



SALE OF FOOD ACT 1950

[Consolidated as at 4 July 2002
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Sale of Food Act 1950

An Act relating to the sale of food

Short title

1. This Act may be cited as the *Sale of Food Act 1950*.

Definitions

2. In this Act, unless the contrary intention appears —
 - “eating house” means a cafe, restaurant, cafeteria, boarding-house, residential hotel or other premises in which meals are served for gain or reward;
 - “firm” means any 2 or more persons lawfully associated for the purpose of carrying on any business;
 - “food” includes every article or substance which is used for food or drink by man, or which enters into or is used in the composition or preparation of any such article or substance, and includes infant food, flavouring matters, coloring matters, essences, condiments, spices and confectionery;
 - “licence” means a licence issued under this Act;
 - “place” includes any house, building, vehicle, car, shed, land or premises;
 - “premises” includes all buildings and structures, and lands within the curtilage of the premises, and any vehicle used in connection with any business carried on at the premises.

Unlicensed persons not to carry on any business

3. (1) After the expiration of 30 days from the commencement of this Act, a firm or person shall not carry on any business for the sale of food unless the firm or person holds a licence.

(2) This section shall not apply to a business of the sale of the produce of land by the owner or occupier of the land or by any person employed by him.

Applications for licences

4. An application for a licence or for the renewal of a licence —
- (a) shall be made in writing to the executive member;
 - (b) shall be in accordance with Form A in the Schedule; and
 - (c) shall be accompanied by the appropriate fee.

Licences

5. (1) The executive member or a person thereto authorised in writing by the executive member may grant or renew a licence.

(2) The executive member or other person dealing with an application for the grant or renewal of a licence may refuse to grant the application if he has reason to believe that the provisions of this Act or of the Regulations will not be complied with by the applicant.

(3) A licence shall be in accordance with Form B in the Schedule and shall remain in force until 31 December of the year in which the licence is issued.

(4) Subject to this section, the fee for a licence shall be 13.3 fee units and for each renewal of the licence, 6.6 fee units.

(5) The fee payable for any licence issued after 30 June in any year shall be 6.6 fee units.

Business premises

6. The holder of a licence or a person who conducts a tourist accommodation house which is registered under the *Tourist Accommodation Act 1984* shall cause any premises or place under his control where food is manufactured, prepared, packed, kept or served to comply with the following conditions:

- (a) the premises or place shall at all times be maintained in a clean, serviceable and sanitary condition and free from rats, mice, cockroaches, flies and other vermin or insects;
- (b) the premises shall be adequate in size and properly enclosed, floored and ceilinged;
- (c) an adequate supply of clean water and wash basins freely accessible to all persons employed on the premises and an adequate supply of soap and clean towels shall be provided;

- (d) every yard, shed, outbuilding or stable appurtenant to the premises, and the part of any lane or street contiguous to the premises, shall be kept clean and free from packing cases, lumber, garbage, rubbish, offensive material and manure and all material essential to the business shall be kept so packed or stacked as to prevent harbourage for rats or other vermin; and
- (e) adequate sanitary conveniences shall be provided and shall not be situated in or adjacent to any room or area where food is manufactured, prepared, packed, kept or served.

Precautions during serving of food

7. (1) A person who packs or serves food for sale shall exercise care to avoid unnecessary human contact with the food during the packing or serving, and for that purpose shall not —

- (a) serve biscuits, unwrapped sweets or any sticky substance with the fingers but shall use a scoop or other clean implement for the purpose;
- (b) serve bacon, ham, smallgoods or cooked meat with the fingers, but shall use a fork or other clean implement for the purpose;
- (c) permit any other person to handle any such food with the fingers; or
- (d) smoke, chew or spit while at work in packing or serving.

(2) The holder of a licence shall conspicuously display a copy of this section in every place of business where he sells food or offers food for retail sale.

Power of inspection

8. (1) The executive member may appoint a person to be an inspector for the purposes of this Act.

(2) The inspector may enter and inspect an eating house or any premises which are being used, or which he has reasonable grounds for believing are being or are to be used, for the making, manufacturing, sale, storage, delivery, conveyance or preparation for sale of any food.

(3) A person shall not refuse to permit the inspector to enter premises in accordance with this section.

Penalties

9. (1) A person shall not contravene or fail to comply with any provision of this Act or the regulations.

Penalty: 5 penalty units.

(2) Where the holder of a licence is convicted of an offence against any provision of this Act or the Regulations, the Court may, in addition to any penalty imposed in pursuance of this Act direct that the licence held by that person be cancelled and the licence shall thereupon cease to be in force.

Regulations

10. (1) The Administrator may make Regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection 10(1), the Regulations may make provision for or in relation to —

- (a) the maintenance of eating houses, and of utensils and other equipment used in eating houses, in a clean and sanitary condition;
 - (b) the cleanliness of persons in or employed in eating houses;
 - (c) the storage of food for use in eating houses;
 - (d) the serving and unwholesome or contaminated food in eating houses; and
 - (e) measures to prevent the spread of infection or disease in eating houses.
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SCHEDULE

NORFOLK ISLAND

Sale of Food Ordinance 1950

Section 4

Form A

APPLICATION FOR A LICENCE TO CARRY ON BUSINESS FOR THE SALE OF FOOD

I, _____, trading under the firm name or style of _____ (1) and carrying on/being desirous of carrying on(1) the business of _____ at _____ hereby apply for a licence to carry on business for the sale of food.

Dated this _____ day of _____ 20 .

Applicant

(1) Strike out if inapplicable

NORFOLK ISLAND

Sale of Food Act 1950

Section 5

Form B

LICENCE TO CARRY ON BUSINESS FOR THE SALE OF FOOD

_____ of _____ is hereby licensed to carry on a business at _____ for the sale of food until 31 December 20 .

Dated this _____ day of _____ 20 .

A person authorised by the executive member to grant licences

NOTES

The *Sale of Food Act 1950* as shown in this consolidation comprises Act No. 1 of 1950 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Sale of Food Act 1950</i>	1, 1950	28.12.50	3
<i>Sale of Food Act 1954</i>	5, 1954	6.4.54	
<i>Amendments Incorporation Act 1963</i>	2, 1963	28.3.63	

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Sale of Food Act 1969</i>	9, 1969	31.10.69	
<i>Fees Act 1976</i>	3, 1976	31.5.76	
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.76	
<i>Ordinances Revision Act 1979</i>	13, 1979	7.8.79	5
<i>Ordinances Revision (Executive Members) Act 1980</i>	8, 1980	6.11.81	5
<i>Statute Law Revision (Penalties and Fees) Act 1984</i>	9, 1985	13.5.85	4
<i>Statute Law (Miscellaneous Provisions) (No. 1) Act 1986</i>	14, 1986	23.5.86	
<i>Statutes Amendment (Fees) Act 1999</i>	10, 1999	1.7.99	
<i>Statutes Amendment (Fees) (No. 2) Act 1999</i>	17, 1999	17.7.00	

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and substituted
 inserted

Provisions affected	How affected
1	am 2, 1963; 9, 1969; 3, 1976; 11, 1976
2	am 9, 1969; 11, 1976; 14, 1986
4	am 8, 1980

ad = added or am = amended rep = repealed rs = repealed and
 inserted substituted

Provisions affected	How affected
5	am 5, 1954; 9, 1969; 3, 1976; 8, 1980; 9, 1985; 10, 1999; 17, 1999
6	am 9, 1969; 14, 1986
8	am 9, 1969; 8, 1980
9	am 9, 1969; 9, 1985
10	ad 9, 1969 am 13, 1979
Schedule	am 8, 1980

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