

Public Health (Foods) Regulations – Section 9

(Statutory Instrument 70/1980)

S.I. 70/1980 .. in force 1 April 1978
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PUBLIC HEALTH (FOODS) REGULATIONS – SECTION 9

Commencement [1 April 1978]

1. Citation

These Regulations may be cited as the Public Health (Foods) Regulations.

2. Interpretation

In these Regulations unless the context otherwise requires—

“adulterated” means any valuable constituent which has been in whole or in part omitted or abstracted therefrom; or any substance which has been substituted wholly or in part therefrom; or damage or inferior substance has been concealed in any manner; or any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength, or make it appear better or of greater value than it is; any article of food that is misbranded and does contain any added poisonous or deleterious ingredient and that otherwise contains any filler or ingredient that debases without adding food value, may not be manufactured or sold if it is branded or tagged so as not to show its contents or consists in whole or in part of any filth, dirt, putrid, or decomposed substance, or if it is otherwise unfit for food; or it has been prepared, packed, or held under insanitary conditions whereby it may have been rendered injurious to health; or it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter; or its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“advertisement” means any representation for the purpose of promoting, directly or indirectly the sale or disposal of any food;

“business” means the undertaking of a canteen, club, school or institution, whether carried on for profit or not;

“certificate of exemption” means, in relation to a food business, a certificate in force for the time being and granted in accordance with the provisions of these Regulations;

“catering establishment” means an establishment wherein meals, lunches, sandwiches or other refreshments are prepared for consumption elsewhere than on the premises;

“container” means any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“contamination” means contamination by rodent, pest, flies, and other insects, bacteria and by odours;

“eating establishment” means any premises where meals, lunches or other foods are offered for sale to the public for immediate consumption and shall include restaurants, food serving and preparation facilities in a hotel, taverns beverage rooms, shops, eating shops, cafe lunch counters, luncheonettes, sandwich shops, dairy bars, soda fountains, ice-cream parlours and canteen but does not include temporary eating establishment;

"temporary eating establishment" means an eating establishment which operates for a period not exceeding 30 days;

"employee" means any person employed in an eating establishment who may handle food or drink in its preparation, storage or serving or who comes in contact with any utensils used in the preparation or serving of food or drink and include the proprietor or any member of his or her family so employed;

"equipment" means apparatus, furnishings and utensils used for the storage, preparation and distribution of food and drink;

"fish" means cooked and uncooked fish (including cured or smoked fish) and includes any other form of sea-food;

"food" means any living or dead animal or fish or part thereof and any other article including ice used for food or drink, for human consumption other than drugs and water; or any other article which ordinarily enters into or is used in the consumption of preparation of human food or flavouring matters and condiments for human consumption;

"food business" means any restaurant, coffee shop, cafeteria, short-order cafe, grill, luncheonette, tea room, sandwich shop, tavern, bar, cocktail lounge, night club, feeding establishment, whether public or private, or nonprofit organization or institution routinely serving or drink, a catering kitchen, canteen or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for human consumption with or without charges;

"food handling establishment" means any premises in which food is processed or otherwise prepared, packaged, manufactured, or stored;

"food premises" means any premises on or from which there is carried on any food business, and includes stalls and carts;

"food rooms" means any room in which any person engages in handling of food or in the cleaning of equipment for the purposes of a food business;

"inspector" means the public health inspector or Director of Medical Services or medical officer of health or his or her duly authorised representative, or Chief Medical Officer;

"insanitary conditions" means any conditions or circumstances that might contaminate food with dirt or filth or foreign matter that might render food injurious to the health of person consuming it;

"label" means (a) an inspection legend; (b) the true name of the product; (c) a list of ingredients; and (d) accurate statement of the quantity of contents; (e) the name and place of business of the manufacturer or packer;

"meat" means the flesh (including edible offal and fat) of cattle, swine, sheep, rabbits, poultry and goat, which are intended 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;

"poultry processing plant" means any food establishment or portion thereof in which poultry is killed, dressed, processed or stored for sale, or are offered for sale alive;

"package" means 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;

"proprietor" means the person in whose name an eating establishment, a temporary eating establishment, or a catering establishment is being operated, or the person keeping or managing same;

"sell" means offer for sale, expose for sale;

"single service utensils" means cups, containers, lids, or closures plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials, and all similar articles which are constructed wholly or in part from paper, paperboard, moulded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognised as for one usage only, then to be discarded;

"stall" means any stand, tent or mobile canteen;

"suitable lighted" when used in respect to kitchen and food preparation rooms means any intensity of light equal to at least 50 feet candles on working surfaces, or at a distance of 30 inches from the floor, and in storage and refrigeration areas at least 10 feet candles;

"utensils" mean any kitchenware, table-ware, glassware cutlery utensils, containers or other equipment with which food or drink comes in contact during storage preparation, distribution or serving.

PART 1 FOOD GENERAL

3.

- (1) It shall be an offence for any person to sell any food which was manufactured, prepared, preserved, packaged or stored for sale under insanitary conditions.
- (2) The burdens of proving that any article of food was not intended for human consumption shall rest upon the person charged with the offence.
- (3) A person shall not label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.
- (4) A person shall not store, transport, or keep in the same a compartment, room or place where food is stored, transported or kept, any live animal, live poultry, or hides, or any articles or materials of any kind which in the opinion of the inspector is liable to contaminate such food or render it unfit for human consumption.
- (5) No food shall be stored, sold, offered for sale in the open air, or hawked about in any street or elsewhere unless such food is adequately protected from flies, dust or animals by being placed in a dust proof box, cabinet, utensils or any conveyance which shall be kept closed except when temporarily opened for the purpose of withdrawing the contents or part thereof or of stocking it with new material.
- (6) Where food is stored or sold or offered for sale outside of any store, shop or public building or in open doorways or windows thereof, or in any street or public place it shall be kept elevated at least 2 feet above the ground or floor and shall be kept properly covered or otherwise protected from animals, dust, dirt, insects, vermin and rodents.
- (7) Refreshments shall not be sold from tents, stalls or other erections unless there is provided covered receptacles or drums for holding refuse; (garbage or waste material, and where no system of garbage collection is operated) the person in charge of the tent, stall or other erection shall remove and destroy the refuse, garbage and waste to the satisfaction of the inspector.
- (8)
 - (a) Where liquid refreshment in bulk including water kept for sale or served to the public it shall be drawn from a covered container by

means of a tap, and the container shall be kept clean and sanitary at all times.

- (b) The liquid refreshment referred to in paragraph (a) of regulation 8 shall be served in individual cups. If paper cups are used they shall not be used for more than one person. It shall not be an offence to use a water cooler of a type approved by the medical officer of health or public health inspector.
- (c) A person shall not employ a coin operated or other mechanical dispensing device for the sale of unpacked food or for the sale of beverages other than in closed bottles or containers unless the requirements of paragraph (a) of regulation 8 have been complied with and in addition, the device is free from lead, cadmium or any other substance which may be so affected by the food or beverages as to form dangerous or deleterious compounds or as to render food or beverage which comes into contact with substance unwholesome or detrimental to health.
- (d) Where a dispensing device is connected to a water supply system it shall be so designed and constructed to prevent contamination of the water supply system.
- (e) Devices which dispense carbonate beverages shall not have any copper or copper lined component in contact with the beverage.
- (f) A person shall not sell or distribute, rent or lease coin operated or other mechanical dispensing devices intended to be used in the dispensing of packaged or unpacked food or beverage unless such devices meet the design and construction requirements of these Regulations.

(9)

- (a) Every article of food being transported shall be protected from dust, dirt, flies or other contamination by a clean covering or enclosure.
- (b) The inspector shall direct that any perishable food in the course of being transported shall be kept at a temperature not higher than 45 degrees Fahrenheit (7° C).
- (c) All frozen foods in the course of being transported in bulk shall be kept at a temperature not higher than 5 degrees Fahrenheit (minus 15° C).
- (d) All vans, carts, barrows or other vehicles used for transporting food shall be kept in a clean state and in good repair to the satisfaction of the inspector.

(10) No food container, other than glass bottles for drink, shall be used more than once for such purpose. Glass bottles before re-use shall be thoroughly cleansed and sterilized in a manner satisfactory to the inspector.

(11) A person shall not sell an article of food that—

- (a) has in or upon it any poisonous or harmful substance;
- (b) is unfit for human consumption;
- (c) consists in whole or in part of any filth, putrid, rotten, decomposed, diseased animal or vegetable substance or any animal found dead;
- (d) is adulterated;
- (e) is from any sick or unwholesome meat, fish, bird or fowl.

(12) 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 or she

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, serving or delivery of food.

- (13) For the purpose of these Regulations the supply of food otherwise than by sale, at, in or from any place where food supplied in the course of business, shall be deemed to be a sale of that food and references to purchasing and purchasers shall be construed accordingly.

ADMINISTRATION

4.

- (1) For the purpose of exercising any powers under this Part of these Regulations, an inspector may at any reasonable time enter and inspect premises used in connection with the carrying on of a food business.
- (2) Where an inspector has reasonable cause to believe that any premises are used in connection with the manufacture, preparation, preservation, packaging, storage or sale of any foods, he or she may at any reasonable time enter and inspect those premises and inspect any foods found on them and take sample thereof.
- (3) Where an inspector has information or has reasonable ground for suspecting that an offence in connection with these Regulations is being, has been or is about to be committed on any premises or that evidence of such offence is to be found there, the inspector may—
- (a) enter those premises, after giving due notice to Manager/Proprietor and inspect them;
 - (b) open and examine any food receptacle or package;
 - (c) seize and detain any samples of foods for such time as may be necessary.
- (4) Where an inspector has entered premises under regulation 4, the manager/proprietor or occupier of the premises and every person found therein, shall give the inspector all reasonable assistance and furnish him or her with such information as the inspector may require.
- (5)
- (a) A person shall not remove, alter or interfere in any way with any article seized under these Regulations without the permission of the inspector.
 - (b) Any article seized under these Regulations may at the option of an inspector be kept or stored in the building or place where it was seized or may at the direction of an inspector be removed to any other proper place.
 - (c) An inspector shall release any article seized under these Regulations when he or she is satisfied that the provisions thereof with respect thereto have been complied with.
- (6) The expenses incurred in destroying or otherwise disposing of any food condemned in accordance with the provisions of these Regulations shall be a debt due by the Manager/Proprietor from the person who is in possession of any such food.
- (7) No person having in his or her 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, organization, institution or association.

- (8) Every person having in his or her 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 inspector.
- (9) In any proceedings under these Regulations an inspector shall issue a certificate respecting the state or condition of any article of food which is subject of a prosecution and such certificate shall be tendered in evidence.
- (10) An inspector whenever he or she thinks necessary, may require any person engaged in the production, preparation, sale distribution or delivery of food or drink to present himself or herself for medical examination at such time and place as may be specified and after such examination the medical officer (health) shall issue free of charge to the person examined, a certificate stating that at the time of examination and in the opinion of the medical officer of health the person is a fit and proper person to be so employed, if in fact the medical officer of health was of that opinion at the time of the examination.

5.

- (a) Every person working in a food handling establishment or business shall possess a valid health certificate from a medical officer according to the prescribed schedule, that he or she is in a fit state of health to engage in such occupation. Such certificate shall be renewable on 30 June and 31 December every year.
- (b) A fee of \$2 shall be paid to the medical officer making the Medical examination and issuing the certificate. Such certificate shall be kept at the place of employment and shall be available for inspection by any authorised officer of the Ministry of Health.

6. No manager/proprietor or any person operating a food handling establishment shall knowingly employ any person unless such person conforms to the conditions prescribed by these Regulations.

7.

- (1) Subject to the following provisions of these Regulations as soon as any person engaged in the handling of food becomes aware that he or she is suffering from fever, vomiting, diarrhoea, dysentery or other bowel disease shall forthwith give notice of the fact—
 - (a) to the occupier of the food premises, if he or she is engaged in the handling of food at food premises;
 - (b) to the manager/proprietor of the business, if he or she is engaged in the handling of food otherwise than at food premises; and the manager/proprietor 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 medical officer of health or public health inspector in which the said premises of business are situated.
- (2) When the person referred to in subregulation (1) is himself or herself the occupier of the food premises or the Manager of the food business, as the case may be, he or she shall immediately cease work and give the notice immediately to the medical officer of health or public health inspector in which the said premises or business are situated.
- (3) Without prejudice to the provisions of regulation 9(1), if the 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 or she may require such person to submit a medical examination by a medical officer of health, 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 work the person shall cease work forthwith.

- (4) Any person who has ceased work under the preceding subregulation (3) shall not resume work unless he or she has obtained a certificate of good health from a medical officer of health.

8. Where any act or thing is by any of these Regulations prohibited or prescribed the duty of seeing that such prohibition or prescription is complied with shall rest upon both the owner and occupier for the time being and in the event of a breach on the Regulations, either the owner or the occupier or both is liable to prosecution.

PART 3

FOOD HANDLING ESTABLISHMENT REGULATIONS

9. No operator of food handling establishment shall allow the premises, machinery, implements of trade, utensils, equipment and receptacle to be in any insanitary condition or poor repair.

10. Every person operating a food handling establishment shall provide in the establishment such facilities and equipment as in the opinion of the inspector are necessary for the operation of the food handling establishment and the same are of such materials and design as are satisfactory to the inspector.

11. There shall be maintained adequate equipment and measures to prevent the entry of flies, insects, rodents and vermins into food handling establishment and to keep the premises free from such pests.

12. A person shall not operate a food handling establishment unless the following standards are complied with:

- (a) is suitably ventilated;
- (b) has walls and floors that are durable, impervious to water and easily cleanable;
- (c) is in a clean and sanitary condition;
- (d) is provided with adequate toilet facilities that are conveniently located, accessible, clean, sanitary and in good repair;
- (e) is provided with adequate hand washing facilities;
- (f) is provided with an adequate supply of hot water;
- (g) is provided with an adequate supply of potable water under pressure;
- (h) is provided with suitable storage cupboards for the storing of personal wearing apparel of the staff; and
- (i) is suitably lighted.

13. All sanitary conveniences, compartments, and rest rooms, shall be well ventilated and lighted and kept clean at all times and in good sanitary and working condition. Such compartments shall not open directly into any room where food is handled but must be separated therefore by a well ventilated and lighted and kept clean at all times and in good sanitary and working condition. Such compartments shall not open directly into any room where food is handled but must be separated therefore by a well ventilated intervening room, space or passage.

14. A person shall not use any room in which food is prepared, stored or offered for sale as a living room, washing room, sleeping room, or for the storing of personal wearing apparel. No bedroom shall open directly into any room where food is prepared, stored or offered for sale.

15.

- (1) No operator or person in charge of a food handling establishment shall permit any live animal to enter or remain in the food handling establishment.
- (2) The preceding sub-regulation shall not apply to that portion of market premises on which animals are tethered or sold.

16.

- (a) A person shall not convey or deliver from house to house, sell or offer for sale inside or outside any building or in any street to square, any articles of food, drink or ice unless wearing clean garments.
- (b) Every person working in a food handling establishment shall:
 - (i) be neat and tidy and keep his or her hands clean,
 - (ii) wear clean garments,
 - (iii) wear caps and other suitable head covering if so directed by the inspector,
 - (iv) be free from any disease, infection or illness which may be spread through the medium of food and from any condition of the skin which may contaminate food, and
 - (v) refrain from spitting or the use of tobacco in any room where food is prepared, stored, offered for sale or sold.

17.

- (a) Foods in food handling establishment shall be stored in such manner as to ensure no transfer of flavour or odour.
- (b) No food shall be stored, kept or prepared in any room through which a vent or waste pipe, primary closet or urinal is carried.

18.

- (a) All perishable foods in a food handling establishment shall be kept in a refrigerated space at a temperature of not higher than 45 degrees (45°F) Fahrenheit (7°C) or in a clean and well ventilated store-room or enclosure as may be approved by the inspector.
- (b) A person shall not sell or offer to sell frozen foods in food handling establishment unless the temperature of such foods is maintained below (15°F) degrees Fahrenheit or (–10°C).

19. Where glassware or other utensils are used in connection with the serving of drinks in bars, retail spirit shops or from snowball or ice-cream carts or at any other place, there shall be provided adequate means for cleaning such glassware and utensils, to the satisfaction of the inspector.

20.

- (1) A person shall not employ a coin operator or other mechanical dispensing device for the sale or package food or beverage in closed bottled or containers unless—
 - (a) the device shall be designed and constructed as to allow effective cleaning and maintenance and to remain free from insect and rodent harbourage and other nuisances;

- (b) the device shall be designed and constructed as not to become a hazard to children or others in use, or under forceable conditions of abuse;
- (c) where the device is unattended and is intended to dispense unheated readily perishable foods, it shall be equipped with refrigeration so that food is kept at 45 degrees Fahrenheit or less;

(2)

- (a) The device and the area around shall be kept clean and sanitary at all times.
- (b) There shall be provided in the immediate vicinity of all coin operated or other mechanical dispensing device receptacles for the disposal of food or beverage containers.

21. No person suffering from any disease, infection or illness which may be spread through food or primary conditions of the skin which may contaminate food shall work or engage in any occupation connected with the production, preparation, sale, distribution or transport of any article of food or drink.

PART 4 REGULATION IN RESPECT OF EATING AND FOOD ESTABLISHMENTS

22. A person shall not operate an eating establishment, temporary eating establishment, catering establishment or food handling establishment, unless a licence to do so is first obtained from the Public Health Board.

23.

- (1) Before issuing such a licence, the Public Health Board shall require a plan or plans and other particulars of building, the equipment to be used therein and a valid certificate issued by the inspector in regard to the cold storage facilities provided therein. (*Substituted by S.I. 28/1983*)
- (2) All managers/proprietors or operators of Eating and Food Handling Establishments operating on the date these Regulations come into force shall apply in writing, for a licence within 6 weeks of such date.
- (3) All licence shall expire on 31 December and shall be renewed if approved on written application form before 31 January next after the date of expiry.
- (4) The licence be valid unless cancelled or suspended until 31 December next after the date of issue and not transferable to any other premises or person.
- (5) There shall be a charge of \$0.20 per square foot for the first hundred square feet of operative space and \$0.10 per square foot for the next 500 square feet and \$0.5 per square foot for the remaining space.
- (5A) There shall be a charge of \$40 for the issue of a certificate referred to in paragraph (1) of this Regulation.
- (6) All fees for licences shall be paid to the Government Treasury or sub-collector's office.
- (7) Where a licence to carry out an Eating and Food Handling Establishment is refused, suspended or withdrawn, the Manager/Proprietor or agent as aforesaid may appeal to the Board of Health and the Board shall make such order as appears to be just.
- (8) The licence shall be displayed in a conspicuous place in the premises and if the licence is removed, damaged, hidden or obscured or allowed to become illegible the person to whom it has been granted or his or her

agent, if any, in charge of the food business commits a breach of these Regulations.

- (9) Where a licence to operate an eating establishment, food handling or catering establishment has—
 - (a) been refused or cancelled as the case may be that these establishments shall not operate until such time as provision or provisions of Regulations as the case may be are fully complied with and before a licence is granted or reissued;
 - (b) where a licence has been cancelled, the Public Health Board may direct the placement of a notice on the premises to this effect.
- (10) A person shall not operate an eating or food handling establishment unless—
 - (a) all floors and coverings are tight, smooth and easily cleaned for the preparation and storage of foods or the washing of utensils and toilet fixtures are located;
 - (b) the walls and ceilings of all rooms where food is stored, prepared or served are kept clean and in good repair;
 - (c) the walls and ceilings or rooms in which food is prepared have a washable surface, finished in a light colour;
 - (d) the surface or serving tables, counters and food preparation tables are smooth, washable and free from cracks and crevices;
 - (e) all rooms and passageways are suitably lighted and ventilated;
 - (f) a separate room, compartment, locker or cupboard is provided for keeping the wearing apparel of employees.
- (11) Every catering establishment or food handling establishment shall be provided with:
 - (a) adequate toilet facilities which shall be conveniently located, accessible, clean, sanitary and in good repair, to the satisfaction of the inspector;
 - (b) adequate hand washing facilities which shall include—
 - (i) a hand wash basin,
 - (ii) an adequate supply of hot and cold water,
 - (iii) a constant supply of soap in a suitable container or dispenser,
 - (iv) clean towels, and
 - (v) a suitable receptacle for used towels and waste material.
- (12) A person shall not operate an eating establishment or food handling establishment unless such establishment is provided with an ample supply of
 - (a) potable water;
 - (b) hot water of at least 160 degrees Fahrenheit (82°C); and
 - (c) cold water.
- (13) Every eating establishment or Food Handling Establishment shall be provided with refrigerated space equipped with removal racks and trays for the storage of perishable foods.
- (14) The refrigerated space referred to in Regulations 18 shall be maintained at a temperature of 45 degrees Fahrenheit (7°C) or lower except for frozen

foods which shall be stored at a temperature of 20 degrees Fahrenheit (6°C) with a tolerance of 5 degrees Fahrenheit (2°C).

- (15) A person shall not operate an eating establishment or food handling establishment unless—
 - (a) suitable racks or shelves are provided for the storage of food and no shelves or racks shall be placed less than 18 inches above the floor level;
 - (b) all foods shall be protected against contamination, and stored on racks or shelves;
 - (c) all foods shall be stored in such manner to ensure that odours and flavours are not transferred.
- (16) Where food which has been served to a patron and is consumed shall be destroyed. It shall not be reserved or used again for human consumption.
- (17) All perishable foods shall be kept in a safe refrigerated space provided for in Regulation 13 of these Regulations unless approved by the inspector.
- (18) The storage and disposal of all waste shall be stored or disposed in accordance with the Public Health (Collection and Disposal of Refuse) Regulations.
- (19) In every eating establishment each employee shall comply with the following standards—
 - (a)
 - (i) be neat, tidy and keep hands clean,
 - (ii) wear clean garments, and
 - (iii) be free from
 - (A) any disease or infection which may be spread through the medium of food;
 - (B) any condition of the skin which may contaminate food and to be;
 - (C) in possession of a valid Health Certificate from a medical officer of health or medical officer.
 - (b)
 - (i) All cooks and others preparing food shall wear suitable head covering, and
 - (ii) All waitresses shall wear caps or hair nets.
- (20) All utensils and equipment shall be maintained in good repair and stored in a sanitary manner.
- (21)
 - (a) It shall be prohibited to use dishes, glasses, cups or utensils that are cracked or so badly worn that they cannot be cleaned.
 - (b) The inspector shall order the destruction of such articles.
- (22) The re-use of single service utensils is prohibited.
- (23) All cooking units shall be provided with a ventilated shaft or other suitable devices to carry off all smoke, steam or odour and shall be constructed and maintained as to work efficiently under all weather conditions.
- (24)

- (a) There shall be facilities and equipment for the cleaning and bacterial treatment of utensils.
 - (b) The method of cleaning shall be done either by—
 - (i) mechanical equipment designed and operated that all utensils are cleaned and bacteriacidally treated, or
 - (ii) of manual equipment consisting—
 - (A) a 3 compartment sink of non-corrodible metal or other suitable material or satisfactory alternative equipment which will allow the results, and
 - (B) drainage racks of non-corrodible material as received by the inspector.
- (25) All utensils for preparing or serving food shall be cleaned and bacteriacidally treated after each use.
- (26) All utensils shall be washed in hot detergent solution which is capable of removing germs and food particles and rinsed and bacteriacidally treated in accordance with these Regulations.
- (27) Utensils shall be bacteriacidally treated by either of the following methods—
- (a) immersion for at least 2 minutes
 - (i) in clean water at a temperature of at least 180 (82°C) degrees fahrenheit, or
 - (ii) in a chlorine solution of at least 100 parts per million available chlorine, or
 - (b) other bacteriacidal treatment which is approved by the inspector.
- (28) The bacteriacidal solution shall be changed as often as is required to provide effective bacteriacidal strength.
- (29) Where mechanical equipment is used for washing and rinsing bacteriacidal treatment of utensils, the inspector shall be provided with satisfactory evidence of the effectiveness of operation of such machines.
- (30) A person shall not sleep in any room used for preparing, storing or cooking food, nor shall any such rooms be used for the storing of personal wearing apparel, toilet requisites or other articles which are not required in the preparation or cooking of food.
- (31) Floors of all rooms in which food is stored, prepared or served shall be kept free from litter, and floors shall be cleaned in those periods when the least amount of food or drink is exposed.
- (32) Smoking or other use of tobacco, or spitting, shall not be permitted in kitchen, or other rooms where food is prepared.
- (33) A person shall not operate a temporary eating establishment unless—
- (a) the concession-booth or structure is maintained and operated in a clean and sanitary manner to the satisfaction of the inspector;
 - (b) refrigeration is provided for all perishable foods;
 - (c) all foods, cooking facilities and utensils are protected from dust, dirt, insects and all forms of contamination;
 - (d) single service utensils shall be used and all utensils washed and bacteriacidally treated in a manner satisfactory to the inspector.
- (34) Hot dogs, hamburgers and sandwiches shall be served in paper serviettes.

- (35) Water or liquid refreshment, kept in bulk for use or sale shall be drawn from a suitable covered container, and the container shall be of non-corrodible material and kept in a clean and sanitary condition at all times.
- (36) There shall be provided covered metal refuse containers of non-corrodible or other suitable material.
- (37) No person in charge of an eating establishment, temporary eating establishment or catering establishment shall comply or keep in employment any person who—
 - (a) is suffering from any disease or infection which may be spread through the medium of food; or
 - (b) has any condition of the skin which may contaminate food.
- (38)
 - (a) All multi-use utensils used for preparing, serving, or drinking of food shall be thoroughly cleaned and sanitized after each usage.
 - (b) Single service containers shall be used only once.
 - (c) Drying cloths, shall not be used for wiping utensils.
 - (d) No articles, 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.
- (39) A person who engages in the handling of food shall, while so engaged—
 - (a) Keep clean as reasonably practicable all parts of his or her person.
 - (b) Keep as clean as reasonably practicable all parts of his or her clothing or overall.
 - (c) Keep any open cut or abrasion covered with a suitable water-proof dressing.
 - (d) Refrain from the use of tobacco (including snuff) while he or she is handling any food or is in any food room in which there is food.
 - (e) Refrain from spitting.
 - (f) After using the toilet, wash hands before resumption of duties.
- (40) No person with any septic or infected cut or abrasion on any exposed part of his or her body shall engage in the handling or preparation of food.
- (41) There shall be provided a sufficient quantity of water in all eating and food handling establishments.
- (42)
 - (a) There shall be provided and maintained in all eating and food handling establishments for the use of all persons engaged in the handling of food suitable and sufficient hand washing basins with an adequate supply of hot and cold water, soap or other suitable detergent, nail brushes, clean towels or other suitable drying facilities, in a position conveniently accessible to such persons.
 - (b) The hand wash basins and the taps thereof referred to in the preceding sub-regulations shall be kept clean and in efficient working order.
- (43) There shall be provided and maintained suitable and sufficient bandages, dressing and antiseptic for first aid treatment in all food premises, in a readily accessible position, for the use of persons engaged in the handling of food on those premises.

- (44) Except where adequate provision is made elsewhere than in a food room, suitable and sufficient cupboards or locker accommodation shall be provided and maintained in all food premises, for the clothing and footwear not worn during working hours of all persons engaged in the handling of food on those premises.
- (45)
- (a) There shall be provided and maintained to the satisfaction of the inspector, in all food premises suitable and sufficient sinks or other facilities (not being hand wash basin mentioned in regulation (42) above, for washing food and equipment used in the food business).
 - (b) With an adequate supply of hot and cold water or of water at a suitably controlled temperature, but a supply of water shall be sufficient for any sink or other facility used only for the washing of fish, tripe, animal carcasses, fruits, or vegetables to the satisfaction of the inspector.
 - (c) All sinks and other facilities available for the said purpose shall be kept clean and in good working order.
- (46) There shall be provided and maintained suitable and sufficient ventilation in every room to the satisfaction of the inspector.
- (47) 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 and condition as to enable them to be effectively cleaned, and prevent the risk of contamination by rats, mice, insects and the entry of birds.
- (48) No refuse of filth, whether solid and 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 5 REQUIREMENTS RELATING TO STALL

24.

- (1) Every stall from which a food business is carried on shall—
- (a) bear conspicuously the name and address of the person carrying on the business;
 - (b) be kept clean and in such good order, and condition as to enable it to be effectively clean;
 - (c) be provided with suitable and sufficient means of lighting to the satisfaction of the inspector.
- (2) No food shall be exposed for sale on any sidewalk, platform, street, road or other thoroughfare unless such food is placed on a stall or other elevation of at least one foot above ground.
- (3) No such stall shall be used as a sleeping place.

25.

- (1) Every stall from which meat or fish is sold or exposed for sale for human consumption—
- (a) shall suitably be covered and be screened at the sides and back thereof in such a manner as to prevent any flies, 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 covered receptacle shall be constructed of impervious material or shall be replaced as often as may be necessary to prevent the accumulation of obnoxious matter, and shall be kept apart from any meats or fish intended for sale.

26. There shall be provided and maintained in every stall for the use of all persons engaged in the handling of food, suitable and sufficient hand washing basins with an adequate supply of hot and cold water, soap or other suitable detergent, nail brushes, clean towels or other suitable drying facilities, in a position conveniently accessible to such persons.

PART 6 REQUIREMENTS RELATING TO AERATED WATER FACTORIES

27.

- (1) No premises shall be used as an aerated water factory unless the same have been duly licenced annually by the Public Health Board and for this purpose, and any person who intends to use any premises as a factory shall apply in writing to the Public Health Board.
- (2) Before issuing such a licence the Public Health Board shall require a plan and other particulars of building and the equipment to be used therein. The Board, being satisfied that the premises are fit to be used and are in compliance with the provisions of these Regulations, shall issue a licence to the applicant.
- (3) The licence shall be exhibited by the applicant in a conspicuous place on the premises during the term for which it shall have been granted.
- (4) Where any person carries on an aerated water factory without obtaining a licence commits an offence.

28. Every factory shall have its supply of water taken directly from a service main and such water must first be filtered before being used in the manufacture of any aerated drinks or for cleaning any bottle intended for holding the water or any filters, tanks or other vessels used in the process of manufacture.

29. The water used in any factory where a service main cannot be installed for any of the purposes mentioned in the preceding regulation shall be taken from protected spring or other place approved by the Public Health Board.

30. No bottles shall be used to contain aerated drinks which have not been properly cleansed and sterilized either by boiling for not less than 20 minutes in boiling water or immerse in a solution of chlorine of a strength of 100 parts per million. Brushes and any other appliances used for cleaning bottles shall be sterilized immediately before use by boiling them for not less than 20 minutes in boiling water.

31. No sugar or other articles shall be used in the manufacture of any aerated drinks unless the sugar or other articles be cleaned and free from deleterious matter.

32. All filters used in a factory must be approved by the Public Health Board. Where a manager/proprietor uses a filter after he or she has been waived intimation in writing that the inspector disapproves of, commits an offence.

33. Where any manager/proprietor of a factory knowingly employ therein, any person suffering from a contagious or infectious disease or from any ulcer, or abrasions of the skin he or she commits an offence.

34. Any person employed at or in any factory shall (a) be attired in clean uniform; (b) use only clean hands and forearms while engaged in cleaning any bottles or other vessels or in mixing any preparation to be aerated or in bottling or selling any manufactured drinks; (c) not expectorate in or about the said factory; (d) be provided with a certificate by a registered medical officer, that he or she is in a fit state of health to be employed in an aerated water factory.

35. The inspector shall once a month visit every factory in his or her district and he or she shall report to the Public Health Board the conditions of the factory and of the equipment thereof.

PART 7

REQUIREMENTS RELATING TO THE TRANSPORT AND CARRYING OF MEAT, FISH AND FROZEN PRODUCTS

36.

- (1) The following provisions shall apply with respect to all vehicles used in the course of food business for the transport of meat and fish or either of them, being meat and fish when transported as "Open Food".
- (2) 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 practical the cover shall not be allowed to come into contact with the meat or fish.
- (3) The floor of the vehicle shall be impervious and fitted with movable duck boards in such a manner as to prevent the meat or fish or its wrapping from touching the floor of the vehicle.
- (4) Any receptacle or duck board in or on which meat or fish is placed and parts of any slings implements or other equipment used for the loading of meat or fish shall be kept clean and in a proper state of repair.
- (5) 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, such receptacles shall be constructed of impervious materials and kept clean and in good order, and conditions as to enable them to be thoroughly cleaned.

Milk

Definitions

37. In these Regulations—

"cow-keeper" means the person in whose name any milking place or pasture in which he or she keeps milking cows, is registered;

"dairy" includes any place where milk is kept for sale, and includes every room where such milk is stored;

"dairyman" means the person in whose name any "dairy" is registered;

"milk" means wherever the context permits butter, cheese, cream, and other milk products;

"milking place" means a place where cows are milked as a source or milk sale.

PART 8 REGISTRATION OF DAIRIES

38. The applicant to register a dairy shall—

- (a) state his or her name, the location or such dairy and the names of all persons employed in handling the milk;
- (b) furnish a certificate from the medical officer of health that he or she is and all persons handling the milk are apparently free from any infectious or contagious disease, and are fit to be employed. The fee for such certificate shall be \$2;
- (c) furnish a certificate from an inspector that the dairy to be registered is in such a condition as to comply with these Regulations;
- (d) state the name of the cow-keeper from which the milk is obtained and the situation of the pasture or cattle-pen.

38A. There shall be paid to the Government Treasury or Sub-Collector's office a fee of \$40.00 for the issue of a certificate referred to in regulation 38(c). (*Inserted by S.I. 28/1983*)

REGISTRATION OF MILKING PLACES

39. The applicant to register a milking place shall—

- (a) state his or her name, location of the milking place, the maximum number of cows to be kept therein, and the names of the milkers employed;
- (b) furnish a certificate from a medical officer that he or she is, and every person employed in milking or attending the cows are apparently free from any infectious or contagious disease, and are fit to be so employed. The fee for such certificate shall be \$2;
- (c) furnish a certificate from an inspector that the cattle-pen if any complies with the prescribed requirements and is situated on an approved site.

LICENCES OF MILK SELLERS

40. The applicant for a licence shall—

- (a) State the name of the cow-keeper from whom his or her milk is obtained, and the location of the milking place;
- (b) Furnish a certificate from a medical officer that he or she is apparently free from any contagious or infectious disease and is fit to be so employed. The fee for such certificate shall be \$2.

41. The Public Health Board issuing the licence shall endorse on each licence the name of the cow-keeper, and the location of the milking place from which the milk is to be obtained.

42. If any licensee desires at any time to obtain milk from other sources he or she shall before so doing make application and submit the particulars aforementioned to the Public Health Board, who if satisfied, shall cause the licence to be endorsed accordingly.

43. Every licensee shall whenever he or she ceases to take milk from any source which has been approved, immediately notify the Public Health Board who shall endorse his or her licence accordingly.

44. It shall not be lawful for any licensee to obtain milk from any other source except that endorse on his or her licence.

45. It shall not be lawful for any person to carry or offer milk for sale without first having taken out a licence to sell milk.

POWERS AS TO REGISTRATION AND LICENCES

46. The Public Health Board shall refuse to make any registration or to issue any such licence until satisfied that the provisions of these Regulations have been complied with and it may on good grounds at any time cancel any registration made by it.

47. No registration shall be made or renewed where any well-founded complaint of nuisance to the neighbourhood, arising from any milking place, has been made, or where due cleanliness has not been observed.

48. The Public Health Board issuing the licence may on good grounds at any time cancel any licence issued by it under these Regulations or strike out the name of any person previously permitted to supply milk to a licensed dealer.

CATTLE-PENS IN TOWNS, VILLAGES AND PRESCRIBED AREAS

49. Every cattle-pen in a town or such other area as may be prescribed by the Public Health Board by notice in the Gazette shall, for every cow, heifer, ox or steer or other animal kept therein, contain not less than 40 square feet floor area, and 300 cubic feet capacity of air space, or less than 2 square feet ventilating space in window, jalousie, lattice or other area as may be prescribed without the permission and approval of the Public Health Board.

50. Every such cattle-pen shall be floored with concrete tiles, bricks laid in cement or asphalt, or other approved material, so graded towards the "grip" or channel gutter at the back, that no liquid matter can remain on the floor. The "grip" or channel shall be formed with a proper uniform fall. Satisfactory lawful provision having regard to the local conditions must be made for any discharge of liquid matter.

51. The walls, if any, shall be made of impervious material other than wood for a height of 4 feet from the floor. The walls, if any, and drains shall be adequately and regularly flushed with water and cleansed. Every such cattle-pen shall be provided with a properly constructed and water-tight roof.

52. Every such cattle-pen shall be provided with a proper receptacle or dungstead for the reception of dung or other refuse. Every such receptacle or dungstead shall not be less than 10 feet distance from the cattle-pen, and shall be maintained to the satisfaction of the inspector. The dung shall be cleared as often as may be necessary, and removed from inside the cattle-pen at least once daily.

53. Every cow-keeper shall to the satisfaction of the inspector cause each such cattle-pen to be thoroughly clean and disinfection shall be done at least once every 3 months.

REPORT ON MILKING PLACES AND PASTURES

54. The inspector must report to the Public Health Board any milking place which he or she may find during the course of his or her inspections that is not in conformity with these Regulations.

55. He or she must similarly report any pasture, the condition of which is not satisfactory.

INSPECTION AND CLEANLINESS OF ANIMALS

56. All cows shall be inspected and examined by an inspector free of cost to the owners of the animals at intervals of not longer than 6 months. Whenever notice has been given by an inspector of his or her intention to inspect the cows of a cow-keeper, the cow-keeper shall for the purpose of such inspection keep all his or her cows penned for tethered.

57. No cow-keeper shall cause or suffer any cow in a milking place to be or to remain in a filthy condition, so as to expose the milk to infection or contamination.

DISEASES AMONG ANIMALS

58. If at any time disease exists among the cattle in any place the cow-keeper shall immediately notify the Public Health Board of the existence of the same. The inspector may cause the immediate removal of such diseased animal, which shall be kept isolated. All milk from such diseased animal and from such milking place shall be destroyed or otherwise disposed of to the satisfaction of the inspector until the milking place is adequately disinfected.

59. A cow-keeper or dairyman or any other person shall not milk cows or handle vessels used for containing milk for sale, or in any way take part or assist in the conduct of such trade or business if at any time he or she appears to be suffering from any contagious or infectious disease.

60. A cow-keeper or dairy man shall not—

- (a) cause or suffer any person to milk cows or to handle vessels used for containing milk for sale, or in any way to take part or assist in the conduct of such trade or business, unless such person has been certified as fit by a medical officer;
- (b) cause or suffer any person, although he or she has been duly certified as aforesaid, who at any time appears to be suffering from any contagious or infectious disease, to milk cows, or to handle vessels used for containing milk for sale or in any way to take part or assist in the conduct of such trade or business;
- (c) cause or suffer any cow to be milked until its udder and hands of the milker have been cleaned and the utensils thoroughly cleaned and scaled.

DAIRIES

61. A dairyman shall not —

- (a) permit any water-closet, earth-closet, privy, cesspool or urinal to be situated within, communicate directly with, or ventilate into any dairy;
- (b) use any dairy, or permit the same to be used, as a sleeping apartment, or for any purpose incompatible with the proper preservation of the

cleanliness of such dairy, and of the milk vessels and milk therein, or in any manner likely to cause contamination of the milk therein;

- (c) convey or carry, or permit to be conveyed or carried, through the dairy, any excremental or offensive matter or any soiled bed, body or other clothing;
- (d) wash, or permit any other person to wash, any bed, body or other clothing, or permit the same to be hung up to dry in any dairy;
- (e) carry on within any dairy, any trade or business of such a nature as would tend to contaminate the milk;
- (f) keep milk for sale or storage in any place where it would be liable to become infected or contaminated by gases or effluvia arising from any sewer, drain, cesspit or closet, or by any offensive effluvia from putrid or offensive substances, or by impure air, or by any offensive or deleterious gases or substances;
- (g) permit milk to be stored or carried in lead vessels;
- (h) keep or allow any swine to be or remain in or about any dairy.

POWERS OF INSPECTION

62. The members of the Public Health Board and the inspector shall at all times have the right of inspecting dairies, pastures, cattlepens and milking places for the purpose of seeing that the provisions of these Regulations are complied with; and all persons refusing admission to any such person or in any way obstructing or impeding any such person or inspection, commits an offence against these Regulations.

63.

- (1) Any person who shall sell or offer for sale as milk or pure milk adulterated or impoverished milk commits an offence against these Regulations :
Provided that this sub-regulation shall not apply to —
 - (a) skimmed milk provided that the receptacle or container in which such milk is sold or offered for sale is conspicuously marked with a name or description indicating that the milk has been so treated; or
 - (b) milk reconstituted by the addition of water or other substance to dried milk powder or to evaporated or condensed milk provided that the manufacturer's directions for reconstituting the milk are adhered to and that the receptacle or container in which the milk is sold or offered for sale is conspicuously marked with a name or description indicating that the milk has been reconstituted.
- (2) Despite the provisions in the preceding sub-regulations, all raw milk for sale or intended for human consumption shall first be pasteurized.
- (3) Pasteurization — The terms "**pasteurization**," "**Pasteurized**", and similar terms shall mean the process of heating every particle of (a) milk or milk products to at least 161°F., and holding it continuously at or above this temperature for at least 15 seconds, in properly designed and operated equipment which approved by the Public Health Board.

Provided, that milk products which have a higher milk fat content than milk and/or contain added sweeteners shall be heated to at least 166°F and held continuously at or above this temperature for at least 15 seconds (b) condensed or concentrated milk or condensed or concentrated milk products to at least 175°F and holding it continuously at or above this temperature for at least 25 seconds.

Provided further, that nothing in this definition shall be construed as barring any other pasteurization process which has been recognized, by the Environmental Health Branch to be equally efficient and which is approved by the Public Health Board.

- (4) The inspector may stop any person conveying or having in his or her possession any milk which he or she suspects is intended for sale, and may at all reasonable times enter into any dairy and may examine and test any milk being conveyed or found in such dairy and may take samples thereof.
- (5) The inspector or any other person authorised in that behalf by the Public Health Board may require any dairyman to deliver to him or her a sample of the milk usually offered by him or her for sale for the purpose of testing. On such test having being made and having regard to the quality of such samples, the conditions obtaining in the dairy where the milk has been produced and the manner in which such milk is usually offered for sale a certificate shall be issued, signed by the inspector or the Agricultural Superintendents designating the product of such dairy fit for human consumption.
- (6) Every licensee shall, whenever requested so to do by the Public Health Board, furnish within a reasonable time fixed by the Public Health Board, a complete list of all dairies or places from which his or her supply of milk is derived or has been derived during the last 6 weeks.
- (7) Any milk which, when tested by an inspector or a Government veterinary surgeon or other person appointed for the purpose by the Public Health Board which does not contain at least 3 percent of milk fat, and which fails to satisfy any other test prescribed by the Public Health Board, shall be presumed, until the contrary is proved, to be improverished or adulterated milk.
- (8) The burden of proving that any milk being conveyed or found in the possession of any person or found in any dairy was not intended for sale shall be upon the defendant.
- (9) Where any person is charged with having in his or her possession or conveying in any manner milk which it is suspected has been sold or offered for sale and declares that they purchased or received the same from some other person, or that he or she was employed as a carrier, agent, or servant, or to convey the same for some other person, the court is authorised, if practicable, to cause every such other person, and also, if necessary, every farmer, or other person through whose possession such milk has passed, to be brought before it and to examine witnesses upon oath touching the same, and if it appears to the court that any such person has had possession of such milk, every such person shall be deemed to have had possession of such milk at the time and place when and where the same was found or seized, and he or she is liable to punishment accordingly.
- (10) Possession by any servant or agent shall be deemed to be the possession of both the manager/proprietor.
- (11) Any person who shall obstruct or hinder any person acting under authority of this regulation commits an offence against these Regulations.

64. Milk shall only be kept or offered for sale in a receptacle of a pattern approved by the Public Health Board.

65. Any such receptacle shall be closed by a well fitted lid properly secured by padlock or other approved means or manner, the milk to be drawn therefrom by a tap or otherwise as may be approved.

66. Any licensee or other person who unlawfully opens or tampers with such receptacle or its milk contents commits an offence against these Regulations.

67. Milk in transit and intended for sale shall be conveyed in a suitable container closed by a well fitting lid properly secured by padlock or other approved means or manner.

MEASURES FOR SALE OF MILK

68. Measures for the sale of milk shall be of a material and pattern approved by the Public Health Board.

69. A milk seller must keep his or her measures in a clean and satisfactory condition at all times, and shall not cause or suffer the same to be exposed to infection or contamination.

70. Any person contravening any of these Regulations or found guilty of any breach of the same is liable to a penalty not exceeding \$250.

Certificate under Regulations 64(b), 66(b)

I hereby certify that I have examined
residing at and that he/she is apparently free from any infectious or
contagious disease, and is fit to be employed in attending on or in milking cows, or in handling
milk vessels.

Date:

Certificate under Regulation 64(c)

I hereby certify that I have inspected the dairy belonging to and
that it is in such a condition as to comply with the Public Health Regulations.

Date:

Certificate under Regulation 65(c)

I hereby certify that I have inspected the milking place and/or cattle-pen belonging to
..... at and that it complies with the requirements of the Public
Health Regulations. It is on an approved site and constructed to hold
cows.

Date:

Public Health (General) Regulations – Section 22

**(Statutory Instruments 4/1935, 57/1936, 39/1940, 8/1942, 67/1946,
33/1952, 65/1953, 27/1954, 18/1955, 15/1956 and 26/1960)**

Statutory Instrument 4/1935 .. in force 6 July 1935

Amended by S.I. 57/1936, 39/40, 8/1942, 67/1946, 33/1952, 65/1953, 27/1954, 18/1955,
15/1956

PUBLIC HEALTH (GENERAL) REGULATIONS – SECTION 22

1. These Regulations may be cited as the Public Health (General) Regulations and shall be construed with reference to the Public Health Act.

General

1A. In these Regulations -