils, tables or other equipment used in contact with food or food material for which he is responsible in a clean and hygienic condition ;
- (4) shall not unnecessarily handle food or food material ;
- (5) shall not spit or engage in any other unhygienic practice in such proximity to food as to be liable to cause contamination or infection thereof ;
- (6) shall not cause any contravention of these Regulations ;
- (7) shall, in addition to the foregoing matters, take every other reasonable precaution to prevent the contamination of food and to prevent danger to the public health arising from his work in the food business and his presence in the place where the food business is carried on.

REG 32

Precautions by persons other than food workers.

32. While in any place where a food business is carried on a person who is not a food worker or a food worker who is not for the time being engaged on work in connection with a food business—

- (1) shall not spit or engage in any other unhygienic practice in such proximity to food as to be liable to cause contamination or infection thereof ;
- (2) shall not unnecessarily handle food or food material ;
- (3) shall take all reasonable precautions to prevent danger to the public health and to prevent the contamination of food.

REG 33

Restriction on employment of infected persons, etc.

33.—(1) A person who for the time being is a probable source of infection with a scheduled infectious disease or is suffering from any boil, septic sore or other skin ailment on the hand or forearm which could contaminate or infect food shall not perform any work in connection with a food business save by and in accordance with the permission of the local chief medical officer.

(2) A proprietor of a food business shall not allow any person who is a probable source of infection with a scheduled infectious disease or who is suffering from any boil, septic sore or other skin ailment on the hand or forearm which could contaminate or infect food to work in connection with a food business save by and

in accordance with the permission of the local chief medical officer.

(3) When a person proposes to take up employment in connection with a food business, the proprietor shall require him to state (in writing if so required) whether he is suffering from or is a probable source of infection with a scheduled infectious disease or whether he has ever suffered from typhoid or paratyphoid, and such person shall to the best of his knowledge comply with such request.

REG 34

Suspension of food business.

34.—(1) Whenever, as respects any food premises or any food stall or food vehicle used in connection with a food business the Minister is of opinion (whether as a result of information received from a health authority or otherwise) that there is grave and immediate danger that food intended for sale for human consumption or food material may become so diseased, contaminated or otherwise unfit for human consumption as to be liable to cause serious illness if consumed (whether as a constituent of a food or otherwise) he may by order direct that such premises, stall or vehicle be not used in connection with a food business.

(2) The Minister shall cause a copy of any order made under this Article to be given or sent by post in a prepaid registered envelope to the health authority for the district and to the person carrying on the food business.

(3) The Minister may, at any time, revoke an order made by him under this Article.

(4) Any person aggrieved by an order made by the Minister under this Article may, not later than fourteen days after the making of such order, apply to the Justice of the District Court having jurisdiction in the district court area in which the premises to which the order relates is situate or the stall or vehicle to which the order relates is ordinarily situate, for the annulment of the order, and on such application, such Justice may, as he thinks fit, annul or confirm the order.

(5) No person shall carry on a food business at any premises, stall or vehicle in respect of which an order under this Article is for the time being in force.

PART IV.

REGISTRATION OF FOOD PREMISES.

REG 35

Commencement of Part IV.

35.—(1) This Part of these Regulations shall come into operation on a day or days to be fixed by order or orders made by the Minister under this Article.

(2) An order made under this Article may bring some or all of the provisions of this Part of these Regulations into operation—

(a) in a specified area which may be the State or in a specified class or classes of areas and

(b) in respect of all food premises in such area or areas or food

premises of a particular class or classes (defined in such way as the Minister thinks fit) in such area or areas.

(3) An order shall not be made under this Article in relation to butchers' shops or pork butchers' shops save after consultation with the Minister for Agriculture.

REG 36

Definitions for Part IV.

36. In this Part of these Regulations—
the expression " the appropriate provisions " means the provisions of Part III of these Regulations and the expression " the commencement day " means, in respect of any area or class of food premises, the day on which this Part of these Regulations (except Article 38) is brought into operation in such area or in respect of such class of premises.

REG 37

Saver in relation to certain premises.

37.—(1) This Part of these Regulations shall not apply to a food premises or part of a food premises—

- (a) to which Article 25 of these Regulations does not apply or
- (b) which is a slaughterhouse or
- (c) which is a mill or store registered under the Agricultural Produce (Cereals) Acts, 1933 to 1939.

(2) The provisions of this Part of these Regulations (except Article 38) shall not apply to an occasional food premises.

REG 38

Premises used occasionally as food premises.

38.—(1) A food business shall not be carried on in an occasional food premises more often than on one day in any period of three months except under and in accordance with a permit of the local health authority.

(2) A permit given by a health authority under this Article shall be in the form FHA in the Schedule hereto or a form to the like effect and may contain such conditions (including conditions limiting the nature of the food business that may be carried on) as the health authority think fit.

REG 39

Register of Food Premises.

39.—(1) Every health authority shall cause to be kept in the form FHB in the Schedule hereto or a form to the like effect a register, to be known as the Register of Food Premises.

(2) There shall be registered in the Register of Food Premises the matters required by these Regulations to be registered therein and such other matters as may from time to time be required by the Minister or the health authority to be registered therein.

REG 40

Application for registration of food premises.

40.—(1) A person who, on the commencement day, is carrying on or proposes to commence a food business in a premises shall, within one month of the commencement day, apply in the form FHC in the Schedule hereto or a form to the like effect to the local health authority for the registration of the premises.

(2) A person who, after the commencement day proposes to commence any food business in a premises, shall as soon as may be apply in the form FHC in the Schedule hereto or a form to the like effect to the local health authority for registration of the premises.

REG 41

Consideration of applications for registration.

41.—(1) Where an application for registration of a food premises is made within five months after the commencement day, the local health authority shall within six months of the commencement day inform the applicant of any alterations in respect of the premises which must be carried out to comply with these Regulations.

(2) Where an application for registration of a food premises is made more than five months and less than ten months after the commencement day, the local health authority shall, within one month of such application being made, inform the applicant of any alterations in respect of the premises which must be carried out to comply with these Regulations.

REG 42

Registration, provisional registration, and refusal of registration.

42.—(1) Where an application for registration of a food premises is made within eleven months after the commencement day, the local health authority shall—

(a) if the appropriate provisions are complied with in respect of the premises and there are suitable facilities for compliance with the appropriate provisions in respect of the food business carried on thereat, register the premises as on and from a day one year after the commencement day and notify the applicant for registration that the premises have been so registered ;

(b) if one or more of the appropriate provisions are not complied with in respect of the premises or there are not suitable facilities for compliance with the appropriate provisions in respect of the food business carried on thereat but they consider it expedient to permit the food business to be carried on pending and subject to arrangements being made to comply with the said provisions—

(i) register the premises for such period as they think fit not exceeding six months and commencing on a day one year after the

commencement day,

(ii) notify the applicant for registration that the premises have been so registered, and

(iii) inform him of the measures necessary to comply with the appropriate provisions which are not complied with in respect of the premises or the food business carried on thereat ;

(c) if one or more of the appropriate provisions are not complied with in respect of the premises or there are not suitable facilities for compliance with the appropriate provisions in respect of the food business carried on thereat and they do not consider it expedient to permit the food business to be carried on in the premises, refuse to register the premises and issue to the applicant for registration a notice informing him of such refusal and of the grounds therefor.

(2) Where an application for registration of a food premises is made eleven months or more after the commencement day, the local health authority within one month shall—

(a) if the appropriate provisions are complied with in respect of the premises and there are suitable facilities for compliance with the appropriate provisions in respect of the food business carried on thereat, register the premises and notify the applicant for registration that the premises have been so registered ;

(b) if one or more of the appropriate provisions are not complied with in respect of the premises or there are not suitable facilities for compliance with the appropriate provisions in respect of the food business carried on thereat but they consider it expedient to permit the food business to be carried on pending and subject to arrangements being made to comply with the said provisions—

(i) register the premises for such period not exceeding six months as they think fit,

(ii) notify the applicant for registration that the premises have been so registered, and

(iii) inform him of the measures necessary to comply with the appropriate provisions which are not complied with in respect of the premises or the food business carried on thereat ;

(c) if one or more of the appropriate provisions are not complied with in respect of the premises or there are not suitable facilities for compliance with the appropriate provisions in respect of the food business carried on thereat and they do not consider it expedient to permit the food business to be carried on in the premises, refuse to register the premises and issue to the applicant for registration a notice informing him of such refusal and of the grounds therefor.

REG 43

Procedure subsequent to granting of provisional registration.

43.—(1) Where a food premises is registered provisionally under Article 42 of these Regulations, the health authority, before the expiration of the period for which the premises is so registered, shall—

(a) if the appropriate provisions are complied with in respect of the premises and the food business carried on thereat, register the premises unprovisionally and inform the applicant for registration

that the premises have been so registered ;

(b) if one or more of the appropriate provisions are still not complied with in respect of the premises or the food business carried on thereat but they consider it expedient to continue to permit the food business to be carried on pending and subject to arrangements being made to comply with the said provisions, continue the provisional registration of the premises for such period not exceeding six months as they think fit and inform the registered proprietor of such continuance ;

(c) if one or more of the appropriate provisions are still not complied with in respect of the premises or the food business carried on thereat and they do not consider it expedient to continue to permit the food business to be carried on in the premises, refuse to register the premises for any further period and issue to the applicant for registration, a notice informing him of such refusal and of the grounds therefor.

(2) Where the provisional registration of a food premises is continued for a specified period not exceeding six months under paragraph (b) of sub-article (1) of this Article, the health authority, before the expiration of that period, shall—

(a) if the appropriate provisions are complied with in respect of the premises and the food business carried on thereat, register the premises unprovisionally and inform the applicant for registration that the premises have been so registered ;

(b) if one or more of the appropriate provisions are still not complied with in respect of the premises or the food business carried on thereat, refuse to register the premises for any further period and issue to the applicant for registration a notice informing him of such refusal and of the grounds therefor.

REG 44

Rectification and cancellation of entries in Register of Food Premises in certain circumstances.

44.—(1) Where a food business in a registered food premises is transferred from the registered proprietor to another person, the registered proprietor shall notify the health authority accordingly in writing and the health authority shall alter the entry relating to such premises in the Register of Food Premises by substituting the name of such person for that of the registered proprietor and such person shall thereafter become and be the registered proprietor in respect of such premises.

(2) A health authority may at any time alter or cancel any entry in the Register of Food Premises kept by them upon the application in writing of the registered proprietor, or, where such registered proprietor is an individual, of his personal representative or, where such registered proprietor is a body corporate, of the liquidator.

(3) A health authority may at any time without application from the registered proprietor cancel the registration of a food premises if—

(a) they are satisfied that the registered proprietor, if an individual, has died, or if a body corporate, has been dissolved and no person has within three months after such death or dissolution notified the health authority that the food business has been transferred to him; or

(b) they are satisfied that a food business is no longer being

carried on in the premises.

(4) A health authority shall, at least fourteen clear days before cancelling the registration of a food premises under paragraph (b) of sub-article (3) of this Article, address to the registered proprietor at the food premises a notice in writing of their intention to do so.

(5) Where a health authority alter or cancel under this Article an entry in the Register of Food Premises, they shall notify in writing the registered proprietor or, where appropriate, the personal representative or liquidator, of such alteration or cancellation.

REG 45

Cancellation and suspension of registration by the Minister.

45—(1) Where the registered proprietor of a food premises is convicted of an offence under the Act by reason of a contravention of any of the appropriate provisions, the health authority shall, within one year after such conviction, cause such inquiries as they think fit to be made to enable them to determine whether any of the appropriate provisions are not being complied with in respect of the food premises or the food business carried on thereat and if, as a result of any such inquiry, the health authority are satisfied that any of the appropriate provisions are not being complied with they may at any time within such year serve a notice on the registered proprietor in the form FHD in the Schedule hereto or a form to the like effect stating that they intend to apply not earlier than one month later to the Minister for an order cancelling the registration of the food premises.

(2) If, after the expiration of one month from the serving of a notice on the proprietor of a registered food premises under sub-article (1) of this Article, the health authority are of opinion that any of the appropriate provisions referred to in the notice served under the said sub-article are still not being complied with in respect of the registered food premises or the food business carried on thereat, they may apply to the Minister for an order cancelling the registration of the premises.

(3) Where an application is made to the Minister under sub-article (2) of this Article, he may either

(a) by order cancel the registration of the food premises from a specified day and have copies of the order sent to the health authority and to the registered proprietor at the food premises, or

(b) by order suspend the registration of the food premises from a specified day for a specified period and have copies of the order sent to the health authority and to the registered proprietor at the food premises, or

(c) inform the health authority and the said registered proprietor that he does not propose to make an order cancelling or suspending the registration of the food premises.

(4) If, at any time within one year of the registered proprietor of a food premises being convicted of an offence under the Act by reason of a contravention of any of the appropriate provisions, the Minister is of opinion that any of the appropriate provisions are not being complied with in respect of the food premises or the food business carried on thereat, he may cause a notice in the form FHE in the Schedule hereto, or a form to the like effect to

be served on the registered proprietor stating that, unless the appropriate provisions are complied with, he intends, not earlier than one month later, to make an order cancelling or suspending the registration of the food premises.

(5) If, after the expiration of one month from the serving of a notice on the proprietor of a registered food premises under sub-article (4) of this Article, the Minister is of opinion that any of the appropriate provisions are not being complied with in respect of the registered food premises or the food business carried on thereat, he may—

(a) by order cancel the registration of the food premises from a specified day and have copies of the order sent to the health authority and to the registered proprietor at the food premises, or
(b) by order suspend the registration of the food premises from a specified day for a specified period and have copies of the order sent to the health authority and to the registered proprietor at the food premises.

(6) A notice under this Article may be served either by delivering it to the registered proprietor or by sending it by post in a prepaid registered envelope addressed to the registered proprietor at the registered food premises.

(7) Where the registration of a food premises is suspended by an order of the Minister made under this Article, the Minister may, if, at the expiration of the period of suspension, he is satisfied that any of the appropriate provisions are not complied with in respect of the food premises or that there are not suitable facilities for compliance with the appropriate provisions in respect of the food business carried on thereat, by order extend the period of suspension of the registration of the food premises or cancel the registration of the food premises.

(8) Any person aggrieved by an order made by the Minister under paragraph (a) or (b) of sub-article (3) or under sub-article (5) or (7) of this Article may, not later than fourteen days after the making of such order, apply to the Justice of the District Court having jurisdiction in the district court area in which the premises to which the order relates is situated for the annulment of such order and on such application such Justice may, as he thinks fit, annul or confirm the order.

REG 46

Appeals against decision of health authority.

46.—(1) A person who is aggrieved by a decision of a health authority in relation to the refusal of such authority to register a food premises or to make provisional registration of a food premises unprovisional may appeal in writing to the Minister against such decision.

(2) An appeal under this Article shall be sent by post in an envelope addressed to the Minister for Health, Dublin.

(3) A person making an appeal under this Article shall furnish, immediately on request, to the Minister any information he may require to enable him to decide the appeal.

(4) Where an appeal is made under this Article, the Minister may—

(a) confirm the decision of the health authority, or
(b) direct the health authority to take such action as he thinks

fit in relation to the registration of the food premises.

(5) A health authority shall forthwith inform the aggrieved person of and comply with any decision given by the Minister under sub-article (4) of this Article.

(6) Any person who on the commencement day is the proprietor of a food premises and who is aggrieved by a decision of the Minister under sub-article (4) of this Article in relation to the registration of such premises may, not later than fourteen days after he has been informed of the Minister's decision, apply to the Justice of the District Court having jurisdiction in the district court area in which the premises to which the decision relates is situate, for an order directing the health authority to register the food premises and, on such application, such Justice may, if he thinks fit, make such an order.

(7) A health authority shall forthwith comply with any order made by a Justice under sub-article (6) of this Article.

REG 47

Carrying on of food business in certain cases a contravention of the Regulations.

47. A person shall not at any time more than twelve months from the commencement day, carry on any food business in a food premises (other than an occasional food premises) which is not at that time registered or the registration of which is at that time suspended.

PART V.

ICE CREAM.

REG 48

Definitions for Part V.

48. In this Part of these Regulations—

the expression " heat treatment " means the heating of a mixture and the retention of the temperature of a mixture—

(a) at 150°F or higher for not less than thirty minutes, or

(b) at 160°F or higher for not less than fifteen minutes ;

the expression " ice cream " includes water ices and any article, under whatever description it is sold, which is so similar to ice cream as to constitute a substitute therefor ;

the word " ingredients " includes all articles of food used in the manufacture of ice cream except flavouring matters or colouring matters or fruit, nuts, chocolate or similar substances ;

the word " mixture " means a mixture of ingredients.

REG 49

Manufacture of ice cream with heat treatment.

49.—(1) Subject to the provisions of Article 50 of these Regulations, where, in the process of the manufacture of ice cream, a liquid mixture is formed—

(a) its temperature shall not be kept for more than one hour between 45°F and 150°F before the mixture is subjected to heat treatment, and

- (b) the mixture shall be subjected to heat treatment.
- (2) After a mixture has been subjected to heat treatment under sub-article (1) of this Article, its temperature shall be reduced to 45°F or lower within one-and-a-half hours and shall not thereafter be allowed to exceed 45°F.

REG 50

Manufacture of ice cream without heat treatment.

50.—(1) Article 49 of these Regulations shall not apply where ice cream is manufactured from dry ingredients with the addition only of potable water, treated milk, flavouring matter, colouring matter, fruit, nuts, chocolate or similar substances and the product is frozen within one hour of the commencement of the addition of such water, milk or substances to the dry ingredients, and thereafter kept at a temperature not exceeding 45°F.

(2) In this Article " treated milk " means milk—

- (a) which has been produced in accordance with the provisions of the Milk and Dairies Act, 1935 (No. 22 of 1935) and the Regulations made thereunder as if it were milk to be sold for human consumption in the form of milk;
- (b) which has been either pasteurised or boiled and
- (c) which, before being added to the dry ingredients is in such a condition that on any sample taken therefrom being tested under those Regulations, it shall be found to contain not more than 100,000 bacteria per cubic centimetre.

REG 51

Thermometers and temperature recordings.

51.—(1) Frequent recordings of temperatures shall be taken by the proprietor in connection with the manufacture, preparation and storage of ice cream and for this purpose the proprietor shall obtain and use a sufficient number of indicating thermometers and, if required by the local health authority, recording thermometers.

(2) Records of the temperatures recorded in accordance with sub-article (1) of this Article shall be kept by the proprietor.

REG 52

Prohibition against keeping certain milk in premises where ice cream is made.

52. Milk shall not be kept in or brought into a food stall or a part of a premises where ice cream is manufactured or prepared unless it is intended for sale for human consumption in the form of milk or intended for use in the manufacture or preparation of ice cream.

REG 53

Contraventions of Part V.

53.—(1) No person shall manufacture or prepare ice cream otherwise than in accordance with the provisions of this Part of these Regulations.

(2) No person shall import, distribute, expose for sale or sell ice

cream for human consumption which has not been manufactured or prepared in accordance with the provisions of this Part of these Regulations.

PART VI.

SHELLFISH.

REG 54

Definitions for Part VI.

54. In this Part of these Regulations—

" bivalve shellfish " means clams, cockles, mussels, oysters or similar shellfish ;

" controlled area " means an area declared by an order made under Article 55 of these Regulations to be a controlled area ;

" laying " means a foreshore, bed, laying, pond, pit, ledge, float, or other place where shellfish are taken or deposited ;

" private laying " means a laying where shellfish are not habitually taken or deposited except by the owner of the laying or by his tenant or by persons authorised by such owner or tenant ;

" public laying " means a laying which is not a private laying ;

" shellfish " includes bivalve shellfish and periwinkles.

REG 55

Controlled areas

55.—(1) The Minister may by order declare any part of the district of a health authority to be a controlled area for the purpose of this Part of these Regulations.

(2) The Minister may revoke or amend an order made under this Article.

(3) A notice of an order under this Article shall be published in the Iris Oifigiúil.

REG 56

Notices regarding declaration of controlled area.

56.—(1) Any health authority to whose district an order under Article 55 of these Regulations relates shall—

(a) publish an appropriate notice in one or more newspapers circulating in the district ;

(b) cause an appropriate notice to be served either personally or by post on every person known to such health authority to be a person interested in the laying of shellfish in or the taking of shellfish from any laying in the controlled area specified in the order and

(c) cause appropriate notices to be posted in conspicuous places in the vicinity of each public laying in the controlled area.

(2) In this Article, the expression " appropriate notice " means a notice containing a statement of the terms of Article 57 of these Regulations and of the Order made by the Minister specifying the controlled area.

REG 57

Prohibition on sale, etc., of shellfish from controlled areas.

57. No person shall sell or offer, expose or keep for sale for human consumption or distribute or have in his possession for the purpose of sale for human consumption any shellfish which have been taken from any laying (other than a site for the time being approved by the local chief medical officer pursuant to Article 58 of these Regulations) in a controlled area or which have been washed or immersed in sea water at any such laying unless such shellfish are for sale with the approval of the local chief medical officer to a person who undertakes to treat such shellfish in a manner approved by the said medical officer or

(a) if bivalve shellfish shall have been

(i) relaid and thoroughly washed in sea water by a method, for a period and in apparatus approved by the local chief medical officer

;

(ii) relaid during a continuous period of not less than ten days in clean water of a suitable salinity in a site approved by the local chief medical officer pursuant to Article 58 of these

Regulations, or

(iii) treated in such other manner and by such other method as may be approved by the local chief medical officer, or

(b) if periwinkles, shall have been treated in such manner and by such method as may be approved by the local chief medical officer.

REG 58

Approval and withdrawal of approval of site by chief medical officer.

58.—(1) The local chief medical officer may approve a site or sites for the relaying of shellfish and may at any time withdraw any such approval if he considers that the site is no longer suitable for that purpose.

(2) Not less than fourteen days before withdrawing under sub-article

(1) of this Article approval to a site for the relaying of shellfish, the local chief medical officer shall, if he knows or can ascertain without unreasonable difficulty the name and address of the owner or any occupier of such site, cause notice of his intention to withdraw such approval to be served on such owner.

(3) A notice under sub-article (2) of this Article may be given by delivering it to the person to whom it is addressed or by sending it by post in a prepaid registered envelope addressed to such person.

(4) When a chief medical officer withdraws under sub-article (1) of this Article approval to a site for the relaying of shellfish he shall notify the Minister and the health authority and the health authority shall—

(a) publish notice of such withdrawal in one or more newspapers circulating in the district, and

(b) if the site is open to the general public, cause notice of

such withdrawal to be posted in one or more conspicuous places at such site.

REG 59

Records relating to shellfish

59. Records shall be kept by any person who sells shellfish, or offers, exposes, keeps or distributes shellfish for sale indicating—
(a) the layings from which the shellfish are taken,
(b) where appropriate, the person from whom the shellfish are obtained, and
(c) except in the case of retail sale, the persons to whom the shellfish are sold,
and such records shall be produced where required for inspection by an authorised officer.

FIRST SCHEDULE.

Article 4

ENACTMENTS REVOKED.

Title of Enactment Statutory Rules and Orders No. or Statutory Instruments No. Public Health (First Series: Unsound Food) (Ireland Regulations, 1908S.R. & O., 1908, No. 982. Public Health (Foreign Meat) (Ireland) Regulations, 1908S.R. & O., 1908, No. 981. Public Health (Foreign Meat) (Ireland) Amending Regulations, 1909S.R. & O., 1909, No. 1330. Public Health (Louth and Meath Shellfish Layings) Regulations, 1939S.R. & O., 1939, No. 4. Public Health (Waterford Shellfish Layings) Regulations, 1940S.R. & O., 1940, No. 28. Public Health (Galway Shellfish Layings) Regulations, 1940S.R. & O., 1940, No. 135. Public Health (Kerry Shellfish Layings) Regulations, 1942S.R. & O., 1942, No. 342. Public Health (Louth and Meath Shellfish Layings) Regulations, 1939 (Amendment) Regulations, 1949S.I., No. 246 of 1949.

SECOND SCHEDULE.

Article 2

SCHEDULED INFECTIOUS DISEASES.

Acute Anterior Poliomyelitis.

Diphtheria.

Dysentery.

Paratyphoid A.

Paratyphoid B.

Salmonella Infection.

Scarlet Fever.

Streptococcal Sore-Throat.

Tuberculosis.

Typhoid.

THIRD SCHEDULE.

Prescribed Forms.

FORM FHA (FORM OF PERMIT UNDER ARTICLE 38).

FOOD HYGIENE REGULATIONS, 1950.

PERMIT FOR OCCASIONAL FOOD PREMISES.

..... (Title of Health Authority)

..... (Address)

..... (Date)

The (name of health

authority) ... hereby grant a permit for the use of the premises
known as.....
situate at..... as an occasional
food premises during the period from 19.....
to....., 19 subject
to the following conditions :
Signed.....
(On behalf of the Health Authority)

FORM FHB (FORM OF REGISTER OF FOOD PREMISES—ARTICLES 39)
FOOD HYGIENE REGULATIONS, 1950.
.....(Title of Health Authority)
Register of Food Premises.

Reference letter and numberAddress of Food PremisesName and Address
of Registered ProprietorClasses of Food Business (see
footnote)Particulars as to premisesDate of RegistrationObservations
Note.—If the Register is kept in classified parts, this column may
be omitted.

FORM FHC (APPLICATION FOR REGISTRATION OF FOOD PREMISES—ARTICLE 40).
FOOD HYGIENE REGULATIONS, 1950.
APPLICATION FOR REGISTRATION OF FOOD PREMISES.

To.....(Title
of Health Authority).

I apply to have the premises described in the Schedule to this
form registered in the Register of Food Premises kept by you and I
hereby declare that the following particulars are correct.

SCHEDULE.

Name of

Applicant.....
.....

Address

.....
.....

Situation and Particulars of Food Premises*p106ast

.....
Type of Food

Business.....

If the applicant is or ever has been registered proprietor of any
other food business whether in the district of the health authority
or not give
particulars.....
.....
.....

If the applicant has ever been refused registration in respect of
this or any other food premises, give
particulars.....
.....
.....
.....
.....

If the premises is registered for the business of a dairyman under the Milk and Dairies Act, 1935, give particulars.....
.....
.....

Particulars of convictions, if any, of the applicant for contravention of the Food Hygiene Regulations, 1950, in respect of the food premises or the food business carried on thereat:.....
.....
.....

Signed.....

Date.....

*Where only part of a building is used as a food premises, it is important that exact particulars be given of the part so used.

FORM FHD (FORM OF NOTICE UNDER ARTICLE 45).
FOOD HYGIENE REGULATIONS, 1950.
NOTICE OF INTENTION TO APPLY FOR ORDER CANCELLING REGISTRATION OF A
FOOD PREMISES.

..... (Title of Health Authority).

..... (Address) .

..... (Date)

Registration No.....

To

Registered Proprietor of Registered
Food Premises at

The..... (Title of Health Authority)

are of opinion that provisions of Part III of the Food Hygiene Regulations, 1950, as detailed in the Schedule to this notice, are not being complied with in respect of the above-mentioned food premises or the food business carried on thereat to the extent stated in that Schedule, and intend to apply not earlier than under Article 45 of the said Regulations to the Minister for Health for an order cancelling the registration of the above-mentioned food premises.

The.....(Title of Health Authority)

will be prepared to review their intention to make this application to the Minister if you satisfy them before the date mentioned that the provisions of Part III of the Food Hygiene Regulations, 1950, are being complied with in respect of the food premises and the food business carried on thereat.

SCHEDULE.

Provisions not complied withExtent of non-compliance

Signed.....

(On behalf of the Health Authority.)

FORM FHE (FORM OF NOTICE UNDER ARTICLE 45).

FOOD HYGIENE REGULATIONS, 1950.

NOTICE OF INTENTION TO MAKE AN ORDER CANCELLING (OR SUSPENDING)

REGISTRATION OF A FOOD PREMISES.

An Roinn Sláinte,

Baile Átha Cliath.

(Date).....

To.....

Registered Proprietor of Registered

Food Premises

at.....

.....
The Minister for Health has directed me to state that he is of opinion that provisions of Part III of the Food Hygiene Regulations, 1950, as detailed in the Schedule to this notice, are not being complied with in respect of the above-mentioned food premises or the food business carried on thereat to the extent stated in that Schedule. The Minister accordingly proposes, not earlier than to make an Order under Article 45 of the Regulations cancelling (suspending) the registration of the food premises.

The Minister will be prepared to reconsider his intention to make this Order if you satisfy him, before the date mentioned, that the provisions of Part III of the Food Hygiene Regulations, 1950, are being complied with in respect of the premises and the food business carried on thereat.

SCHEDULE.

Provisions not complied with Extent of non-compliance

Signed.....

GIVEN under the Official Seal of the Minister for Health this 31st day of July, One Thousand Nine Hundred and Fifty.

(Signed) NOËL C. BROWNE,

Minister for Health.

I consent to the enforcement and execution of the appropriate provisions of these Regulations by officers of customs and excise.

(Signed) J. J. McELLIGOTT,

for Minister for Finance.

I consent to the enforcement and execution of the appropriate provisions of these Regulations by officers of the Minister for Agriculture and by veterinary officers of sanitary authorities.

(Signed) JAMES M. DILLON,

Minister for Agriculture.