

FOOD HYGIENE (AMENDMENT) REGULATIONS 1971

The Minister for Health in exercise of the powers conferred on him by sections 5 of the Health Act, 1947 (No. 28 of 1947), section 38 of the Health Act, 1953 (No. 26 of 1953) and section 6 of the Health Act, 1970 (No. 1 of 1970), after consultation with the Minister for Industry and Commerce and the Minister for Agriculture and Fisheries, hereby makes the following Regulations:—

REG 1

1. (1) These Regulations may be cited as the Food Hygiene (Amendment) Regulations, 1971.
- (2) These Regulations and the Food Hygiene Regulations, 1950 to 1961, shall be construed as one and may be cited together as the Food Hygiene Regulations, 1950 to 1971.
- (3) In these Regulations " the Principal Regulations " means the Food Hygiene Regulations, 1950 (S.I. No. 205 of 1950.).

REG 2

2. Article 14 of the Principal Regulations is hereby amended by the addition of the words " (other than a meat product containing less meat, including meat which has been cooked or otherwise treated or prepared, than five per cent calculated by weight of the product) " after the words " meat product ".

REG 3

3. Articles 19, 20, 21, 22 and 23 of the Principal Regulations are hereby revoked.

REG 4

4. Article 25 of the Principal Regulations is hereby amended by the addition of the following paragraph after paragraph (23):—
" (23A) where the business of selling meals to the public is carried on a sufficient number of suitable sanitary conveniences, either in the premises or in some suitable adjacent place and a sufficient number of suitable washing basins adjacent to sanitary accommodation with a sufficient supply of water, soap and clean towels or other suitable means of drying shall, where it is reasonable and practicable, be provided for the use of the public,"

REG 5

5. Article 26 of the Principal Regulations is hereby amended by the insertion of the following paragraphs after paragraph (13):—
" (13A) a food stall from which meat is offered for sale or sold and which is not in an enclosed and covered premises shall be suitably covered over and screened at the sides and back;
(13B) a food stall shall contain suitable and sufficient facilities for cooling food or food material which would be adversely affected by heat;
(13C) a food stall shall contain suitable and sufficient facilities

for keeping in a clean and hygienic condition any machinery, apparatus, container, utensil, table or other equipment used in contact with food or food material or kept at the food stall for use in contact with food or food material;"

REG 6

6. Sub-article (2) of Article 40 of the Principal Regulations is hereby amended by the substitution of the words " at least one month before commencement of such food business" for the words " as soon as may be ".

REG 7

7. The following article shall be inserted after Article 43 of the Principal Regulations:—
" 43A. In determining whether the appropriate provisions are complied within respect of a food premises and whether there are suitable facilities for compliance with the appropriate provisions in respect of the food business carried on, or proposed to be carried on, thereat regard shall be had to the nature and extent, of such food business".

REG 8

8. The following article is hereby substituted for Article 44 of the Principal Regulations:—
" 44. (1) Where a food business in a registered food premises is transferred from the registered proprietor to another person, that other person shall, within one month of the transfer of such food business, notify, the health board accordingly, in writing and the health board 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 board 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 liquidate.
(3) The chief executive officer of a health board may at any time without application from the registered proprietor cancel the registration of a food premises if—
(a) he is 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 board that the food business has been transferred to him;
(b) he is satisfied that a food business is no longer being carried on in the premises;
(c) he is satisfied that a food business is no longer being carried on in the premises of the same nature and extent as was being, or was proposed to be, carried on therein when the premises was registered;

(d) he is satisfied that there has been a transfer of the food business in the food premises from the registered proprietor to another person and that person has failed to notify the transfer as required by sub-article (1) of this article; or

(e) he is satisfied that there are no longer suitable facilities for compliance with the appropriate provisions in respect of the food business carried on thereat.

(4) The chief executive officer of a health board shall, at least fourteen clear days before canceling the registration of a food premises under paragraph (b), (c), (d) or (e) of sub-article (3) of this article, address to the registered proprietor at the food premises a notice in writing of his intention to do so.

(5) Where an entry in the Register of Food Premises is altered or cancelled under this article the chief executive officer shall notify in writing the registered proprietor or, where appropriate, the personal representative or liquidator, of such alteration or cancellation ".

REG 9

9. Article 46 of the Principal Regulations is hereby amended by—

(a) the insertion in sub-article (1) of the words " or in relation to the cancellation of the registration of a food premises under Article 44 " after the word " unprofessional ";

(b) the addition to sub-article (1) of the words " within one month or such longer period as the Minister may, in any particular case, allow, of the date on which notice of such decision is issued ";

(c) the insertion after sub-article (3) of the following sub article:—

" (3A) Where a person making an appeal under this article fails to comply with sub-article (3), the Minister may deem the appeal to have been withdrawn ".

REG 10

10. Article 48 of the Principal Regulations is hereby amended by the addition thereto of the following definition:—

" the word ' proprietor ' in relation to a food stall means the person who carries on the food business in, at or on such food stall ".

GIVEN under the Official Seal of the Minister for Health this 6th day of December, 1971.

ERSKINE H. CHILDERS,
Minister for Health.

EXPLANATORY NOTE.

The effect of these Regulations is to provide that in determining whether the hygiene requirements of the Food Hygiene Regulations, 1950 are complied with in respect of a registrable food premises regard shall be had to the nature and extent of the food business carried on at the premises.

They also amend certain provisions of the 1950 Regulations. These relate to the restriction on the importation of meat products so as to provide that an official certificate will no longer be required if the meat content of the product is less than five per cent; the provision, when meals are being sold to the public, of toilet facilities for the public; the hygiene requirements in respect of the sale of food from food stalls; the registration of food premises; and the making of appeals to the Minister for Health. Certain obsolete provisions of the 1950 Regulations related to food sampling are also revoked.