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## CHAPTER 56

# PUBLIC HEALTH (AERATED WATER, ICE AND ICE-CREAM)

JR 7 of 1970

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## **PUBLIC HEALTH (AERATED WATER, ICE AND ICE-CREAM)**

**To provide for the control of the production of aerated water, ice and ice-cream.**

### **1. Interpretation**

In this Act the following expressions shall have the meanings respectively assigned to them –

“aerated water” means every kind of non-alcoholic effervescent liquid prepared for human consumption and sold in bottles, syphons, casks or other vessels, and for the purpose of this Act shall include non-effervescent syrups and cordials;

“ice-cream” means any preparation containing cream or a product of milk sweetened or unsweetened, flavoured or unflavoured and artificially frozen, and shall include water ice;

“ice factory” means any building or part of a building or premises used for the manufacture of ice for sale to the public;

“Minister” means the Minister responsible for health;

“water ice” means any preparation of water and foodstuff in a chilled or frozen condition with or without the addition of flavouring or colouring matter.

### **2. Permit to maintain factory**

- (1) No person shall maintain or carry on an aerated water factory or ice factory or manufacture ice-cream for sale unless he is in possession of a permit so to do issued by the Minister on the recommendation of the Director of Health, in the form prescribed in Schedule 1.
- (2) No permit shall be transferred without the permission so to do in writing of the Minister.
- (3) Without prejudice to the provisions of section 13(2) the Minister may upon the recommendation of the Director of Health by notice in writing in the form prescribed in Schedule 2 suspend any permit issued under the provisions of the preceding subsections of this section.

### **3. Application for permit**

- (1) Any person wishing to obtain a permit under the provisions of this Act shall apply to the Minister therefor in the form prescribed in Schedule 3.
- (2) Every such application shall be accompanied by a certificate, signed by the Director of Health or an officer of the Department of Health authorised by him in that behalf under the provisions of section 4, in the form prescribed in Schedule 4 that the factory in respect of which the said application is made complies with the provisions of this Act.
- (3) On receipt of the said application the Minister may grant or refuse it.

### **4. Requirements for factory**

Every aerated water factory or ice factory or premises used for the manufacture of ice-cream, in respect of which a permit has been applied for under the provisions of subsection (1) and such application has been granted under the provisions of subsection (3) of section 3, shall comply with the following conditions:

- (a) the buildings shall be substantially built, and in good repair, and so constructed as to offer as far as possible no harbourage for rats, mice and other vermin;

- (b) the floors of every room within the said buildings shall be of cement, concrete, tiles or other materials impervious to water and laid with a smooth even surface suitably graded and drained;
- (c) the internal surface of the walls of every room aforesaid shall be constructed of brick, tiles, cement or other materials impervious to water and having a smooth surface:  
Provided that wood lining may be used if the lining boards are placed vertically with closely set joints painted with at least three coats of paint, not being lead-based paint, the final coat of which is light coloured;
- (d) every room aforesaid shall be suitably ceiled;
- (e) every room aforesaid and every passage in the said buildings shall be sufficiently lighted and ventilated;
- (f) there shall be provided in respect of the said buildings sufficient and suitable lavatory accommodation for the persons employed therein;
- (g) no room used for the preparation of ice or aerated waters or in the manufacture of ice-cream shall communicate directly with any room in which persons habitually sleep or any lavatory or have in it any opening into any drain or sewer;
- (h) there shall be provided a sufficient and suitable supply of hot and cold water for the cleaning of all appliances used in the process of manufacture;
- (i) the doors, windows and ventilators of all rooms within the said buildings where syrup is handled shall be provided with effective fly screens of wire gauze;
- (j) the buildings aforesaid shall be properly drained;
- (k) only filtered or sterilized water free from the risk of contamination and sufficient for the purposes of an aerated water, ice factory or premises used for the manufacture of ice-cream shall be used;
- (l) adequate storage shall be provided for all ingredients used in the manufacture of aerated waters, ice and ice-cream;
- (m) there shall be provided and maintained a portable receptacle or receptacles of a sufficient shape and size and fitted with a fitted lid or lids for the disposal of refuse and all refuse shall be placed therein.

##### **5. Provisions as to cleanliness**

Every person to whom a permit shall be granted shall –

- (a) at all times keep the aerated water factory or ice factory or premises used for the manufacture of ice-cream in a state of cleanliness, and shall keep every room on the premises, used in the processes of manufacture, free from accumulations of boxes, tins, and any material which may offer harbourage to rats;
- (b) cause all tables, vessels, utensils, filters, and machinery to be kept in a clean and wholesome state;
- (c) ensure that all persons employed in his aerated water factory or ice factory or premises used for the manufacture of ice-cream are clean at all times while so employed, and are dressed in a clean overall or apron made of a washable material;
- (d) provide on the premises, for the use of employees, sufficient wash basins and a sufficient supply of soap, nail-brushes and clean towels;
- (e) provide and maintain a supply of hot water during working hours sufficient for the purposes prescribed in this Act, for which such water is required.

**6. Health of workers**

- (1) No person shall work or employ any other person to work in an aerated water factory, ice factory or premises for the manufacture of ice-cream unless that person or that other person has been medically examined at least once every 6 months and has obtained as a result of that examination a medical certificate to the effect that he is not suffering from any infectious or contagious disease transmittable to any person using or consuming the product of the said aerated water factory, ice factory or premises used for the manufacture of ice-cream.
- (2) Any person employed in an aerated water factory, ice factory or premises used for the manufacture of ice-cream who shall contract or appear to have contracted any gastro-intestinal infection or any other infection of the body shall be immediately suspended from such employment, shall be directed to obtain medical treatment therefor and shall not be permitted to resume such employment without producing a medical certificate that he is not or is no longer suffering from such complaint.

**7. Prohibition of animals**

No animal or bird shall be kept in any aerated water factory, ice factory or premises used for the manufacture of ice-cream.

**8. Name and address on vehicles**

The name of the manufacturer and the address of the aerated water factory, ice factory or premises used for the manufacture of ice-cream shall be painted and be clearly visible on any vehicle or hand-cart used for the transport of aerated water, ice or ice-cream, or for the collection of bottles used in the manufacture of aerated waters.

**9. Special provision relating to aerated waters**

Every person to whom a permit has been granted for premises to be used as an aerated water factory shall –

- (a) keep and use only bottles and containers of a type easily cleansed and which are not chipped or cracked;
- (b) provide and maintain adequate apparatus for the cleansing and sterilizing of such bottles and containers; the process of cleansing shall be as follows:
  - (i) each bottle or container, as the case may be, shall be soaked for not less than 10 minutes in a solution of caustic or washing soda of effective strength and cleanliness; then
  - (ii) rinsed in clean water; then
  - (iii) every part of the interior of the said bottle or container shall be brushed with an efficient brush; and then
  - (iv) shall be rinsed with a jet of clean water:

Provided that any other system of cleansing approved by the Director of Health may be substituted for the process aforesaid;

- (c) ensure that weekly, all candles are removed from the filter plant and cleansed and then boiled for not less than 15 minutes;
- (d) ensure that no aerated water or any water in the process of being converted into aerated water comes into contact with any copper or lead;
- (e) provide and maintain separate racks for the drainage and storage of clean bottles and containers; the bottles and containers shall be stacked clear off the floor and so as not to retain water;

- (f) provide and maintain separate racks for unwashed or dirty bottles and containers; the bottles and containers shall be stacked clear off the floor and so as not to retain water;
- (g) ensure that any bottle washing process is carried out in a separate room from any filling or in a well-defined part of the same room;
- (h) ensure that all vessels containing syrups are adequately protected against flies and dust;
- (i) ensure that all syrup strainers in use are washed daily in clean water and are protected from dust when drying or not in use;
- (j) ensure that a hygienic process is maintained for capping filled bottles with new caps immediately after filling;
- (k) ensure that no vehicle, hand-cart or other container shall be used for the carriage of aerated water or for the collection of bottles used in the manufacture of aerated water unless it has been approved by the Director of Health.

**10. Special provisions relating to ice**

Every person to whom a permit has been granted for a building to be used as an ice factory shall –

- (a) provide and use for the reception of blocks of ice a suitably drained bench with a surface of stainless steel, formica or a similarly hard and non-porous material;
- (b) provide and use as far as is practicable metal tongs for the conveyance of blocks of ice to the storage chamber or to and from any delivery vehicle;
- (e) ensure that the containers in which the water is frozen are kept clean and that the said containers are scrubbed inside with an abrasive soap preparation not less than once a week;
- (d) ensure that blocks of ice shall be wrapped only in materials as may be approved by the Director of Health;
- (e) ensure that no vehicle, hand-cart or other container shall be used for the carriage of ice unless it has been approved by the Director of Health.

**11. Special provisions relating to ice-cream**

- (1) No person shall manufacture or store any ice-cream for sale nor cause or permit it to be stored in any open shed or unenclosed place.
- (2) No person shall sell ice-cream unless every spoon, glass or other appliance used by the customer in connection with such a sale has been thoroughly cleansed in clean water.
- (3) No person shall sell any ice-cream which having been once frozen has run down or melted and which has again been frozen.
- (4) No person shall refill with ice-cream any once-used package which is made wholly or in part of wood, paper, cardboard or the like absorbent material.
- (5) Every person to whom a permit has been granted for premises to be used for the manufacture of ice-cream –
  - (a) shall ensure that all vessels used for containing ice-cream or any milk or cream used in the said manufacture shall be cleansed immediately after being emptied;
  - (b) shall ensure that no vehicle, hand-cart or container shall be used for the carriage of ice-cream unless it has been approved by the Director of Health.

**12. Inspection of premises**

- (1) For the purpose of carrying out his duties under the provisions of this Act the Director of Health, or any officer of the Department of Health authorised by the said Director of Health in that behalf, may at any reasonable time enter and inspect any aerated water factory, ice factory or premises used for the manufacture of ice-cream.
- (2) Any person who obstructs any person who by virtue of the provisions of subsection (1) is authorised to enter and inspect any aerated water factory, ice factory or premises used for the manufacture of ice-cream in or upon the occasion of the exercise of his duties shall be guilty of an offence.

**13. Penalties**

- (1) Where any person acts in contravention of the provisions of this Act he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 100,000.
- (2) Where any person is convicted of an offence under this Act the Minister may either temporarily or permanently suspend any permit granted under the provisions of section 3(3) of this Act.

**14. Display of Act**

Every person to whom a permit has been granted for premises to be used as an aerated water factory, an ice factory or for the manufacture of ice-cream shall at all times display his permit and a copy of this Act (which said copy may be obtained upon application to the Director of Health) in a conspicuous place within the said premises.

**SCHEDULE 1**

(section 2(1))

**Public Health (Aerated Water, Ice and Ice-Cream) Act, Cap. 56**

**PERMIT TO OPERATE**

**AUTHORISATION D'EXPLOITATION**

.....  
(description of the undertaking,  
i.e. an aerated water factory  
or an ice factory or  
an ice cream factory)

.....  
(description de l'entreprise:  
fabrique d'eau gazeuse  
ou fabrique de glace  
ou fabrique de crème glacée)

.....  
(full name of individual, firm or company)  
(désignation complète de la personne ou de la société)

is hereby authorised to operate a factory for the manufacture of  
est par la présente autorisé à exploiter une fabrique

.....  
(aerated water, ice or ice-cream) (d'eau gazeuse, de glace ou de crème glacée)

in the premises situated at  
dans les bâtiments sis à

.....  
(address)

.....  
(adresse)

from  
à compter du

.....  
(date from which operation is authorised)

.....  
(date à partir de laquelle l'exploitation est autorisée)

Issued at Port Vila on  
Fait à Port-Vila, le ..... 20 .....

.....  
Minister  
Ministre

*Note*

- (1) This permit may not be transferred to any person or body without the written permission of the Minister.
- (2) This permit may, under the provisions of section 2(3) of the Public Health (Aerated Water, Ice and Ice-Cream) Act, be suspended by the Minister upon the recommendation of the Director of Health.

*Note*

- (1) Cette autorisation ne peut être transférée à un tiers sans autorisation écrite du Ministre.
- (2) Cette autorisation peut, par application de l'article 2(3) de la loi sur la Santé Publique (Fabrication d'Eau Gazeuse, de Glace, de Crème Glacée) être suspendue par le Ministre sur recommandation du Directeur du Service de Santé.

**SCHEDULE 2**

(section 2(3))

**Public Health (Aerated Water, Ice and Ice-Cream) Act, Cap. 56**

***Notice of Suspension of Permit  
Notification de suspension d'autorisation***

to operate a factory for the manufacture of  
d'exploiter une fabrique

.....  
(aerated water, ice or ice-cream)

.....  
(d'eau gazeuse, de glace ou de crème glacée)

*Notice is hereby given that  
Il est par les présentes notifié*

the Permit to operate a factory for the manufacture of  
que l'autorisation d'exploiter une fabrique

.....  
(aerated water, ice or ice-cream)

.....  
(d'eau gazeuse, de glace ou de crème glacée)

issued to ..... (full name of holder of permit)  
délivrée à ..... (désignation du détenteur)

on ..... is suspended  
le ..... est suspendue  
(date of issue of permit) (date de l'autorisation)

until further notice.  
jusqu' à nouvel ordre.

Dated at Port Vila  
Fait à Port-Vila, le ..... 20 .....

.....  
Minister  
Ministre

**SCHEDULE 3**

(section 3(1))

**Public Health (Aerated Water, Ice and Ice-Cream) Act, Cap. 56**

**Application for a permit to operate a factory for the manufacture of  
Demande d'autorisation d'exploitation d'une fabrique de**

.....  
(state whether aerated water, ice or ice-cream)

.....  
(d'eau gazeuse, de glace ou de crème glacée)

Full name of applicant  
Identité du demandeur .....

1. I hereby apply for a permit to operate a factory for the manufacture of  
J'ai l'honneur de solliciter l'autorisation d'exploiter une fabrique de

.....  
(state whether aerated water, ice or ice-cream)

.....  
(d'eau gazeuse, de glace ou de crème glacée)

in the premises situated at  
dans les bâtiments sis à

.....  
(full address and situation of proposed factory)

.....  
(adresse complète de l'établissement projeté)

beginning on  
à compter du .....

.....  
(date from which permission is sought)

.....  
(date à partir de laquelle l'autorisation est sollicitée)

2. I attach a certificate of the Director of Health that the premises at which I desire to operate the  
said factory comply with the provisions and requirements of the Public Health (Aerated Water,  
Ice and Ice-Cream) Act.

Ci-joint un certificat du directeur du Service de Santé attestant que les locaux dans lesquels je  
compte exploiter cette fabrique répondent aux conditions fixées par la loi sur la Santé  
Publique (Fabrication d'Eau Gazeuse, du Glace, de Crème Glacée).

.....  
(signature of applicant)

.....  
(signature du demandeur)

**SCHEDULE 4**

(section 3(2))

**CERTIFICATE OF COMPLIANCE WITH ACT**

In accordance with the provisions of s.3(2) of the Public Health (Aerated Water, Ice and Ice-Cream) Act

En application des dispositions de l'article 3(2) de la loi sur la Santé Publique (Fabrication d'Eau Gazeuse, de Glace, de Crème Glacée).

*I hereby certify* that the premises situated at  
*Je certifie* par les présentes que les locaux sis à

.....  
(full address and situation of proposed factory)  
(adresse complète de l'établissement projeté)

in respect of which  
pour lesquels

.....  
(full name of applicant)

.....  
(identité du demandeur)

has applied for a permit to operate a factory for the manufacture of  
a demandé l'autorisation d'exploiter une fabrique de

.....  
(aerated water, ice or ice-cream)

.....  
(d'eau gazeuse, de glace ou de crème glacée)

complies in all respects with the provisions and requirements of the Public Health (Aerated Water, Ice and Ice-Cream) Act.

répondent en tous points aux conditions fixées par la loi sur la Santé Publique (Fabrication d'Eau Gazeuse, de Glace, de Crème Glacée).

Dated at Port Vila

Fait à Port-Vila, le ..... 20 .....

.....  
Director of Health  
Directeur du Service de Santé