

**PUBLIC HEALTH (FOOD HYGIENE) REGULATIONS – SECTION 19**

*(Legal Notice 12 of 2003 and 8 of 2010)*

**Commencement**

*[1 April 2010]*

**Short title and commencement**

1. These Regulations may be cited as the Public Health (Food Hygiene) Regulations, 2003 and shall come into force on such day as the Governor may appoint by notice in the *Gazette*.<sup>67</sup>

**PART I*****Preliminary*****Interpretation**

2. (1) For the purposes of these regulations —
- “**business**” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not;
  - “**certificate of exemption**”, in relation to a food business, means a certificate for the time being in force and granted in accordance with the provisions of regulation 29;
  - “**container**” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;
  - “**contamination**” includes contamination by bacteria, moulds or viruses and physical contamination by foreign bodies including rodents, dust, insects, chemicals and odours, and anything that is unusually unpleasant or a nuisance such as pieces of paper, metal, plastics or string; and “**contaminated**” shall be construed accordingly;
  - “**equipment**” includes apparatus, furnishings and utensils used for the storage, preparation and distribution of food and drink;
  - “**fish**” means cooked or uncooked fish (including cured or smoked fish) and includes any other form of sea-food;
  - “**food**” means anything intended for sale, or sold, for human consumption and includes any live or dead animal or fish or part thereof and any other article used for food or drink by humans, or any other article which ordinarily enters into or is used in the composition or preparation of human food or flavouring matters and condiments, other than drugs or water;
  - “**food business**” has the meaning assigned to it by regulation 3;
  - “**food premises**” means any premises, vehicle, stall, tent or place in, on or from which there is carried on any food business. Where food is prepared in a different place from where it is served, both places are deemed to be food premises. Where food is served in a different place from where it is consumed, both places are deemed to be food premises;
  - “**food room**” means any room in which any person engages in the handling of food or in the cleaning of equipment for the purposes of a food business, but does not include:
    - (a) a room used as a sleeping place, if the only handling of food which occurs in the room is in the course of serving food there to any occupants;
    - (b) a room communicating with a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food

<sup>67</sup> Commencement date fixed by Gazette Notice No. 20 of 19 March 2010.

there to any person (not being a person carrying on a food business at the premises which include the room of a person employed by him) by whom the room is occupied as a sleeping place; or

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

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

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

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

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

“**Public Health Inspector**” means a person appointed under section 4 of the Public Health Ordinance;

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

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

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

## Food business

3. (1) In these regulations “**food business**” means, subject to subregulation (2), any trade or business for the purposes of which any person engages in the handling of food, and includes the undertaking of a café, restaurant, catering business, the storage of food and ingredients, canteen, club, school, hospital or institution, whether carried on for profit or not.

(2) The expression “**food business**” includes commercial fishing and fishing by or for any person who is the holder of a fishing licence issued under the Fishery Limits Ordinance; but does not include any agricultural activity.

## PART II

### *General Requirements*

#### Food business requirements

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

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

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

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

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

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

### **Enforcement Notices**

5. (1) If the Senior Environmental Health Officer has reasonable grounds for believing that the proprietor of a food business is failing to comply with any provision of these regulations regarding any process or treatment in the preparation of food, or the hygiene condition and practices affecting the commercial operations with respect to food or food sources, the Senior Environmental Health Officer may serve on the proprietor an Enforcement Notice—

- (a) stating the grounds for believing that the proprietor is failing to comply with such provisions;
- (b) specifying the matters alleged to constitute such failure;
- (c) specifying the measures which the Senior Environmental Health Officer considers necessary to secure compliance;
- (d) requiring the proprietor to take those or satisfactory equivalent measures within such period as the notice shall specify; and
- (e) if the food business is a danger to the public, requiring the food business to cease trading until the Senior Environmental Health Officer is satisfied that the required measures have been taken and that no danger to the public will continue.

(2) Any person served with an Enforcement Notice who fails without reasonable cause (the proof whereof shall lie with him) to comply with the requirements of it, shall be guilty of an offence; and if the enforcement notice makes a requirement for the cessation of food business under subregulation (1)(e), the Senior Environmental Health Officer may forthwith compel the cessation of food business pursuant to the Enforcement Notice.

### **PART III**

#### ***Requirements Relating to Persons Engaged in the Handling of Food***

### **Protection of food from contamination**

6. A person who engages in the handling of food shall, while so engaged, protect the food from the risk of contamination, and in particular, without prejudice to the generality of the foregoing—

- (a) shall not so place the food, or permit it to be so placed, as to involve any risk of contamination, and shall not keep poisonous materials anywhere near food at any time;
- (b) shall ensure that food is kept at the correct hygienic temperature and condition at all times as specified by the Senior Environmental Health Officer or included in a Code of Practice issued or approved by the Senior Environmental Health Officer; and if not so kept, the food must be destroyed;

- (c) shall not in or about any alley, yard, market or stall place any food lower than 18 inches from the ground unless it is adequately protected by other means from risk of contamination;
- (d) shall, before displaying or offering any food for sale, ensure that any food unfit for human consumption is kept apart from any other food;
- (e) shall ensure that open food while exposed for sale, or during sale or delivery is kept covered or otherwise effectively screened from possible sources of contamination;
- (f) shall not keep in any food room any animal feed unless it is in a suitable closed container to prevent the risk of contaminating the food in the room;
- (g) shall ensure that all wholesale bagged goods are kept at least 12 inches above the floor.

### **Certificate of good health**

7. (1) No persons whilst engaged in food business shall engage in the handling of food unless they are in possession of a certificate of good health from a medical officer, and such certificate shall be in such form as may be from time to time prescribed by the Senior Medical Officer<sup>68</sup>.

(2) A certificate of good health shall be valid for a period of twelve months from the date of issue.

(3) Such certificate shall be kept at the principal place of employment and shall be available for inspection by the Senior Medical Officer or a Public Health Inspector.

(4) Subject to the following provisions of this regulation, as soon as any person engaged in the handling of food becomes aware that he is suffering from any fever, vomiting, diarrhoea, dysentery or other bowel disease, jaundice, persistent cough, any skin disease or any infection likely to cause food poisoning, he shall forthwith give notice of the fact—

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

and the owner or occupier, as the case may be shall, immediately after being notified of such fact, cause such person to cease work forthwith and notify the Senior Medical Officer.

(5) When the person referred to in subregulation (4) is himself the occupier of the food premises or the owner of the food business, as the case may be, he shall immediately cease work and give notice to the Senior Medical Officer.

(6) Without prejudice to the provisions of subregulation (1), if the Senior Medical Officer or a Public Health Inspector has reason to believe that a person engaged in the preparation or handling of food is suffering from any disease liable to cause food poisoning, he may require such person to submit to a medical examination by a medical officer, who shall issue a certificate stating whether the person is fit or unfit to engage in such work, and if the certificate states that the person is unfit for such work the person shall cease work forthwith.

(7) Any person who has ceased work under this regulation shall not resume work unless he has obtained a certificate of good health from a medical officer.

### **Hygiene Required**

8. (1) A person who, in the course of food business, engages in the handling of food shall, while so engaged—

<sup>68</sup> *Gazette Notice No. 63 of 1 July 2011: Senior Medical Officer/Clinical Director*

- (a) keep as clean as reasonably practicable all parts of his person which are liable to come into contact with the food;
  - (b) keep as clean as reasonably practicable all parts of his clothing or overalls that are liable to come into contact with the food;
  - (c) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing;
  - (d) refrain from spitting;
  - (e) refrain from the use of tobacco (including snuff) while he is handling any open food or is in any food room in which there is open food;
  - (f) after using the toilet wash his hands before resumption of duties.
- (2) No person with any septic or infected cut or abrasion on any exposed part of his body shall engage in the handling or preparation of food.
- (3) A person who engages in the handling of open food shall not, while so engaged—
- (a) carry any food in a vehicle or container along with any article from which there is risk of contamination of the food, or with any live animal or live poultry, without taking all such precautions as are reasonably practicable to avoid risk of contamination, and in particular shall not allow any live animal or live poultry to come into contact with meat or fish or other food;
  - (b) use for wrapping or containing any open food any paper or other wrapping material or container which is not clean or which is liable to contaminate the food; and in particular shall not allow any printed material other than printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables.

#### PART IV

#### *Requirements Relating to Food Premises*

##### **Ventilation pipes**

9. (1) No fresh air intake of any ventilation pipe included in the soil drainage system of food premises shall be situated in a food room.
- (2) Every inlet into such system situated in any such room shall be trapped.

##### **Water cisterns**

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

##### **Sanitary facilities**

11. (1) All food premises shall be supplied with sanitary facilities that are, in the opinion of a Public Health Inspector, adequate.
- (2) Every sanitary convenience situated on any food premises—
    - (a) shall be kept clean and in efficient order;
    - (b) shall be so placed that no offensive odour therefrom can penetrate into any food room.
  - (3) Any room or other place that contains a sanitary convenience shall be suitably and sufficiently lighted and ventilated to the satisfaction of a Public Health Inspector.
  - (4) No room that contains a sanitary convenience shall be used as a food room.

(5) No room that communicates directly with a room or other place that contains a sanitary convenience shall be used—

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

(6) There shall be affixed and maintained in a prominent and suitable position near every sanitary convenience situated on any food premises, a clearly legible notice requesting users to wash their hands after using a convenience.

### **Supply of water**

12. (1) Subject to the provisions of any certificate of exemption granted under regulation 29, a supply of water sufficient in quantity to enable these regulations to be complied with shall be provided and maintained in all food premises.

(2) Any supply of water provided for the said purposes shall be clean, wholesome and potable.

### **Washhand basins**

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

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

(3) At or near every such washhand basin there shall be provided and maintained for the use of persons engaged in handling of food on the food premises, adequate supplies of soap or other suitable detergent, nail brushes and clean towels or other suitable drying facilities, that shall be used only for securing the personal cleanliness of such persons.

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

### **First-aid equipment**

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

### **Cupboards or locker accommodation**

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

### **Sinks or other facilities**

16. (1) Subject to the provisions of any certificate of exemption and to the provisions contained in subregulation (2)—

- (a) there shall be provided and maintained to the satisfaction of a Public Health Inspector in all food premises suitable and sufficient sinks or other facilities (not being washhand basins mentioned in regulation 13(3)) for washing food and equipment used in the food business;
  - (b) for every such sink or other facility there shall be provided and maintained to the satisfaction of a Public Health Inspector an adequate supply either of hot and cold water or of hot water at a suitably controlled temperature, but a supply of cold water shall be sufficient for any sink or other facility not used for any other purpose than the washing of fish, tripe, animal casings, fruit or vegetables;
  - (c) all sinks and other facilities available for the said purposes shall be kept clean and in efficient working order;
  - (d) there shall be provided and maintained for use at all such sinks and other facilities adequate supplies of soap or other suitable detergent and clean cloths or other adequate and suitable cleaning and drying facilities.
- (2) Nothing contained in subregulation (1) shall apply in relation to food premises where open food is not handled.

### **Lighting**

17. Suitable and sufficient means of lighting shall be provided in every food room, and every such room shall be suitably and sufficiently lighted to the satisfaction of a Public Health Inspector.

### **Ventilation**

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

### **Sleeping places**

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

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

### **Structure of food room**

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

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

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

- (a) enable it to be effectively cleaned; and

- (b) prevent, so far as is reasonably practicable, any risk of infestation by rats, mice and insects and the entry of birds.

### Refuse or filth

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

## PART V

### *Requirements Relating to Stalls*

#### General requirements

22. (1) Every stall from which a food business is carried on shall—
- (a) subject to the provisions of any certificate of exemption, bear conspicuously the name and address of the person carrying on the business;
  - (b) to the satisfaction of a Public Health Inspector be kept clean and in such good order, repair and condition as to enable it to be effectively cleaned; and
  - (c) be provided with suitable and sufficient means of lighting and shall be suitably and sufficiently lighted to the satisfaction of a Public Health Officer.
- (2) No such stall shall be used as a sleeping place.
- (3) All foods shall be kept at a safe temperature—
- (a) outside the temperature zone (5 degrees to 63 degrees Celsius); and
  - (b) food intended to be sold hot shall be kept at the correct hot temperature, and food intended to be sold cold shall be kept at the correct cold temperature.

#### Meat and fish stalls

23. (1) Every stall from which meat or fish is sold or exposed for sale for human consumption—

- (a) shall (if not in an enclosed and covered market place) be suitably covered over and be screened at the sides and back thereof in such a manner as to prevent any mud, filth or other contaminating substance from being deposited upon any meat or fish therein;
- (b) shall be provided with a sufficient number of suitably covered receptacles for waste trimmings, refuse and rubbish.

(2) Any such receptacle shall be constructed of impervious materials or shall be replaced as often as may be necessary to prevent the accumulation of obnoxious matter, and shall be kept apart from any meat or fish intended for sale.

(3) Every person engaged in the handling of meat or fish from any such stall shall place all waste trimmings, refuse or rubbish in the receptacles provided therefore.

#### Provision and maintenance of stalls

24. Subject to any certificate of exemption, there shall be provided and maintained for use in connection with every food business which is carried on from a stall and which consists wholly or partly of the supply of open food for immediate consumption—

- (a) an adequate supply of clean and wholesome water;

- (b) adequate supplies of soap or other suitable detergent, nail brushes and clean towels or other suitable drying facilities, which shall be used only for securing the personal cleanliness of persons working at or about the food business;
- (c) suitable and sufficient sinks or other facilities for washing food and equipment used in the food business; such sinks and other facilities to be kept in efficient working order and to be provided with adequate supplies of water, soap or other suitable detergent and of clean cloths or other suitable cleaning or drying facilities.

## PART VI

### *Requirements relating to the Transport and Carrying of Meat, Fish etc*

#### **Vehicles used in the course of a food business**

**25. (1)** The following provisions shall apply with respect to all vehicles used in the course of a food business for the transport of meat and fish or either of them, being meat and fish which is open food—

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

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

**(2)** Subregulation (1)(a) and (b) shall apply *mutatis mutandis* to a bread van and a fresh milk van.

#### **Protective clothing**

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

Provided that this regulation shall not apply in relation to the transport of meat and fish in the course of a business of a carrier in which the vehicle used for the transport is not

ordinarily used for the transport of meat and fish if the person carrying the meat or fish takes all such other precautions as are reasonably practicable to prevent the meat or fish coming into contact with any exposed part of the person or with any clothing other than an overall.

### **Inspections and examinations**

**27. (1)** The Senior Medical Officer<sup>69</sup> or a Public Health Inspector may at all reasonable times enter any premises and inspect and examine, and may in any street or other public place inspect and examine, any food sold or exposed for sale or deposited in any place, or in the course of transmission for the purpose of sale, preparation or manufacture for sale.

**(2)** The Senior Medical Officer or a Public Health Inspector may condemn and seize and carry away or cause to be carried away any food which appears to him to be diseased, unsound, unwholesome or unfit for human consumption and may cause any such food to be destroyed or otherwise disposed of.

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

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

**(5)** Every person having in his possession any food which is diseased, unsound, unwholesome or unfit for human consumption shall destroy or dispose of such food to the satisfaction of the Senior Medical Officer or a Public Health Inspector:

Provided that any such person may request a Public Health Inspector to remove and dispose of any such food, and a Public Health Inspector shall cause it to be removed and disposed of, and such person shall pay a reasonable sum for such removal and disposal.

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

## **PART VII**

### ***Administrative Provisions***

#### **Registration and licensing**

**28. (1)** No persons shall carry on a food business until they have registered such food business with, and has received a licence permitting them to carry on such food business from the Senior Environmental Health Officer and has paid the prescribed fees.

**(2)** A licence to carry on a food business shall be valid for a period of twelve months from the date of issue, but may be suspended or withdrawn at any time by the Senior Environmental Health Officer upon the violation of any provisions of these regulations by the person to whom the licence has been granted or by his agent, if any, in charge of the food business:

Provided however, that a licence to carry on a food business from a stall shall be valid for such period during which the food business is intended to be carried on from such stall.

<sup>69</sup> Gazette Notice No. 63 of 1 July 2011: Senior Medical Officer/Clinical Director

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

(4) If a licence to carry on a food business is refused, suspended or withdrawn, the proprietor of the food business or his agent as aforesaid may appeal to the Magistrates Court, and the court may make such order concerning the licence as appears to be just and equitable.

(5) The fees set out in the Schedule to these regulations shall be payable in respect of the several matters set out therein.

### **Certificate of exemption**

29. (1) In granting a licence to carry on a food business, the Senior Environmental Health Officer may grant a certificate to the effect that compliance with any of the provisions of the regulations specified in subregulation (4) cannot be reasonably required with respect to the premises in which it is intended to carry on such food business or to any activities carried on therein, and those premises shall be exempt from the provisions mentioned in the licence for such time and on such conditions as is specified in the certificate of exemption.

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

(3) The Senior Environmental Health Officer may withdraw any such certificate of exemption if at any time he ceases to be satisfied as aforesaid.

(4) The provisions of the regulations referred to in paragraph (1) are regulation 11, regulation 12(1), regulation 13(1) and (2), regulation 15, regulation 16(1)(a) and (b), regulation 19(2) and regulation 22(1)(a).

### **Offences**

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

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

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

### **Punishment for offences**

31. Any person guilty of an offence under these regulations shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 18 months, or to both such fine and imprisonment, and, in the case of a continuing offence, to a

further fine of £25 for each day or part of a day during which the offence continues after a conviction is first obtained.

### Repeal

32. The Food Hygiene Regulations<sup>70</sup> are repealed.

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#### SCHEDULE<sup>71</sup>

Fees	
Registration of a food business	£25
Licence to carry on a food business (for a period of 12 months)	£15
Licence to carry on a food business from a stall	£2 per day.

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<sup>70</sup> *Legal Notice 25 of 1977*

<sup>71</sup> *Schedule substituted by LN 8 of 2010*