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THABAZIMBI LOCAL MUNICIPALITY
FOOD PREMISES AND THE TRANSPORT OF FOOD BY-LAW

FOOD PREMISES AND THE TRANSPORT OF FOOD BY-LAW

The Minister of Health has, in terms of section 35, read with section 40, of the National Health Act, 2003 (Act No. 63 of 2003), made the regulations in the Schedule.

1. Definitions

In these by-law any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates -

“**animal**” means any member of the animal kingdom;

“**available**” includes available elsewhere than on the food premises in question;

“**best available method**” means a method which is practicable and necessary for the protection of food against contamination or spoilage, having due regard to local conditions and circumstances whether at or on food premises or elsewhere, the prevailing extent of established practice and the financial implications thereof;

“**certificate of acceptability**” means a certificate of acceptability referred to in regulation 3;

“**clean**” means free of any dirt, impurity, objectionable matter or contamination to the extent that a state of hygiene is attained, and “**keep clean**” has a similar meaning;

“**container**” or “**food container**” includes anything in which or with which food is served, stored, displayed, packed, wrapped, kept or transported and with which food is in direct contact;

“**contaminate**” means the effect exerted by an external agent on food so that it -

- (a) does not meet a standard or requirement determined by any law;
- (b) does not meet acceptable food hygiene standards or consumer norms or standards; or
- (c) is unfit for human consumption;

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and “contamination” has a corresponding meaning;

“core temperature” means the temperature reading taken in the estimated centre of the food;

“facility” means any apparatus, appliance, equipment, implement, storage space, working surface or object used in connection with the handling of food;

“food” means a foodstuff intended for human consumption as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), excluding food referred to in regulation 14;

“food handler” means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use;

“food premises” means a building, structure, stall or other similar structure, and includes a caravan, vehicle, stand or place used for or in connection with the handling of food;

“good manufacturing practice” means a method of manufacture or handling or a procedure employed, taking into account the principles of hygiene, so that food cannot be contaminated or spoiled during the manufacturing process;

“handle” includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or for serving, and “handling” has a corresponding meaning;

“hands” includes the forearm or the part of the arm extending from the wrist to the elbow;

“health hazard” includes any condition, act or omission that may contaminate or spoil food so that consumption of such food is likely to be dangerous or detrimental to health;

“inspector” means a medical officer of health appointed in terms of section 22(1) of the Act, or an environmental health officer or veterinary surgeon appointed in terms of section 24(1) of the Act;

“perishable food” means any foodstuff which on account of its composition, ingredients, moisture

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content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes thereon or therein if the foodstuff is kept within the temperature spectrum of 4oC to 65oC, and includes the perishable foodstuffs listed in Government Notice No. R.1183 of 1 June 1990, as amended, excluding fruit and vegetables;

“person in charge”, with regard to any food premises, means a natural person who is responsible for the food premises and/or the owner of such food premises, as the case may be;

“prepacked food”, means food which, before it is presented for sale or for serving, has been packed as contemplated in regulation 7(3);

“ready-to-consume food” means any perishable food which may be consumed without having to undergo any further process of preparation to make it consumable;

“serve” includes the provision of food whether for a consideration or otherwise;

“the Act” means the Health Act, 1977 (Act No. 63 of 1977);

“thermometer” means an apparatus which can give the temperature readings referred to in these regulations, the combined accuracy of such a thermometer and its temperature-sensitive sensor being approximately 0,5oC;

“these regulations” includes any annexure to these regulations;

“unsound” means unwholesome sick, polluted, infected, contaminated, decayed or spoiled, or unfit for human consumption for any reason whatsoever;

“vehicle” means a train, trolley, wagon, cart, bicycle, sled, truck, boat, ship or aeroplane, and includes any other craft, vehicle or conveyance used in the handling or transport of food;

“water” means water that complies with the requirements set out in SABS 241: Water for domestic supplies.

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2. Application

(1) any reference in these regulations to a local authority shall also be interpreted as a reference to the head of a provincial administration -

(a) where a local authority has failed to heed a notice in terms of section 15(1) of the Act;

(b) where a local authority has been relieved of a power or duty by notice in terms of section 20(5)(a) of the Act; or

(c) in respect of an area where there is no local authority as contemplated in section 30(1) of the Act.

(2) A local authority, which does not have the services of an inspector at its disposal for any reason may use the services of an inspector from another health authority or in private practice to exercise or execute the powers or duties of an inspector referred to in these regulations.

(3) No provision of these regulations that is in conflict with regulations made under the Act with regard to the handling or transport of certain foods shall be valid in so far as it so conflicts.

3. Certificate of acceptability

(1) Subject to the provisions of subregulation (2) and regulation 15(5), no person shall handle food or permit food to be handled -

(a) on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force

(b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.

(2) The provisions of subregulation (1) shall come into effect in the case of food premises existing at the time of publication of these regulations on the first day following a period of one year after the date of promulgation of these regulations.

(3) The person in charge of any food premises wishing to obtain a certificate of acceptability in respect of such food premises shall apply therefor in writing to the local authority in whose area of jurisdiction the food premises are situated on a form containing at least the particulars that are substantially the same as those contained in the form in Annexure A to these regulations.

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(4) Upon receipt of an application referred to in subregulation (3), the local authority shall without delay refer the application to an inspector for consideration.

(5) An inspector may, in considering such an application, request such further information as he or she may deem necessary or expedient from the applicant or from any other person.

(6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities, subject to the provisions of regulations 4(2) and 15 -

(a) do in all respects comply with the provisions of regulations 5 and 6, a local authority shall issue a certificate of acceptability in the name of the person in charge on a form that is substantially the same as the form in Annexure B of these regulations; or

(b) do not in all respects comply with the provisions of regulations 5 and 6, a local authority may, subject to the provisions of regulation 4(2), grant an extension for a maximum of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question: Provided that during the said period of extension the provisions of subregulation (1) shall not apply to the person concerned.

(7) A certificate of acceptability shall be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued or a copy thereof shall immediately be made available on request where the display thereof is impractical.

(8) If the person in charge of food premises is replaced by another person, such person shall inform the local authority in writing of such replacement within 30 days after the date thereof and the local authority shall subject to the provisions of regulation 4(2), issue a new certificate of acceptability in the name of the new person in charge.

(9) A certificate of acceptability -

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(a) shall not be transferable from one person to another person and from one food premises to another food premises;

(b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;

(c) may at any time be endorsed by a local authority by -

(i) the addition of any further restriction that may be necessary to prevent a health hazard; and

(ii) the removal of any restriction with regard to the category or type of food or the method of handling;

(d) shall expire temporarily for the period during which a prohibition under regulation 4(2) is in effect

(e) shall expire permanently if a prohibition referred to in regulation 4(2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of regulation

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(f) shall expire permanently if the provisions of subregulation (8) are not complied with.

(10) No person may make any unauthorised changes or additions to or forge a certificate of acceptability.

4. Prohibition on the handling and transportation of food

(1) No person shall handle food in a manner contrary to the provisions of these regulations.

(2) If an inspector following an inspection of food premises or a facility is of the opinion -

(a) that such food premises or facility -

(i) are or is in such a condition or used in such a manner; or

(ii) do or does not comply with these regulations to the extent;

(b) that a particular activity with regard to the handling of food takes place in such a manner;
or

(c) that such circumstances exist with regard to the food premises or facility or any other activity, that they or it constitute a health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the local authority may summarily prohibit the use of the food premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written notice in terms of section 52 of the Act on the person in charge or, if he or she is not available, his or her representative informing such person of the prohibition.

(3) A notice referred to in subregulation (2) shall contain at least the following particulars:

(a) The reason(s) for the prohibition;

(b) a statement that the prohibition will in writing be removed by a local authority as soon as the reason(s) for the prohibition has (have) been removed and provided the inspector is satisfied that the reason(s) for the prohibition is (are) not likely to recur.

(4) (a) A prohibition shall come into operation from the time at and the date on which a notice is

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served under subregulation (2).

(b) No person shall perform any act that is contrary to such prohibition.

(5) An inspector shall, within 72 working days hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and the local authority shall upon completion of such investigation in writing inform the person on whom the prohibition notice was served or, if he or she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.

(6) A local authority may levy an inspection fee equivalent to the expenses incurred by the local authority for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of subregulation (5).

5. Standards and requirements for food premises

(1) Subject to regulation 15 no person shall handle food elsewhere than on food premises that meet the requirements of this regulation and regulation 6.

(2) Food premises shall be of such location, design, construction and finish and shall be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed -

(a) without creating a health hazard; and in such manner that food -

(i) can be handled hygienically on the food premises or with the equipment thereon; and

(ii) can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.

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(3) For the purposes of subregulation (2) food premises shall meet the following requirements;

(a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall-

(i) have no open joints or open seams and shall be made of smooth, rust-free, non-toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area -

(aa) facebrick;

(bb) similar wails the joints of which are formed properly or are so formed and finished that they are easy to clean; or

(cc) decorative wall or ceiling finishes which are easy to clean, may be used;

(ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.

(b) Each room of food premises shall be -

(i) ventilated effectively by means of -

(aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls and/or roof that effective cross-ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned; or

(bb) artificial ventilation that complies with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;

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(ii) illuminated by means of -

(aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room concerned; and

(bb) artificial illumination which complies with the requirements of the National Building Regulations and the Building Standards Act, 1977, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.

(c) Food premises shall -

(i) have a wash-up facility with hot and cold water for the cleaning of facilities;

(ii) be rodentproof in accordance with the best available method: Provided that this requirement shall not apply in respect of food premises on which no food is handled or kept after the trading hours of the premises;

(iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;

(iv) have a waste-water disposal system approved by the local authority.

(d) The following shall be available in respect of food premises:

(i) The number of latrines, urinal stalls and hand washbasins specified in Annexure C to these regulations for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that separate sanitary facilities for workers and clients shall not be required: Provided further that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;

(ii) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying equipment for the cleansing and drying of hands by such workers and persons;

(iii) liquidproof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area;

(iv) storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse containers on the food premises;

(v) a separate changing area with storage facilities for clothes;

(vi) an adequate supply of water.

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- (e) No room in which food is handled shall have a direct connection with any area -
- (i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoilt;
- (ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area;
- (f) A room in which food is handled may be connected to a room in which a latrine or urinal is situated
- (i) only via a properly ventilated lobby: Provided that all relevant interconnecting doors shall cover the whole area of their apertures: Provided further that they shall be equipped with durable self-closing devices; or
- (ii) without such a lobby between them: Provided that the connecting aperture shall have a self-closing door as contemplated in item (i): Provided further that the latrine or urinal room shall be equipped with effective mechanical extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.

6. Standards and requirements for facilities on food premises

(1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food shall be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams: Provided that wooded chopping blocks, cutting boards and utensils shall not be prohibited providing such items are kept in such a condition that dirt does not accumulate thereon or therein.

(2) No surface referred to in sub-regulation (1) and no crockery, cutlery, utensils, basins or any other such facilities shall be used for the handling of food if they are not clean or if they are chipped, split or cracked.

(3) Any utensil or item which is suitable for single use only -

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- (a) shall be stored in a dust-free container until used; and
- (b) shall not be used more than used.

(4) A surface referred to in subregulation (1) and a facility referred to in subregulation (2) shall be -

- (a) cleaned and washed before food come into direct contact with it for the first time during each work shift; and
- (b) cleaned and washed, as and when necessary, during and/or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and any such surface or facility shall, before food comes into direct contact therewith, contain -
 - (i) no more than 100 viable micro-organisms per cm² upon analysis, conducted in accordance with acknowledged scientific micro-biological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique; and
 - (ii) no remains of cleaning materials or disinfectants which may pollute the food.

(5) (a) Every chilling and freezer facility used for the storage , display or transport of perishable food shall be provided with a thermometer which at all times shall reflect the degree of chilling of the refrigeration area of such facility and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

(b) Every heating apparatus or facility used for the storage, display or transport or heated perishable food shall be provided with a thermometer which at all times shall reflect the degree of heating of the heating area concerned and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

7. Standards and requirements for food containers

(1) No person shall sell canned or hermetically sealed food in a container which -

- (a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;

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(b) is in any way blown or from which gas escapes when it is opened or punctured, unless

(i) the container contains an aerated drink; or

(ii) gas has been used as a preservative;

(c) is so rusted or damaged that it is liable to contaminate or spoil the food or that it leaks or has become unsealed;

(c) had a leak which was resealed.

(2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.

(3) Repacked food, depending on the type of food, shall be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.

(4) Perishable food, excluding the products referred to in regulation 14 and products that are not prepacked, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

8. Standards and requirements for the display, storage and temperature of food

(1) Food that is displayed or stored shall not be in direct contact with a floor or any ground surface.

(2) Any shelf or display case used for displaying or storing food or any container shall be kept clean and free from dust or any other impurity.

(3) Non-prepacked, ready-to-consume food, including food served as meals and displayed in an open container, shall be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

(4) (a) Subject to subregulation (5) all food specified in Annexure D to these regulations shall, excluding the time taken by the food to cool down or to be heated to the required temperature in

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accordance with good manufacturing practice, during the storage, transport or display thereof be kept at a core temperature not exceeding the core temperature specified in column 3 of Annexure D opposite the relevant category of food, and no food shall be sold if, in the case of frozen or chilled food products, the core temperature thereof is higher than the required core temperature or the surface temperature thereof is more than 2oC higher than the required core temperature, and, in the case of heated food products, the core temperature thereof is lower than the required core temperature or the surface temperature thereof is more than 2oC lower than the required core temperature.

(b) The provisions of paragraph (a) shall not apply to -

(i) any perishable food that will be sold directly to a consumer within one hour of being processed or prepared or that will be consumed on the food premises within one hour of being processed or prepared;

(ii) venison, for a period not exceeding eight hours after the animal concerned has been killed: Provided that the surface temperature thereof shall not exceed 25oC;

(iii) unprocessed raw fish, molluscs or crustaceans or raw meat or edible offal or the carcasses of cattle, sheep, goats, pigs, horses, mules, donkeys, rabbits or ostriches while being transported for a period not exceeding one hour during delivery: Provided that the surface temperature thereof shall not exceed 25oC.

(iv) any food exposed to higher temperatures than those referred to in this regulation during a maturation period or as part of a manufacturing process: Provided that exposure to such higher temperatures shall be in accordance with good manufacturing practice.

(5) Any food that is marketed as a frozen product and has thawed but the surface temperature of which has not exceeded 7oC may be refrozen: Provided that such refrozen product shall be handled in accordance with good manufacturing practice.

(6) The code of practice for measuring the temperature of food set out in Annexure E to these regulations shall, in so far as it is applicable, be applied to measuring the temperature of food.

9. Standards and requirements for protective clothing

(1) No person shall be allowed to handle food without wearing suitable protective clothing as specified in subregulation (2).

(2) The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated shall

(a) be clean and neat when such person begins to handle the food;

(b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;

(c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.

10. Duties of a person in charge of food premises

A person in charge of food premises shall ensure that -

(a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;

(b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person:

(c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;

(d) refuse is stored or disposed of in such a manner that it does not create a nuisance;

refuse bins are -

(i) cleaned regularly; and

(ii) disinfected whenever necessary and whenever an inspector requires it to be done;

(f) waste water on the food premises is disposed of to the satisfaction of the local authority;

(g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;

(h) no person handling non-prepacked food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;

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(i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that -

(i) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;

(ii) fish, molluscs or crustaceans may be kept alive until prepared for consumption;

(iii) a live animal may be killed in a separate room before the carcass is handled, subject to regulation i2(4);

(j) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;

(k) the provisions of these regulations are complied with;

(l) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by regulations 9 and 11, respectively;

(m) a room or area in which food is handled shall not be used for -

(i) sleeping purposes;

(ii) washing, cleaning or ironing of clothing or similar laundry;

(iii) any other purpose or in any manner that may contaminate the food therein or thereon;

(n) no food handler touches ready-to-consume non-prepacked food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice;

(o) the reporting of diseases and conditions contemplated in regulation 11(2)(b) are properly recorded and kept for perusal by an inspector.

11. Duties of a food handler

(1) Food, a facility or a container shall not be handled by any person -

(a) whose fingernails, hands or clothes are not clean;

(b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -

(i) immediately prior to the commencement of each work shift;

(ii) at the beginning of the day's work or after a rest period;

(iii) after every visit to a latrine or urinal;

(iv) every time he or she has blown his or her nose or after his or her hands have been in contact

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with perspiration or with his or her hair, nose or mouth;

(v) after handling a handkerchief, money or a refuse container or refuse;

(vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;

(vii) after he or she has smoked or on return to the food premises; or (viii) after his or her hands have become contaminated for any other reason.

(2) Food, a facility or a container shall not be handled by any person -

(a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the food;

(b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;

(c) whose hands or clothing are not clean.

(3) No person shall -

(a) spit in an area where food is handled or on any facility;

(b) smoke or use tobacco in any other manner while he or she is handling non-prepacked food or while he or she is in an area where such food is handled;

(c) handle non-prepacked food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;

(d) lick his or her fingers when he or she is handling non-prepacked food or material for the wrapping of food;

(e) cough or sneeze over non-prepacked food or food containers or facilities;

(f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;

(g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;

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(h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or

(i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

12. Standards and requirements for the handling of meat

(1)(a) No person shall on food premises handle meat derived from an animal slaughtered in contravention of section 3 of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992).

(b) No person shall on food premises handle the meat of an animal exempted from the provisions of sections 3(1) and 10(1) of the Abattoir Hygiene Act, 1992, unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: “The meat sold on these premises has been exempted from inspection in terms of section 10(1) of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992).”.

(2) Meat on a carcass shall not be handled on food premises, unless -

(a) the carcass has been properly bled;

(b) the abdominal viscera were removed within 30 minutes after the killing of the animal in such a manner that neither the stomach and intestinal content nor any other matter polluted or spoiled the meat; and

(c) the thoracic viscera were removed within three hours after the killing of the animal.

(3) Unskinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.

(4) Subject to section 3 of the Abattoir Hygiene Act, 1992, no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice: Provided that no further handling or processing of any such carcass shall take place in that room.

13. Standards and requirements for the transport of food

(1) No person shall transport food including the products referred to in regulation 14 on or in any part of a vehicle -

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(a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;

(b) together with -

(i) contaminated food or waste food;

(ii) poison or any harmful substance;

(iii) a live animal; or

(iv) any object that may contaminate or spoil the food.

(2) Subject to subregulations (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid proof and dustproof sealed containers -

(a) shall have an interior surface made of an easy-to-clean and smooth, rustfree, non-toxic and non-absorbent material without open joints or seams and, before food is loaded into such freight compartment, no square centimetre of the said surface shall upon analysis as referred to in regulation 6(4) contain more than 100 viable micro-organisms;

(b) shall be dustproof;

(c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.

(3) Notwithstanding any provisions to the contrary contained in this regulation, no non-prepacked food shall be -

(a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or

(b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

(4) Subregulations (2) and (3) (a) shall not apply to the transport of venison, fish, molluscs or crustaceans between the food premises and the place where the animals are hunted or the place where the fish, molluscs or crustaceans are caught or harvested: Provided that such transport shall be by the best available method and within a suitable time limit for transport as required by circumstances.

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14. Provisions concerning unprocessed products

Notwithstanding any provisions to the contrary contained in these regulations, an inspector shall, if he or she is of the opinion that conditions prevail that constitute a health hazard with regard to the packing, storage, display, sale or transport of fresh, raw and unprocessed fruit and vegetables and unprocessed maize, wheat, rye, unshelled peanuts, sugar cane, sunflower seed or other unprocessed agricultural crops, or with regard to the handling of food referred to in regulation 15(5)(a) -

(a) subject to regulations made in terms of section 35 of the Act relating to inspections and investigations in respect of the handling of food, order that any condition that led to or could lead to such or any other health hazard be corrected or that any provision of these regulations be complied with; or

(b) prohibit the continued use of the facility or food premises for the packing, storage, display, sale or transport of any of the said products, and the provisions of regulation 4(2) to (5) shall *mutatis mutandis* apply to such prohibition.

15. Exemptions, additional requirements and reservations

(1) A person in charge of food premises may, subject to regulation 3(1)(a), apply to the local authority concerned for exemption from any of the provisions of these regulations, excluding exemption from the issuing of a certificate of acceptability.

(2) Upon receipt of an application referred to in subregulation (1) a local authority shall refer the application to an inspector without delay, and exemption shall not be granted unless the inspector has submitted a report to the local authority to the effect that he or she is satisfied that -

(a) the provision from which exemption is requested imposes unreasonable requirements in the case in question; and

(b) the granting of such exemption does not or will not result in conditions that constitute a health hazard.

(3) An exemption referred to in this regulation -

(a) shall be subject to the conditions listed by the local authority in the certificate of acceptability or notice of exemption, as the case may be; and

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(b) shall be withdrawn by the local authority on the grounds of an inspection report and a recommendation by an inspector to the effect that he or she is of the opinion that such exemption will result in conditions that constitute a health hazard.

(4) Subject to regulation 3(6)(a) a local authority may, on the grounds of an inspection report and recommendations from an inspector, set additional requirements to be met on any food premises where, despite compliance with any provision contained in these regulations, a health hazard exists which is not provided for in these regulations, which additional requirements shall, subject to the principles of the best available method and good manufacturing practice, be limited to the minimum necessary to remove the health hazard in question.

(5) (a) Subject to the principles of the best available method and good manufacturing practice, the provisions of regulations 3(1) and 5 shall not apply in respect of the killing, bleeding or evisceration of an animal after the hunting thereof or of fish, molluscs or crustaceans after the catching or harvesting thereof.

(b) The provisions of regulation 3(1) shall not apply to -

(i) a private residence where food is handled for the purpose of making it available without compensation to a church, educational or amateur sports organisation or any registered welfare or fund-raising organisation for sale: Provided that the person in charge of any such organisation who receives such food shall keep a record of the type of food and the address of the private residence where the food was handled for a period of at least 30 days after receipt of the food; and

(ii) any vehicle used by the person in charge of food premises, for which a certificate of acceptability exists, to transport, display or serve prepacked food deriving from such food premises, but shall apply in respect of a vehicle used for the transport of perishable food on behalf of another person.

(c) These regulations shall not apply to a private household which handles food for consumption by such household or, without compensation, by any other person.

16. Offences

Any person who contravenes a provision of these regulations or allows such a contravention to take place shall be guilty of an offence.

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ANNEXURE A

[Regulation 3(3)]

**APPLICATION FORM OF A CERTIFICATE OF ACCEPTABILITY FOR FOOD
PREMISES**

A. PERSON IN CHARGE

Surname and first names of the person in whose name the certificate of acceptability must be issued:

I.D. Number:

ADDRESS Postal address:

Residential address:

Tel. No.: Business Residential

B. PARTICULARS FOR FOOD PREMISES

Name of food premises (if any)

Erf No. (if applicable)

Type of food premises (e.g. building, vehicle, stall)

Location address or address where the food premises can be inspected

If the following are not situated on the food premises, note the address or describe the location thereof:

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(a) Sanitary (latrine) facilities	Erf No.	Adreess
b) Cleaning facilities (wash-basins for facilities)		
c) Hand-washing facilities		
d) Storage facilities for food/facilities		
e) Preparation premises		

C. FOOD CATEGORY

List and describe the food items or the nature or type of food involved

D. NATURE OF HANDLING

List and describe what your activities will entail (e.g. preparation or packing and processing)

E. STAFF

Number of persons employed or to be employed

Men	Women
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F. PARTICULARS OF EXEMPTION BEING APPLIED FOR

[Regulation 15(1)]

G. PARTICULARS OF APPLICANT

Name.....

Capacity (e.g. owner, managing secretary, Tel no.)

Postal address

Signature.....

Date of application....

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ANNEXURE B

[Regulation 3(6)(a)]

CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES

This certificate is not transferable from premises to premises.

A. ISSUING LOCAL AUTHORITY:

CERTIFICATE No. :

Name.....

Tel no.....

Official Stamp

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B. FOOD PREMISE

Name (if any).....

Address: (Location or trading area, erf N. or vehicle registration No.):

vehicle registration No.):

Address where food is processed:

C. PERSON IN CHARGE

NAME:.....

I.D. NUMBER -.....

D. CERTIFICATION AND RESTRICTION

It is hereby certified that the above-mentioned food premises comply with the provisions of regulations 5 and 6 made by Government Notice No. R. 918 of 30 July 1999 in respect of the handling of food in the manner specified

Restrictions, conditions or stipulation in terms of regulation 3(1)(b)

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D. SIGNATURE OF INSPECTOR

E. DATE:

Name of inspector	DATE:	
Official designation		
F. ENDORSEMENTS/EXEMPTIONS	DATE	

In terms of regulation 15

DATE

SIGNATURE OF INSPECTOR

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ANNEXURE C

[Regulation 5(3)(d)(i)]

SANITARY CONVENIENCES

Population: The number of staff members and the maximum number of customers for whom provision is made to consume food on any premises at any one time																																																																								
Number of sanitary conveniences to be installed in relation to the population as given in the first column																																																																								
<table border="1"><thead><tr><th>Men</th><th>Women</th><th>Latrines</th><th>Urinal</th></tr></thead><tbody><tr><td>For a population up to</td><td></td><td></td><td></td></tr><tr><td>stalls*</td><td></td><td></td><td></td></tr><tr><td>Hand</td><td></td><td></td><td></td></tr><tr><td>washbasins</td><td></td><td></td><td></td></tr><tr><td>Latrines</td><td>Hand</td><td></td><td></td></tr><tr><td>washbasins</td><td></td><td></td><td></td></tr><tr><td>10</td><td>1</td><td>1</td><td>1</td></tr><tr><td>20</td><td>1</td><td>2</td><td>2</td></tr><tr><td>40</td><td>2</td><td>3</td><td>3</td></tr><tr><td>60</td><td>3</td><td>3</td><td>4</td></tr><tr><td>80</td><td>4</td><td>4</td><td>6</td></tr><tr><td>100</td><td>4</td><td>4</td><td>8</td></tr><tr><td>120</td><td>5</td><td>5</td><td>9</td></tr><tr><td>140</td><td>5</td><td>5</td><td>10</td></tr><tr><td>180</td><td>5</td><td>6</td><td>11</td></tr><tr><td colspan="4">Add 1 latrine, 1 hand washbasin and 1 urinal for every 70 persons in excess of 180 persons</td></tr><tr><td colspan="4">Add 1 latrine and 1 hand washbasin for every 35 persons in</td></tr></tbody></table>	Men	Women	Latrines	Urinal	For a population up to				stalls*				Hand				washbasins				Latrines	Hand			washbasins				10	1	1	1	20	1	2	2	40	2	3	3	60	3	3	4	80	4	4	6	100	4	4	8	120	5	5	9	140	5	5	10	180	5	6	11	Add 1 latrine, 1 hand washbasin and 1 urinal for every 70 persons in excess of 180 persons				Add 1 latrine and 1 hand washbasin for every 35 persons in			
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excess of 180 persons

Urinal stall: A single urinal basin or a urinal trough at least 60cm in length

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ANNEXURE D
[Regulation 8(4)]

FOOD TEMPERATURES

Column 1	Column 2	Column 3
Category	Type of food	Required core temperature of food products that are stored, transported or displayed for sale
	Ice cream and sorbet, excluding sorbet, which is used for soft serve purposes.	-18oC Frozen products
	Any other food which is marketed as a frozen product	-12oC
	Raw unpreserved fish, molluscs, crustaceans, edible offal, poultry meat and milk.....	+4oC Chilled products.....
	Any other perishable food that must be kept chilled to prevent spoilage...	+7oC
	Heated products Any perishable food not kept frozen or chilled..	>/+65oC
	20	

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ANEXURE E

[Regulation 8(6)]

CODE OF PRACTICE FOR MEASURING TEMPERATURES OF FOOD

1. Informing the person in charge or person responsible

The inspector shall inform the person in charge, or a person supervising the operation if the person in charge is not available, that he or she wishes to measure the temperatures of the food concerned and shall explain to him or her all the procedures contained in this code.

2. Precautionary measures

(1) All procedures shall be carried out as far as is practicable in a manner that is aseptic and free from chemical pollutants.

(2) In the case of prepacked food, and if it is necessary, the inspector shall remove the packaging in such a manner that the minimum and only the most reasonable essential damage is caused, or the person in charge or the person supervising the operation shall remove the packaging at his or her own risk.

(3) The temperature of food shall as far as is practicable be measured without removing the food from a chilling, freezing or heating facility.

3. Measurement of temperature

Prepacked food

(1) If the food is prepacked, the estimated temperature of the food may be measured by placing or at least one minute the stem of a thermometer (hereinafter referred to as the “stem”) between two or more food packages or, in the case of a single food package, on the outer surface of the package.

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(2) If the temperature reading is not in compliance with the core temperatures specified in Annexure D to these regulations or if the inspector has any doubts regarding the temperature of the food inside the package, the surface or core temperature of the food may be measured to determine the actual temperature.

Core temperature

(3) If the food product is frozen a hole shall be drilled in the food up to the estimated core of the food product with a sterilised stainless steel bit with an external measurement of about 4mm. The sterilised stem shall be inserted into the hole up to the estimated centre of the product and a reading shall be taken after two minutes. In the case of a heated, chilled or unchilled product, the sterilised stem shall be inserted up to the estimated core of the food product and a reading shall be taken after one minute.

Surface temperature

(4) The surface temperature shall be measured by placing the sterilised stem directly on the surface of the food for at least one minute or, in the case of liquid, in the liquid for at least one minute, and the reading shall be taken immediately thereafter.

4. Presumption in respect of representative temperature reading

The food temperature determined in accordance with this code of practice shall be regarded as being representative of the temperature of all food in the freezing, chilling or heating facility concerned if the inspector is satisfied that such food is in the same condition or has the same characteristics as the food the temperature of which was taken.