1964. No. 129 **[C]**

FOOD AND DRUGS

Food Hygiene

REGULATIONS, DATED 1ST SEPTEMBER, 1964, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 13 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Local Government, in exercise of the powers conferred upon it by sections 13 and 68 of the Food and Drugs Act (Northern Ireland) 1958(a), having consulted with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1.—(1) These regulations may be cited as the Food Hygiene (General) Regulations (Northern Ireland) 1964, and, subject to the provisions of paragraph (2), shall come into operation on the 1st January, 1965.

(2) Regulations 17, 18, 23, 26, 28, 29, 33 and 34 shall come into operation on the 1st July, 1965.

Interpretation

2.—(1) In these regulations—

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"catering business" means a food business consisting wholly or partly of the supply of food for immediate consumption;

"certificate of exemption" in relation to a food business means a certificate for the time being in force in relation to the business for the purposes of Regulation 36;

"contamination" includes contamination by odour; and "contaminated" shall be construed accordingly;

"equipment" includes apparatus, furnishings and utensils;

"fish" means uncooked fish (including cured or smoked fish), and includes uncooked whalemeat;

"food" means food intended for sale, or sold, for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(*a*) water, live animals or birds;

(*b*) articles and substances used only as drugs; or

(*c*) any raw food which has to be subjected to a process of milling or refining for the purpose of rendering it in a state fit for human consumption;

"food business" has the meaning assigned to it by Regulation 3;

(a) 1958. c. 27.

"food premises" means any premises on or from which there is carried on any food business;

"food room" means any room (being, or being part of, any food premises), in which any person engages in the handling of food for the purposes of a food business, but does not include—

(*a*) a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to, or at the request of, any person occupying it as a sleeping place;

(*b*) a room communicating with a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to, or at the request of, any person (not being a person carrying on a food business at the premises which include the room, or a person employed by him) by whom the room is occupied as a sleeping place; or

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

"hospital" means any institution for the reception and treatment of persons suffering from illness including mental disorder, any maternity home, any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and any institution for providing dental treatment maintained in connection with a dental school, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid;

"meat" except in Part VI means the flesh (including edible offal and fat) of animals and birds which is sold or intended for sale for human consumption, and includes bacon and ham and, in Regulations 23 and 25 but not elsewhere includes also any other such flesh which has been cooked or otherwise prepared for sale by any similar process;

"open food" means food not contained in a container of such materials, and so closed, as to exclude the risk of contamination;

"pre-packed" means packed or made up in advance ready for retail sale in a wrapper or container which wholly encloses the food;

"sanitary convenience" means a water closet, urinal, earth or chemical closet, privy or similar convenience;

"stall" includes any stand, marquee, tent or mobile canteen, and any vehicle, whether movable or not.

(2) In these regulations the handling of food means the carrying out, or assisting in the carrying out, for the purposes of a food business, of any process or operation in the sale of food or in the preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food and includes the cleaning of articles or equipment with which food comes into contact.

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

(4) In determining for the purposes of these regulations whether any matter involves a risk of contamination to any food, regard shall be had to the extent to which contamination in the respect in question is immaterial because of—

(*a*) the nature of the food; or

(*b*) the manner in which the food is packed; or

(*c*) any process to which the food is to be subjected before sale to the consumer, being a process to which food of that nature is normally so subjected.

Interpretation of "food business"

3.—(1) In these regulations, the expression "food business" means, subject to the provisions of paragraphs (2) and (3), any trade or business for the purposes of which any person engages in the handling of food.

(2) The said expression does not include any agricultural activity or (except so far as the handling of food may be involved in the course of a retail business or catering business) so much of any trade or business as consists of the handling of food at, in or upon—

(*a*) any dock, public warehouse or public cold store; or

(*b*) (except for the purpose of Part VI) any premises or places occupied by a carrier of goods for the purposes of his trade or business as such a carrier; or

(*c*) any slaughterhouse within the meaning of the Slaughterhouses (Hygiene) Regulations (Northern Ireland) 1963(**a**); or

(*d*) any premises or places occupied by a wholesaler of raw vegetables and used exclusively for the purposes of his trade or business as such a wholesaler; or

(*e*) any premises which—

(i) are used exclusively for the storage of food manufactured and packed by the occupier thereof; and

(ii) are situated outside the curtilage of the premises used for the manufacture or packing of that food; and

(iii) are not used for the storage of any open food; or

(*f*) any dairy in use by a licence holder under the Milk Acts (Northern Ireland) 1950 and 1963(**b**) from which no food other than milk is sold:

Provided that the premises or places referred to at sub-paragraphs (*b*), (*d*) and (*e*) shall be kept as clean and in such good order, repair and condition as is practicable and necessary having regard to the nature of the trade or business and the prevention of contamination of the food.

(3) In this regulation—

(*a*) "agricultural activity" includes horticulture, fruit growing, dairy farming, the breeding and keeping of livestock, including poultry, and the use of land as market gardens and nursery ground; and

(*b*) "dock" includes any harbour, moorings, wharf, pier, jetty or other works in or at which food can be shipped or unshipped and any warehouse, transit shed or other premises used in connection therewith for the temporary storage or loading for dispatch of food which is unshipped or to be shipped.

(**a**) S.R. & O. (N.I.) 1963, No. 162. (**b**) 1950. c. 31; 1963. c. 11 (N.I.).

PART II

GENERAL REQUIREMENTS

Food business not to be carried on at insanitary premises, etc.

4. No food business shall be carried on in or at any insanitary premises, stall, or place or in or at any premises, stall, or place the use of which because of the situation, construction or condition thereof exposes food to the risk of contamination.

Cleanliness of equipment, etc.

5.—(1) Articles or equipment with which food comes into contact, or is liable to come into contact, in the course of a food business shall be kept clean and shall be so constructed, be of such materials and be kept in such good order, repair and condition as to—

(*a*) enable them to be thoroughly cleaned;

(*b*) prevent so far as is reasonably practicable any matter being absorbed by them; and

(*c*) prevent so far as is reasonably practicable any risk of contamination of the food.

(2) Without prejudice to the provisions of paragraph (1), all containers (including returnable containers) intended for containing food in the course of a food business, whether or not they come into contact, or are liable to come into contact, with food, shall so far as is reasonably practicable be protected and kept free from contamination.

Restriction on preparation and packing of food on or about domestic premises

6. A person carrying on a food business shall not for the purposes of that business give out any food or permit any food to be given out for preparation or packing by another person on or about any domestic premises other than those of the person carrying on the business.

PART III

REQUIREMENTS RELATING TO PERSONS ENGAGED IN THE HANDLING OF FOOD

Food to be protected from risk of contamination

7. A person who engages in the handling of food shall while so engaged take all such steps as may be reasonably necessary to protect the food from risk of contamination, and in particular (without prejudice to the generality of the foregoing)—

(*a*) shall not so place the food as to involve any risk of contamination;

(*b*) shall not in or about any forecourt, yard, market or stall place any food lower than twenty-four inches from the ground unless it is adequately protected by other means from risk of contamination.

Personal cleanliness

8. A person who engages in the handling of food shall while so engaged—

(*a*) keep as clean as may be reasonably practicable all parts of his person which are liable to come into contact with the food, and shall in particular wash his hands forthwith after each occasion on which he has used a sanitary convenience;

(*b*) keep as clean as may be reasonably practicable all parts of his clothing, overclothing or overalls which are liable to come into contact with the food;

(*c*) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing;

(*d*) refrain from spitting;

(*e*) refrain from the use of tobacco or any other smoking mixture or snuff while he is handling any open food or is in any food room in which there is open food.

Carrying of food and wrapping, etc., of open food

9. A person who engages in the handling of food shall not while so engaged—

(*a*) carry any food in a vehicle or container along with any article from which there is a risk of contamination of the food, or with any live animal or live poultry, without taking all such precautions as are reasonably practicable to avoid risk of contamination;

(*b*) use for wrapping or containing any open food any paper or other wrapping material or container which is not clean or which is liable to contaminate the food, and in particular (without prejudice to the generality of the foregoing) shall not allow any printed material, other than printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables.

Persons suffering from certain infections

10.—(1) Subject to the provisions of this regulation, as soon as any person engaged in the handling of food becomes aware that he is suffering from, or is the carrier of, typhoid fever, paratyphoid fever or any other salmonella infection or dysentery or any staphylococcal infection likely to cause food poisoning, he shall forthwith give notice of the fact to the person carrying on the food business who shall immediately after receipt of the notice notify the appropriate medical officer of health accordingly:

Provided that where the person required to give such notice is himself the person carrying on the food business he shall give notice immediately to the appropriate medical officer of health.

(2) For the purposes of this regulation the appropriate medical officer of health is—

(*a*) in the case of a person engaged in the handling of food at or from food premises, the medical officer of health of the health authority in whose area the premises are situated; and

(*b*) in any other case either the medical officer of health of the health authority in whose area the person to whom the notice relates resides or the medical officer of health of the health authority in whose area the food business is situated.

PART IV

REQUIREMENTS RELATING TO FOOD PREMISES

Soil drainage systems

11.—(1) No fresh air intake of any ventilation pipe included in the soil drainage system of food premises shall be situated in a food room.

(2) Subject to the provisions of any certificate of exemption, any inlet into any such system shall not be situated in a food room.