

Legal Notice No. 8 of 2010

ASCENSION



Public Health Ordinance, Cap. A22 Public Health (Food Safety) Regulations, 2010

In exercise of the powers conferred by section 21(1)(d) and (i) of the Public Health Ordinance, Cap A22, the Governor makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Health (Food Safety) Regulations, 2010, and shall come into force on 1 April 2011.

Interpretation

2. In these Regulations, unless the context otherwise indicates—
- “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”** means 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 out for profit or not;
- “food premises”** means any premises, vehicle, stall, tent or place in, on or from which there is carried on any food business and 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;
- “high risk foods”** include meat, cooked meat products such as gravy and stock, milk, cream, custard, egg, dairy products, poultry, fish, cooked rice and all foods which support the multiplication of disease producing organisms;
- “shelf life”** means the length of time food may be stored without becoming unsuitable for consumption.

Food safety controls

3. The proprietor of a food business shall—

- (a) maintain his food premises, including the structure of such premises and all equipment used therein, in a clean, hygienic and pest free condition;
- (b) protect all food from the risk of contamination at all stages including storage, transportation, packaging, preparation, cooking and sale;
- (c) control the temperature of any high risk foods with chilled temperatures at or below 8°C, frozen food at or above -18°C and hot food at or above 63°C;
- (d) maintain the cold chain from the point of importation until sale;
- (e) ensure that all persons handling food in his food business and those responsible for supervision are trained with respect to personal hygiene, safe and hygienic food handling, pest control, protection of food from contamination and procedures regarding health and food poisoning;
- (f) report any illnesses, including symptoms of food poisoning, suffered by any person handling food to a medical officer of health.

Labelling

- 4.** A proprietor of a food business shall—
- (a) ensure that all food contains adequate labelling information including storage temperature, “use by” date for high risk foods and “best before” date for ambient foods at all times throughout any process of packaging and re-packaging and transportation including following any processes;
 - (b) ensure that all food imported contains labelling information referred to in paragraph (a);
 - (c) ensure that all food has sufficient shelf life remaining from when it is placed on sale until sale;
 - (d) not sell food after expiration of its “use by” date.

Powers

5. (1) A public health inspector shall have responsibility for the enforcement of food safety controls, including port controls where reasonably practicable, and for this purpose may—

- (a) enter any food business premises at a reasonable time to carry out an inspection, take food samples and take any other steps necessary to comply with the food safety requirements;
- (b) seize any food which is unfit for human consumption or if the “use by” date on any food has expired;
- (c) investigate, in co-operation with the medical officer of health, any allegation of food poisoning.

Offences and penalties

- 6.** A person who—
- (a) fails to comply with any requirement of regulation 3 or 4; or
 - (b) obstructs a public health inspector acting in the execution of his duty,
- is guilty of an offence and liable on summary conviction to a fine not exceeding £10,000 or imprisonment for a term not exceeding 6 months or both.