

1976/268

**THE FOOD HYGIENE REGULATIONS 1974,
AMENDMENT NO. 1**

—
DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 11th day of October 1976

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Health Act 1956 and the Food and Drug Act 1969, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Food Hygiene Regulations 1974, Amendment No. 1, and shall be read together with and deemed part of the Food Hygiene Regulations 1974* (hereinafter referred to as the principal regulations).

(2) Regulation 2 (2) of these regulations shall come into force on the 1st day of April 1979.

(3) Regulations 17 (2), 18 (2), and 20 of these regulations shall come into force on the 1st day of April 1977.

(4) Except as provided in subclauses (2) and (3) of this regulation, these regulations shall come into force on the 7th day after the date of their notification in the *Gazette*.

2. Premises to be registered—(1) Regulation 4 of the principal regulations is hereby amended by inserting, after subclause (3), the following subclauses:

“(3A) In subclause (1) of this regulation, the terms “manufacture” and “preparation” do not include the preprocessing of fruit or vegetables by stripping from stalks, sorting, or washing.

“(3B) In subclause (1) of this regulation, the term “storage” does not include keeping for retail sale on or from the premises in which the food is kept.”

(2) Regulation 4 (4) (e) of the principal regulations is hereby amended by inserting, after the expression “1969”, the words “in which no food is prepared or packed”.

3. Conditions for registration—The principal regulations are hereby amended by revoking regulation 5, and substituting the following regulation:

“5. (1) Subject to the succeeding provisions of this regulation, no local authority shall register or renew the registration of any premises that do not comply with all the requirements of the First Schedule to these regulations.

“(2) Subclause (1) of this regulation shall not apply in respect of—

“(a) Premises that are required to be registered by reason only of the fact that they are used for the operation of a food vending machine:

“(b) Any part of any premises used only for the preprocessing of fruit or vegetables by stripping from stalks, sorting, or washing prior to canning, bottling, freezing, or dehydrating the fruit or vegetables on those premises.”

“(3) Where food is consumed in any part of an eatinghouse by customers of the eatinghouse nothing in clauses 2 to 5 of the First Schedule to these regulations shall apply in respect of that part of the eatinghouse.

“(4) In respect of—

“(a) Any part of any premises in which food in sealed containers or prepacked food is kept or displayed for sale and in which no food is manufactured, prepared, or packed:

“(b) Any part of any premises used for the purpose of storing packaging materials in containers or outer wrappers, and in which no food is manufactured, prepared, or packed:

“(c) Any changing room required to be provided under clause 8 of the First Schedule to these regulations:

“(d) Any part of any premises (not being a part to which any of paragraphs (a) to (c) of this subclause applies) in which no food is manufactured, prepared, packed, stored, or sold, and no utensils are washed, and which is not part of a room in which food is manufactured, prepared, packed, stored, or sold, or any utensils are washed,—

the First Schedule to these regulations shall apply as if—

“(i) For paragraph (a) of clause 2 there were substituted the following paragraph:

“(a) The floors shall be constructed of impervious and easily cleaned material that is resistant to wear and corrosion, or of wood with the boards laid on a firm foundation and tightly cramped together; and’

“(ii) Clauses 3 and 4, and (in the case only of any part of any premises to which paragraph (d) of this subclause applies) clauses 5 and 6, were omitted.

“(5) Nothing in subclauses 2 to 4 of the First Schedule to these regulations shall apply to any part of any premises in which, in the opinion of the Medical Officer of Health, food is manufactured or prepared in a system or plant that is adequately sealed or closed, or in which the food is adequately protected to avoid contamination, if no food is otherwise manufactured or prepared in that part, and no other food is packed therein.

“(6) Nothing in clause 2 of the First Schedule to these regulations shall prevent the carpeting of any area of any retail premises that is regularly used by customers.

“(7) No local authority shall, without the prior approval of the Medical Officer of Health, register or renew the registration of any premises in which food is manufactured, prepared, packed, or stored, unless—

“(a) Food is manufactured, prepared, packed, or stored in those premises only for the purposes of retail sale on those premises; or

“(b) The premises are an auction mart.”

4. Notices to be displayed in registered premises—Regulation 7 (d) of the principal regulations is hereby amended by omitting the word “ANIMALS”, and substituting the word “DOGS”.

5. Cats in food premises—Regulation 11 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) Notwithstanding subclause (1) of this regulation, paragraph (e) of that subclause shall not apply in respect of any cat in the possession of an occupier of food premises if—

“(a) Adequate precautions are taken by the occupier to protect the food in the premises from contamination by the cat; and

“(b) The cat is permitted to be on the premises only to such extent as is reasonably necessary to effect the suppression of rodents.”

6. Food storage—Regulation 15 of the principal regulations is hereby amended by adding the following subclause:

“(4) Notwithstanding the foregoing provisions of this regulation, where, by virtue of subclause (3) (d) of this regulation, any food is required to be maintained at or below a temperature of -18°C , it shall, until the 1st day of January 1981, be sufficient compliance with that requirement if the food is maintained at or below a temperature of -12°C .”

7. Food protection—(1) Regulation 18 (5) (e) of the principal regulations is hereby amended by inserting, after the words “Shall not”, the words “(except as may be necessary to comply with a direction given by the Minister of Trade and Industry under section 108 of the Commerce Act 1975)”.

(2) Regulation 18 of the principal regulations is hereby further amended by adding the following subclause:

“(12) No person shall smoke, use, or chew tobacco while engaged in the loading, unloading, or delivery for sale of any unwrapped food.”

8. Cake kitchens—Regulation 24 of the principal regulations is hereby amended by revoking the definition of the term “cake kitchen”, and substituting the following definition:

“‘Cake kitchen’ means any premises on which cakes, pastry, bakers’ smallgoods, or other similar foods are cooked for sale.”

9. Special provisions relating to bakehouses and cake kitchens—Regulation 26 of the principal regulations is hereby amended by revoking paragraph (c), and substituting the following paragraph:

“(c) No unwrapped cooked food or food in the process of manufacture shall be placed on the ground or on the floor of any bakehouse or cake kitchen; and”.

10. Special provisions relating to delicatessens—Regulation 27 (3) of the principal regulations is hereby revoked.

11. Application of Part VI to licensed premises—Regulation 28 of the principal regulations is hereby amended by inserting in paragraph (a) of the definition of the term “licensed premises”, after the expression “1962”, the words “, other than premises in respect of which a licence is held under Part IV of that Act”.

12. Application of certain provisions of Part I to unregistered eating-houses—Regulation 29 (1) (b) of the principal regulations is hereby amended—

(a) By inserting, after the words “provisions of”, the words “subclauses (3) and (4) of regulation 5,”;

(b) By omitting the words “in regulation 4”, and substituting the words “in any of those provisions”.

13. Display and service of food in eatinghouses—Regulation 33 (2) of the principal regulations is hereby amended by omitting the word “self-closing”, and substituting the words “easily closed”.

14. Preparation of food in eatinghouses—Regulation 38 (2) (a) of the principal regulations is hereby revoked.

15. Preparation of meat and fish—Regulation 44 (1) of the principal regulations is hereby amended by revoking paragraph (a), and substituting the following paragraph:

“(a) All meat and fish shall be stored, as soon as practicable after delivery and when not being processed, at a temperature

below 2°C in the room or cabinet required by regulation 14 of these regulations, and shall at all times be protected from contamination; and”.

16. Meat pickling preparations—(1) Regulation 45 (2) of the principal regulations is hereby amended by omitting from paragraph (i) of the second proviso the expression “less than 85 percent”, and substituting the expression “not less than 25 percent”.

(2) Regulation 45 (2) of the principal regulations is hereby further amended by inserting in paragraph (iii) of the said second proviso, after the word “use”, the words “, in a proportion not exceeding 100 ppm,”.

17. Retail sale of meat and fish—(1) Regulation 46 (2) of the principal regulations is hereby amended by revoking paragraph (a), and substituting the following paragraph:

“(a) All meat or fish, when not being prepared or displayed for sale, shall be stored at a temperature below 2°C, or, in the case of shellfish in shells, below 10°C, in the room or cabinet required by regulation 14 of these regulations; and”.

(2) Regulation 46 of the principal regulations is hereby further amended by revoking subclause (4), and substituting the following subclause:

“(4) No person shall use any stall—

“(a) For the retail sale of meat; or

“(b) For the retail sale of fish otherwise than in accordance with the requirements specified in paragraphs (a) and (b) of subclause (2) of this regulation.”

18. Transport of meat and fish—(1) Regulation 47 (2) of the principal regulations is hereby revoked.

(2) Regulation 47 (7) (a) of the principal regulations is hereby amended—

(a) By omitting the words “or duckboard”;

(b) By omitting the words “duckboard or”.

19. Delivery of milk for sale—Regulation 53 (1) of the principal regulations is hereby amended by omitting the words “any milk intended for resale”, and substituting the words “before sale, any milk”.

20. Application of First Schedule to winemaker's premises—The principal regulations are hereby amended by inserting, after regulation 75, the following regulation:

“75A. (1) Subject to subclause (2) of this regulation, no person shall use any premises for the manufacture of wine for sale unless those premises conform with all the requirements of the First Schedule to these regulations.

“(2) The provisions of subclauses (4) and (5) of regulation 5, subclauses (3) to (11) of regulation 6, and regulations 7 and 8, of these regulations (except paragraph (a) of the said regulation 7) shall apply in respect of premises used for the manufacture of wine for sale as they apply in respect of registered premises, and for that purpose

references in any of those provisions to an occupier of registered premises shall be deemed to include references to an occupier of premises so used."

21. Duty of local authorities—Regulation 83 of the principal regulations is hereby amended by adding the following subclause:

"(4) Subclause (1) (a) of this regulation shall not apply in respect of regulation 47 of these regulations so far as that regulation relates to the transport of meat to retail premises."

22. Amendments of First Schedule—(1) The First Schedule to the principal regulations is hereby amended—

(a) By omitting from clause 2 (a) (i) the expression "76", and substituting the expression "75":

(b) By omitting from clause 3 (a) the word ", even,":

(c) By revoking paragraphs (c) and (d) of clause 3:

(d) By omitting from clause 3 (e) the words "either painted or treated with", and substituting the words "painted, or shall have":

(e) By omitting from clause 4 (a) (i) the word ", even":

(f) By omitting from clause 4 (c) the words ", even surface that is non-absorbent and light in colour", and substituting the words "surface that is non-absorbent and light in colour, and that can be readily cleaned without damage to the surface".

(2) Clause 4 of the said First Schedule is hereby further amended by adding the following paragraph:

"(d) No ceiling shall be less than 2.4 metres above the floor, measured at the lowest point of the ceiling."

(3) Clause 8 of the said First Schedule is hereby amended by adding the following paragraph:

"(d) The facilities required by paragraph (a) of this clause shall be provided in a room in which the ceiling or (where there is no ceiling) the undersurface of the roof, and every wall, is constructed of or covered with a smooth surfaced material."

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

Regulation 1 relates to the Title and commencement.

Regulation 2 (1) is interpretative.

Regulation 2 (2) requires a honey packing and processing plant to be registered under regulation 4 of the principal regulations notwithstanding that the premises may also be registered as an apiary under the Apiaries Act 1969.

Regulation 3 substitutes a new regulation for regulation 5 of the principal regulations. The effect is to relax some of the requirements of the First Schedule to the principal regulations in respect of certain types of premises.

Regulations 4 and 5 relate to the allowing of livestock in food premises. Cats owned by the occupier of the premises will be allowed in food premises subject to the conditions specified.

Regulations 6 and 7 (1) are drafting amendments.

Regulation 7 (2) extends the present prohibition imposed by regulation 47 (2) of the principal regulations in respect of meat or fish to all unwrapped food.

Regulation 8 is interpretative.

Regulation 9 somewhat relaxes the present requirements of regulation 26 (c) of the principal regulations which is revoked.

Regulation 10 revokes regulation 27 (3) of the principal regulations which imposes restrictions in respect of uncooked poultry on premises in which certain foodstuffs are sold.

Regulations 11 and 12 are drafting amendments.

Regulation 13 relaxes the present requirements of regulation 33 (2) relating to self-service cabinets in eatinghouses.

Regulation 14 is a drafting amendment.

Regulation 15 revises regulation 44 (1) (a) of the principal regulations to meet the case where meat and fish is delivered to premises while they are closed. The obligation to store it below the specified temperature arises as soon as practicable after delivery.

Regulation 16 is a drafting amendment.

Regulation 17 (1) relaxes the requirements of regulation 46 (2) of the principal regulations so far as they relate to shellfish in shells.

Regulation 17 (2) makes it clear that meat cannot be sold from stalls.

Regulation 18 is a drafting amendment.

Regulation 19 tightens the present restrictions relating to the deposit of milk in bottles or other containers on roadways.

Regulation 20 is a drafting amendment.

Regulation 21 removes from local authorities the responsibility of enforcing regulation 47 of the principal regulations so far as it relates to the transport of meat to retail premises.

Regulation 22 makes a number of amendments to the First Schedule to the principal regulations relating to the requirements to be complied with by premises registered under the regulations. In general, the amendments relax those requirements affected by the changes.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 October 1976.

These regulations are administered in the Department of Health.