

FOOD HYGIENE (AMENDMENT) REGULATIONS 1989

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 Food hereby makes the following Regulations:—

REG 1

- 1.— (1) These Regulations may be cited as the Food Hygiene (Amendment) Regulations, 1989.
- (2) These Regulations shall come into operation on the first day of May, 1989.
- (3) These Regulations and the Food Hygiene Regulations 1950 to 1971, shall be construed as one and may be cited together as the Food Hygiene Regulations, 1950 to 1989.
- (4) In these Regulations "the Principal Regulations" means the Food Hygiene Regulations, 1950 (S.I. No. 205 of 1950).

REG 2

2. Article 5 of the Principal Regulations is hereby amended by the substitution in paragraph (a) of the words "through veterinary officers of sanitary authorities" for the words "by veterinary officers of sanitary authorities".

REG 3

3. Article 7 of the Principal Regulations is hereby amended by the deletion of paragraph (b).

REG 4

4. The following article shall be inserted after article 18 of the Principal Regulations:—

"18A—(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 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 intended for sale for human consumption or any food animal or food material intended for such sale, 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 5

5. Article 25 of the Principal Regulations is hereby amended by—
(a) the addition in paragraph (23A) (inserted by article 4 of the Food Hygiene Amendment Regulations, 1971 (S.I. No. 322 of 1971) of the words "or where intoxicating liquor is sold to the public for consumption on the premises" after the words "is carried on";
and
(b) the deletion in paragraph (23A) of the words "where it is reasonable and practicable" after the words "or other suitable means of drying shall".

REG 6

6. The following articles shall be inserted after article 26 of the Principal Regulations:—
"26A. In addition to the provisions of article 26 the stall holder shall comply with the following provisions in relation to a food stall and the food business carried on in connection therewith where meat or meat products (other than fish or fish products) are sold or where food is prepared, cooked or heated for sale directly to the public in a form ready for consumption, that is to say he shall—
(1) display his name and address in letters at least 7.5cm in height, in a conspicuous position on the food stall;
(2) ensure that suitable and sufficient facilities are available, at or adjacent to the food stall, for handwashing and hand drying purposes;
(3) ensure that the food stall is adequately lighted;
(4) ensure that a supply of water-proof dressings and antiseptics is provided at the stall;
(5) ensure that meat and meat products, milk and milk products and all other foods and food material susceptible to rapid bacterial growth are kept at a temperature of 3°C or less except when heated or cooked for sale as hot food;
(6) ensure that hot food is kept at a temperature of at least 63°C;
(7) ensure that cooked meats and uncooked meats are stored and handled separately;
(8) ensure that when the food stall is also a mechanically propelled vehicle or trailer the driving compartment of the vehicle is suitably separated from the food area of the vehicle or trailer.
26B. Every health board shall cause to be kept in the form FHF in the Schedule hereto or a form to the like effect a register, to be known as the Register of Licensed Food Stalls.
26C. The following provisions as regards licensing shall be complied with in relation to every food stall where meat or meat products (other than fish or fish products) are sold or where food is prepared, cooked or heated for sale directly to the public in a form ready for consumption:—
(1) A stall-holder who, at the time of the coming into operation of these Regulations, is carrying on a food business from a food stall, to which this article applies shall apply in the form FHG in the Schedule hereto or a form to the like effect for a licence to the health board in whose functional area the food stall is

normally kept not later than two months after the coming into operation of these Regulations and may continue to operate a food business from the food stall pending the decision of the health board in relation to the application.

(2) A person who, after the coming into operation of these Regulations, proposes to commence a food business at a food stall to which this article applies shall, before commencing such business, apply to the health board in whose functional area the food stall will be normally kept for a licence in the form FHG in the Schedule hereto or a form to the like effect.

(3) A stall-holder whose food stall to which this article applies is normally kept outside the State and who wishes to trade in the State shall apply to the health board whose functional area is nearest to the place where the food stall is normally kept for a licence in the form FHG in the Schedule hereto or a form to the like effect.

(4) A health board shall, within two months of the date of receipt of such application for a licence, either

(i) license the food stall for a period of one year and enter details of the licence in the Register of Licensed Food Stalls and notify the applicant that the food stall has been so licensed, or
(ii) refuse to license the food stall and notify the applicant of the decision, specifying in reasonable detail the grounds for such refusal.

(5) A licence granted under this article shall not be transferable.

(6) In granting a licence in respect of a food stall the health board shall have due regard to the nature and extent of the food business and for that purpose the health board may specify conditions under which the licence is granted.

(7) The stall-holder shall display in a conspicuous place on the food stall a licence badge supplied by the health board in the form FHH in the Schedule hereto.

(8) Every applicant for a licence shall pay to the health board in respect of each application a fee of £100, the payment of which shall be a condition precedent to the entertainment of the application by the health board.

(9) A stall-holder whose stall has been licensed by a health board shall immediately inform the health board of any change of his home addresses and of any change of the address at which the stall is normally kept.

26D. Save as provided under the provisions of article 26C (1) a person shall not carry on a food business from a food stall which is subject to the licensing requirements of these Regulations unless there is in force a licence issued by a health board under these Regulations in respect of the stall."

REG 7

7. The following article is hereby substituted for article 28 of the Principal Regulations:—

"28. The proprietor of the 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, that is to say he shall:—

- (1) ensure that the food vehicle is so constructed as to prevent the contamination of food therein and is made of suitable materials which are smooth, durable and free from all internal rust and corrosion;
- (2) ensure that the food vehicle is readily washable and cleanable and is kept in a proper state of repair and in a sound, clean and hygienic condition;
- (3) ensure that the food vehicle is weather-proof and pest-proof;
- (4) ensure that where the food vehicle is not fully insulated or refrigerated the food compartment is suitably ventilated;
- (5) (i) ensure that meat, meat products (other than fish or fish products), chilled food, chilled food materials, ice cream and all foods susceptible to rapid bacterial growth are transported at an internal temperature of
 - not more than 7°C in the case of meat in carcasses, half carcasses or quarters;
 - not more than minus 12°C in the case of frozen meat;
 - not more than minus 17°C in the case of ice cream;
 - not more than 3°C in the case of all other such foods, food products or materials.
- (ii) The requirements of sub-paragraph (i) of this paragraph shall not apply to
 - (a) meat in carcasses, half carcasses, quarters or meat offals transported between an abattoir and a butchers shop over a distance not exceeding five miles.
 - (b) the international carriage of foods to which regulations under the International Carriage of Perishable Foodstuffs Act, 1987 (No. 20 of 1987), apply.
- (6) ensure that a food vehicle used for the conveyance of meat in carcasses, half carcasses, quarters or meat offals bears in a prominent position on the vehicle the words "meat vehicle" in letters at least 7.5 cm in height;
- (7) ensure that a food vehicle used for the conveyance of meat in carcasses, half carcasses, quarters or meat offals is not used for any other purpose other than the transport of meat and meat products.
- (8) ensure that the food workers involved in the conveyance of meat wear suitable apparel including covering for head, neck and shoulders when carcasses, half carcasses or quarters are being handled;
- (9) ensure that meat in carcasses, half carcasses or quarters is not conveyed in a food vehicle unless such meat bears such health mark as may be prescribed by the Minister for Agriculture and Food in accordance with the provisions of section 40 of the Abattoirs Act, 1988 (No. 8 of 1988);
- (10) ensure that where cooked and uncooked meats are transported in the same food vehicle care is taken to avoid cross contamination;
- (11) ensure that adequate measures are taken for the prevention of the contamination of food in or on the food vehicle by foreign matter, or by unnecessary handling or by rats, mice, insects or otherwise;
- (12) ensure that the part of the food vehicle in which food is conveyed or is intended to be conveyed is not used as a sleeping place;
- (13) ensure that articles, goods or materials which could cause contamination of food or food material being transported or delivered

are not carried in the food compartment of the food vehicle;
(14) ensure that a food vehicle is not used at any time for the carriage or transport of farm animals or offensive or toxic materials of any kind;
(15) ensure that every other reasonable precaution is taken to prevent contamination of the food conveyed in the food vehicle;"

REG 8

8. The following article is hereby substituted for article 34 of the Principal Regulations:—

"34.—(1) Whenever, as respects any food premises, or any food stall or food vehicle used in connection with a food business, a chief executive officer of a health board has evidence that there is a grave and immediate danger that food intended for sale for human consumption may become so diseased, contaminated or otherwise unfit for human consumption as to be liable to cause serious illness if consumed he may apply to the Justice of the District Court having jurisdiction in the District Court area in which the premises, stall or vehicle is situate for a Closure Order prohibiting the operation of a food business from the said premises, stall or vehicle and, on such application such Justice may, as he thinks fit, grant, or refuse to grant, such an Order;
(2) A chief executive officer of a health board shall cause written notice of his intention to seek a Closure Order against a food premises, stall or vehicle to be given to the proprietor of the said premises, stall or vehicle before the date of the court hearing;
(3) A proprietor of a food business in respect of which a Closure Order is in force may, at any time apply to the Justice of the District Court having jurisdiction in the District Court area in which the premises, stall or vehicle is situate for an annulment of the Closure Order and such District Justice may, as he thinks fit, confirm or annul the Closure Order;
(4) 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."

REG 9

9. Article 38 of the Principal Regulations is hereby amended by the insertion after sub-article (2) of the following sub-articles:—

"(3) A person applying to the local health board for a permit to carry on a food business in an occasional food premises in accordance with sub-article (1) of this article shall pay to the health board in respect of each application a fee of £50.
(4) Payment of the application fee as prescribed in sub-article (3) of the article shall be a condition precedent to the entertainment of the application by the health board".

REG 10

10. Article 40 of the Principal Regulations is hereby amended by the insertion after sub-article (2) of the following sub-articles:—

"(3) A person applying to the local health board for registration

of a food premises in accordance with sub-articles (1) or (2) of this article shall pay to the health board in respect of each application a fee as follows:

(a) where the food premises is a restaurant, takeaway food premises, fishmongers, poulterers, butchers, pork butchers or wholesalers — £100, and

(b) in all other cases — £200.

(4) Payment of the application fee prescribed in sub-article (3) of this article shall be a condition precedent to the entertainment of the application by the health board".

SCHEDULE

Prescribed Forms

Form FHF (Form of Register of Licensed Food Stalls — Article 26 B)

FOOD HYGIENE REGULATIONS, 1950-1989

.....
(Title of Health Board)

Register of Licensed Food Stalls

Licence Number

Name and Address of Stallholder

Classes of Food Business Registration Number of Vehicle (if any)

Description of Food Stall

Date of Issue of Licence

Observations

Form FHG (Application for Licensing of Food Stalls — Article 26C)

FOOD HYGIENE REGULATIONS, 1950-1989

Application for Licensing of Food Stall

To

.....
(Title of Health Board)

I apply to have the food stall described in the Schedule to this form licensed by you and I hereby declare that the following particulars are correct.

SCHEDULE

Name of Applicant

.....

Address

.....
.....
.....

.....Description
of Food Stall

.....

.....Address
at which the food stall is normally
kept.....

.....Registration
number of vehicle (if any)
.....Type
of Food Business

.....
Has the applicant ever held a licence in respect of this food
stall or any other food stall?

.....
If the applicant has previously held a licence in respect of a
food stall, give name of licensing authority and licence number.

.....
Signed
.....Date

.....
Form FHH (Form of Licence Badge under Article 26C (7))

..... Health
Board
(insert name)FOOD STALL LICENCENo.
.....Expiry
Date

GIVEN under the Official Seal of the Minister for Health this 28th
day of March, 1989.
RORY O'HANLON,
Minister for Health.

EXPLANATORY NOTE.

The effect of these Regulations is to amend certain provisions of
the 1950-1971 Regulations. These relate to the introduction of a
licensing requirement and additional hygiene requirements for specified
types of food stalls; additional hygiene requirements for food
vehicles used in the transport and delivery of food; a fee to be
payable with the licence application for specified types of food
stalls and with the registration application for all food premises;
a requirement that those who operate a food business keep written
records of the origin of any food, food animals or food material;
and power is given to the chief executive officer of a health
board to apply to the District Court for a Closure Order
prohibiting the operation of a food business from a food premises,
stall or vehicle where there is grave and immediate danger to
public health.