B 4298

L.N. 264 of 2002

FOOD SAFETY ACT, 2002
(ACT NO. XXIV OF 2002)

Hygiene of Food Regulations, 2002

In exercise of the powers conferred by article 10 of the Food Safety Act, the Minister for Health has made the following regulations:-

Citation and Commencement.

1. (1) The title of these Regulations is the Hygiene of Food Regulations, 2002.

(2) These regulations shall, with the exception of regulation 7, come into force on the 1st October 2002.

Scope and applicability.

2. These regulations have the scope of assuring food hygiene at, and are applicable to, all stages after primary production, during preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply to the consumer

Interpretation.

3. In these regulations, unless the context otherwise requires –

'Act' means the Food Safety Act;

"authorised officer" has the same meaning as is assigned to it in the Act;

'food' has the same meaning as is assigned to it in the Act;

"food business" has the same meaning as is assigned to it in the Act;

"food hygiene", or "hygiene", means all measures necessary to ensure the safety and wholesomeness of food at all stages after primary production, during preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply to the consumer;

"Minister" means the Minister responsible for public health,

"proprietor", in relation to a food business, means the person or persons by whom the business is carried on and includes owners and occupiers of premises, licence holders for the business or premises, and the persons who appear on the register of food premises,

"primary production" includes harvesting, slaughtering and milking;

"sale" has the same meaning as is assigned to it in the Act and includes an act to offer, expose, advertise or keep for sale and to supply by way of compensation or otherwise,

Considerations for enforcement

4. (1) In the enforcement of compliance with and execution of these regulations, the health authority shall :-

(a) ensure that inspections include a general assessment of the potential food safety hazards associated with the business;

(b) pay particular attention to the critical points identified by food businesses to assess whether the necessary controls are being monitored and verification controls are being operated; and

(c) ensure that food premises are inspected with a frequency which has regard to the risk associated with the business carried on from those premises.

Risk to food safety

(2) In determining a risk to food safety regard shall be had to the nature of the food, the manner in which it is handled and packed and any process to which the food is subjected before supply to the consumer and the conditions under which it is displayed or stored.

Appropriate measures to be taken according to Act

(3) If, in the opinion of the health authority, failure to comply with these regulations may create a hazard to the safety of food, it shall take all the appropriate measures to prevent such hazard, including the withdrawal of the food or the closure of all or part of a food business for such period as may be required to secure compliance with the provisions of these regulations.

Power of Minister to make Regulations orders.

5. (1) The health authority may, by notice in the Gazette, establish the temperature control or microbiological control criteria for certain classes of food.

Obligation by proprietor to comply with Regulations ' orders

(2) The proprietor of a food business shall comply with any order made by the health authority under paragraph 5(1) above.

Food businesses to be carried out in a hygienic way

6. (1) Without prejudice to specific requirements set out in these regulations, the proprietor of a food business shall ensure that the preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply of food, shall be carried out in a hygienic way and in accordance with these regulations.

(2) The proprietor shall also adopt such appropriate working methods as will ensure the safety of food For such purpose, compliance with any guide published, approved or recognised by the Food Safety Commission in terms of paragraph (i) of subarticle (1) of article 7 of the Act, shall be deemed, to the extent provided in the guide, to constitute appropriate working methods

Application of HACCP in relation to food business

7. (1) The proprietor of a food business shall ensure that any stage in the activities of his food business which is critical to ensuring food safety is identified and ensure that adequate safety procedures are identified, implemented, maintained and reviewed on the basis of a system of Hazard Analysis Critical Control Points (HACCP) that comprises the activities set out below:-

(a) the analysis of the potential food hazards in a food business operation;

(b) the identification of the points in those operations where food hazards may occur;

(c) the determination of those points that are critical to food safety – hereinafter known as the critical points;

(d) the identification and implementation of effective control and monitoring procedures at those critical control points; and

(e) the periodical review of the analysis of food hazards, the critical control points and the control and monitoring procedures or whenever the food business operations change.

Compliance with general requirements

8. The proprietor of a food business shall comply with the provisions set out in the Schedule to these regulations.

Revokes L.N 73 of 1969.

9. With effect from the coming into force of these regulations, the Food Hygiene Regulations 1969, shall be revoked.

SCHEDULE

(Regulation 8)

Applicability

This schedule provides the regulatory framework for ensuring the hygiene and safety of food and shall be applicable as follows:

- Part I to all food premises except those covered by Part III;
- Part II to all rooms where food is prepared, treated or processed except those covered by Part III and excluding dining areas,
- Part III to those premises listed in the heading to that Part;
- Part IV to all transportation; and
- Parts V to IX of this Schedule apply throughout all stages after primary production during preparation, processing, manufacturing, packaging, storing, transportation, and distribution, handling and offering for sale or supply to the consumer.

PART I

GENERAL REQUIREMENTS FOR FOOD PREMISES (OTHER THAN THOSE SPECIFIED IN PART III)

Scope and applicability.

1. The requirements of this Part of the Schedule apply to all food premises except those specified in Part III below.

Food premises to be kept clean

2. Food premises must be kept clean and maintained in a state of good repair and condition

Layout, design etc of food premises.

3. The layout, design, construction and size of food premises shall:

(a) permit adequate cleaning or, where relevant, disinfecting of all areas;

(b) be such as to protect against the accumulation of dirt, contact with toxic materials, the shedding of particles into food and the formation of condensation or undesirable mould on any surface;

(c) facilitate and permit the implementation of good food hygiene practice or standards for assuring food hygiene,

(d) protect against cross contamination between and during operations by food, equipment, materials, water, air supply or personnel and external sources of contamination such as pests;

(e) provide, where necessary, suitable temperature conditions for the hygienic processing, handling and storage of products

Sanitary facilities.

4. (1) An adequate number of washbasins designated for cleaning hands must be installed in the food premises:

Provided that these are located to the satisfaction of the health authority:

Provided also that these washbasins are supplied with cold running water and hot running water that is at a suitably controlled temperature

(2) Suitable materials for cleaning hands and for hygienic drying of hands must be available at all times.

(3) An adequate number of flush lavatories must be available and connected to an effective drainage system to the satisfaction of the health authority or in compliance to any other law.

(4) Sanitary conveniences must not lead directly into any room in which food is stored, processed or handled.

Washing of food.

5. (1) The food premises must have suitable provisions and facilities for washing food.

(a) When determined by the health authority as necessary, these provisions and facilities must be separate from the hand-washing facilities described in regulation

(2) Every washbasin or any other facility provided for the washing of food must have an adequate supply of cold running potable water and hot potable running water that is at a suitably controlled temperature to the satisfaction of the health authority

(3) Every washbasin or any other facility provided for the washing of food must be kept clean.

(4) Materials and tools for hygienic cleaning of food must be available for use at all times and located in close proximity to every washbasin or other facility for the washing of food.

Ventilation of food premises

6. (1) There must be suitable and sufficient means of natural or mechanical ventilation in all rooms of the food premises and to the satisfaction of the health authority or in accordance to any other law or standard.

Provided that the health authority may establish different ventilation

requirements for different areas or rooms of a food premises

(2) Mechanical air flow from a contaminated area to a clean area must be avoided.

(3) Ventilation systems must be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible and cleaned.

Lighting.

7. All areas of the food premises must have adequate natural or artificial lighting to the satisfaction of the health authority.

Provided that the health authority may establish different lighting requirements for different rooms of the same premises.

Drainage facilities.

8. Drainage facilities must be adequate for the purpose intended and must be designed and constructed to avoid the risk of contamination of food.

Changing facilities

9. Adequate changing facilities for personnel must be provided where the health authority establishes that this is necessary

Provided that the need for such facilities shall be made that gives due consideration to the nature of the food or the process of handling, storage or processing of food

Scope and applicability

10. (1) The requirements of this Part apply to rooms where food are prepared, treated or processed, excluding dining areas and those premises specified in Part III below.

Floors and walls

(2) Floor and wall surfaces must:

(a) be maintained in a sound condition; and

(b) be easy to clean and, where necessary, disinfect.

(3) Without prejudice to any other law or regulation, floors and wall shall be covered with impervious, non-absorbent, washable and non-toxic materials:

Provided that food business operators may use other materials and can satisfy the health authority that these materials are appropriate

Floor drainage.

(4) Where appropriate, floors must allow adequate surface drainage so as to prevent the accumulation of water in any area;

Ceilings

(5) Ceilings and overhead fixtures must be designed in such a fashion, and constructed and finished in such a manner as to prevent the accumulation of dirt and to reduce to a minimum condensation, the growth of undesirable moulds and the shedding of particles;

Windows etc.

11. Windows and other openings must be constructed to prevent the accumulation of dirt Those which can be opened to the outside environment must be fitted with insect-proof screens which can be easily removed for cleaning:

Provided that the health authority may authorise the use of other insect control mechanisms in lieu of the requirement for an insect-proof screen.

Doors

12. (1) Doors must be:

(a) maintained in a sound condition, and

(b) easy to clean and, where necessary, disinfect

(2) Doors shall be made of impervious, non-absorbent, washable and non-toxic materials:

Provided that food business operators may use other materials and can satisfy the health authority that these materials are appropriate.

Surfaces.

13. (1) Surfaces, including surfaces of equipment that come in contact with food must be:

(a) maintained in a sound condition, and

(b) be easy to clean and, where necessary, disinfect.

(2) Surfaces shall be smooth, impervious, washable and non-toxic.

Facilities for cleaning equipment.

14. Where necessary, adequate facilities must be provided for the cleaning and disinfecting of work tools and equipment. These facilities must be constructed of materials resistant to corrosion and must be easy to clean and have an adequate supply of hot and cold water.

Facilities for washing food

15. When appropriate, adequate facilities and tools for the hygienic washing in accordance to article 5 of Part I of this schedule shall be made for readily available

PART II

SPECIFIC REQUIREMENTS IN ROOMS WHERE FOOD IS PREPARED, TREATED OR PROCESSED (EXCLUDING DINING AREAS AND THOSE PREMISES SPECIFIED IN PART III)

Scope and applicability

1. The requirements of this Part apply to rooms where food are prepared, treated or processed, excluding dining areas and those premises specified in Part III below

Floors and walls

2. (1) Floor and wall surfaces must:

(a) be maintained in a sound condition; and

(b) be easy to clean and, where necessary, disinfect.

(2) Without prejudice to any other law or regulation, floors and wall shall be covered with impervious, non-absorbent, washable and non-toxic materials:

Provided that food business operators may use other materials and can satisfy the health authority that these materials are appropriate.

Floor drainage

(3) Where appropriate, floors must allow adequate surface drainage so as to prevent the accumulation of water in any area;

Ceilings

3. Ceilings and overhead fixtures must be designed in such a fashion, and constructed and finished in such a manner as to prevent the accumulation of dirt and to reduce to a minimum condensation, the growth of undesirable moulds and the shedding of particles;

Windows etc

4. Windows and other openings must be constructed to prevent the accumulation of dirt. Those which can be opened to the outside environment must be fitted with insect-proof screens which can be easily removed for cleaning:

Provided that the health authority may authorise the use of other insect control mechanisms in lieu of the requirement for an insect-proof screen.

doors

5 (1) Doors must be:

(a) maintained in a sound condition; and

(b) easy to clean and, where necessary, disinfect

(2) Doors shall be made of impervious, non-absorbent, washable and non-toxic materials:

Provided that food business operators may use other materials and can satisfy the health authority that these materials are appropriate.

Surfaces

6. (1) Surfaces, including surfaces of equipment that come in contact with food must be:

(a) maintained in a sound condition; and

(b) easy to clean and, where necessary, disinfect

(2) Surfaces shall be smooth, impervious, washable and non-toxic.

Facilities for cleaning equipment

7. Where necessary, adequate facilities must be provided for the cleaning and disinfecting of work tools and equipment These facilities must be constructed of materials resistant to corrosion and must be easy to clean and have an adequate supply of hot and cold water.

Facilities for washing food

8. When appropriate, adequate facilities and tools for the hygienic washing in accordance to article 5 of Part I of this schedule shall be made for readily available.

PART III

REQUIREMENTS FOR MOVABLE AND / OR TEMPORARY PREMISES (SUCH AS MARQUEES, MARKET STALLS, MOBILE SALES VEHICLES) PREMISES USED PRIMARILY AS A PRIVATE DWELLING HOUSE, PREMISES USED OCCASIONALLY FOR CATERING PURPOSES AND VENDING MACHINES.

Scope and applicability

1. The requirements of this Part of this Schedule shall apply to moveable or temporary premises including marquees, market stalls, mobile sales vehicles, premises used primarily as a private dwelling house, premises used occasionally for catering purposes and vending machines.

Obligations of proprietor

2. (1) The proprietor of a food business which is carried out from a food premises referred to in paragraph 1 above and from vending machines shall ensure that the provisions in paragraph 2.2 are complied with.

Siting and maintenance of movable, temporary premises and vending machines

(2) Premises and vending machines shall be so sited, designed, constructed and kept clean and maintained in good repair and condition as to avoid the risk of contaminating food and harbouring pests or growth of undesirable moulds, so far as is reasonably practicable.

Requirements for personal hygiene

3. Appropriate facilities must be available to maintain adequate personal hygiene including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities as established by the health authority:

Provided that the specifications for such facilities shall be made in a manner that gives due consideration to the nature of the food or the process of handling, storage or processing of food.

Working surfaces

4. (1) Surfaces, including surfaces of equipment that come in contact with food must be:

(a) maintained in a sound condition; and

(b) be easy to clean and, where necessary, disinfect.

(2) Surfaces shall be smooth, impervious, washable and non-toxic.

Provisions for cleaning equipment

5. Adequate provision must be made for the cleaning and, where necessary, disinfecting of work utensils and equipment to the satisfaction of the health authority;

Provided that the health authority shall act in a manner that gives due

consideration to the nature of the food or the process of handling, storage or processing of food.

Cleaning of food

6. Adequate provision must be made for the cleaning of food to the satisfaction of the health authority;

Provided that the health authority shall act in a consistent manner and giving due consideration to the nature of the food or the process of handling, storage or processing of food.

Provision of hot and cold water

7. An adequate supply of hot and cold potable water must be available at all times and to the satisfaction of the health authority,

Provided that the health authority shall act in a manner that gives due consideration to the nature of the activity or premises.

Hygienic storage and disposal of wastes

8. Adequate arrangements or facilities for the hygienic storage and disposal of any substance or waste, whether in the liquid or solid form must be available at all times to the satisfaction of the health authority;

Provided that the health authority shall act in a manner that gives due consideration to the nature of the substance or waste to be disposed of and in accordance to the provision of any other law

Food temperature conditions

9. Adequate facilities or arrangements for maintaining and monitoring suitable food temperature conditions must be available at all times of operation and to the satisfaction of the health authority;

Provided that the health authority shall act in a manner that gives due consideration to the nature of the activity or premises.

Prevention of food from risk of contamination

10. Food must be placed as to avoid, so far as is reasonably practicable, the risk of contamination.

drainage of washbasins and sinks.

11. The premises and all its equipment or facilities shall, where necessary, be drained to the satisfaction of the health authority.

PART IV

TRANSPORT

Scope and applicability.

1. Unless otherwise provided for by any other Act, this Part of this Schedule shall apply to all means and equipment used for the transport of food.

Food transportation to be carried out hygienically.

2. (1) The person responsible for the transport of the food shall take all necessary measures to ensure that the means of transport and equipment used in the transport of food shall protect, assure and preserve the hygiene of the food being transported.

(2) Conveyances or containers used for transporting food must be kept clean and maintained in good repair and condition in order to protect the transported food from contamination and must, where necessary, be designed and constructed to permit adequate cleaning or disinfection.

Receptacles to be used for food only.

3. Containers in vehicles must not be used for transporting anything other than food where this may result in the contamination of food.

Bulk transportation of food.

4. (1) Bulk food in liquid, granular or powder form must be transported in containers or tankers specifically designed and reserved for the transport of food.

(2) Such containers must be marked in a clearly visible and indelible fashion, to show that they are used for the transport of food.

Effective separation during transport.

5. Where containers are used for transporting anything in addition to food or for transporting different food at the same time, there must be effective separation of the different products, if this separation is considered necessary in order to protect against risk of cross-contamination.

Effective cleaning to avoid contamination.

6. Where containers have been previously used for transporting anything other than food or for transporting different food to that being transported at the time, the container must be effectively cleaned between loads to avoid risk of cross- contamination

Minimising risk of contamination.

7. Food and the container in which the food is stored for transport must be so placed and protected as to minimise the risk of contamination.

Temperature control for food during transport.

8. Where necessary, containers used for transporting food, must be capable of maintaining food at appropriate temperatures and, where necessary, designed to allow those temperatures to be monitored.

PART V

EQUIPMENT REQUIREMENTS

Scope and applicability

1. This Part of this Schedule shall apply to all articles, fittings and equipment with which food comes into contact at any time during its storage, handling, processing, transport or sale.

Surfaces in contact with open food must be kept clean

2. All articles, fittings and equipment with which food comes into contact, shall be:

(a) kept clean;

Equipment construction

(b) constructed or made of such materials and kept in such a state of order, repair and condition so as to prevent or minimise any risk of contamination of the food;

(c) constructed of such materials as to enable them to be kept thoroughly clean and, where necessary, disinfected, sufficient for the purpose intended;

(d) be installed in such a manner as to allow adequate cleaning of the surrounding area.

PART VI

FOOD WASTE

Scope and applicability

1. This part of this Schedule shall apply to the proper keeping and handling of food waste in any food premises.

Accumulation of wastes in food rooms

2. Food waste and other refuse must not be allowed to accumulate in any food premises or area in the food premises that is not specifically designed and designated for the purpose of storing food waste.

Disposal of food waste and other refuse

3. Food waste and other refuse must be deposited in a container that is of an appropriate construction, kept in sound condition, may be closed and, where necessary, be easy to clean or disinfect and to the satisfaction of the health authority:

Provided that the health authority shall act in a manner that gives due consideration to the nature of the activity or premises.

Storage of refuse

4. (1) Any food premises must make adequate provisions must be made for the periodical removal and transitory storage of food waste and other refuse to the satisfaction of the health authority:

Provided that the health authority shall act in a manner that gives due consideration to the nature of the activity or premises.

(2) Food premises may have a room or an area that is designed for the storage of refuse on the premises and such a room or area must be designed and managed in such a way as to enable them to be kept clean, prevent access by pests, protect against the contamination of food, drinking water, equipment or any other area of the food premises:

Provided that the area or room shall be used only for the purpose of storage of refuse.

PART VII

WATER SUPPLY

Scope and applicability

1. This part of this Schedule shall apply to all food premises and concerns the availability of potable water in these premises.

Adequate supply of potable water

2. All food premises must have an adequate supply of potable water at all times of operation.

Ice

3. Ice that comes in contact with food or that is intended for human consumption shall be:

(a) produced from potable water.

(b) produced, handled and stored under conditions which protect it from all contamination.

Steam making

4. Steam that is used or otherwise intended to come in contact with food must not contain any substance which presents or may present a hazard to health or is likely to contaminate the food.

Potable water kept separate from water unfit for human consumption

5 Water unfit for drinking used for the generation of steam, refrigeration, fire control or any other similar purposes not relating to food, must be made available and accessible to the food premises or any area therein through a separate system from that used for potable water and this system shall be readily identifiable and have no connection with, nor have any possibility of reflux into, the potable water systems.

PART VIII

PERSONAL HYGIENE

Scope and applicability

1. This part of this Schedule shall apply to all food handlers and concerns the assurance of suitable levels of personal hygiene at all times that the food handler is in contact, or may come in contact, with any food where "food handler" means any person engaged in the preparation, manufacture and treatment in terms of the Act, in a food business, whether for profit or not, and who handles or prepares food intended for human consumption.

Personal hygiene and protective clothing

2. Any food handler shall maintain a high degree of personal cleanliness and shall wear suitable, clean and, where appropriate, protective clothing at all times during which he may come in contact with any food and to the satisfaction of the health authority:

Provided that any requirement for personal hygiene shall be made in a manner that gives due consideration to the nature of the food or the process of handling, storage or processing of food or the nature of the food business.

Persons with infections

3. (1) No person, known or suspected to be suffering from, or to be a carrier of, a disease likely to be transmitted through food or while afflicted, for example with infected wounds, skin infections, sores or with diarrhoea, shall be permitted to work in any food handling area in any capacity in which there is any likelihood of directly or indirectly contaminating food with pathogenic micro-organisms.

(2) Any food handler who knows or suspects that he is suffering form any condition as described in (1) above, shall inform his employer and shall not handle any food until such condition or suspicion is no longer present.

PART IX

PROVISIONS APPLICABLE TO FOOD

Scope and applicability

1. This part of this Schedule shall apply to all food and concerns its proper storage.

Contaminated raw materials and ingredients

2. No raw materials or ingredients shall be accepted by a food business if they are known to be, or reasonably suspected to be, contaminated with any parasite, pathogen micro-organism or toxic, decomposed or foreign substance that would or may result in making the food that, after undergoing normal sorting or preparation or processing procedures hygienically applied by food businesses, they would still be unfit for human consumption.

Storage of raw materials and ingredients

3. Raw materials and food ingredients stored in the establishment shall be kept in appropriate conditions that are designed to prevent harmful deterioration and to protect them from contamination.

Protection of food from risk of contamination

4. All food which is handled, stored, packaged, displayed and transported shall be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state. In particular, food must be so placed and / or protected as to minimise any risk of contamination.

Pest control

5. Adequate procedures must be in place to ensure that the presence of pests in any food premises is prevented and controlled to the satisfaction of the health authority.

Storage of high risk food at controlled temperatures

6. Raw materials, ingredients, intermediate products and finished products likely to support the growth of pathogenic micro-organisms or the formation of toxins must be kept at temperatures which would not result in a risk to health. However, and consistent with measures that maintain food safety, the keeping of these foods for limited periods outside temperature control are permitted where necessary to accommodate the practicalities of handling during preparation, transport, storage, display and service of food

Rapid cooling of food

7. When food are to be held or served at chilled temperatures they must be cooled as quickly as possible following the final heat processing stage, or final preparation stage if no heat process is applied, to a temperature which would not result in a risk to health

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