

Serial Number 1948/185



THE HEALTH (EATINGHOUSE) REGULATIONS 1948

B. C. FREYBERG, Governor-General

By his Deputy,

H. F. O'LEARY

ORDER IN COUNCIL

At the Government House at Wellington, this 24th day of
November, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Health Act, 1920, so far as Regulations 5 to 13 inclusive of the regulations hereinafter set out are concerned, and pursuant to the Food and Drugs Act, 1947, so far as the other regulations hereinafter set out are concerned, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PART I.—PRELIMINARY

1. These regulations may be cited as the Health (Eatinghouse) Regulations 1948.

2. These regulations shall come into force on the 1st day of January, 1949.

Definitions

3. In these regulations, unless inconsistent with the context,—
- “Eatinghouse” means any premises in which food is prepared and sold to be consumed on the premises, and includes any milk-bar, refreshment-room, pie-cart, food-stall, private hotel, quick-lunch room, cafeteria, restaurant, dining-room, tea-room, or a dining-room and tea-room on a racecourse or showground, and the appurtenances thereto, but does not include premises licensed under the Licensing Act, 1908 :
- “Pie-cart” includes food-stall :
- “Refreshment-room” means an eatinghouse in which tea, coffee, or other beverages are prepared and served together with food all of which has been prepared or cooked on some other premises.

4. Unless a contrary intention appears, expressions used herein have the meanings assigned to them by the Health Act, 1920.

5. The regulations for the registration of eatinghouses by local authorities made under the Health Act, 1920, on the 9th day of April, 1923, and published in the *Gazette* on the 19th day of the same month at page 1057, are revoked.

6. All certificates of registration, appointments, notices, and requests, and generally all acts of authority and other documents and matters, acts, and things, and all periods of time, which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of coming into force of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed so to have originated, and all matters and proceedings commenced under the regulations hereby revoked and pending or in progress on the commencement of these regulations may be continued, completed, or enforced under these regulations.

PART II.—REGISTRATION OF EATINGHOUSES

7. Save as provided in Regulation 13 hereof, no person shall use any premises open to the general public as an eatinghouse unless such premises are registered as such under these regulations by the local authority exercising control in the district wherein the same are situate :

Provided that it shall be sufficient compliance with these regulations if such premises are licensed under the provisions of a by-law of such local authority directed to that purpose, so long as the requirements of such by-law respecting the construction, maintenance, and condition of eatinghouses, the facilities, conveniences, and equipment to be provided therein, or in connection therewith, and the cleanliness and conduct thereof generally are at least as high as and are not less stringent than those prescribed by these regulations.

8. Application for the registration of any premises as an eatinghouse shall be made to the appropriate local authority in writing under the hand of the proprietor or manager of the eatinghouse and shall contain all such particulars as the local authority may in any case require.

9. (1) On receipt of an application for the registration of any premises as an eatinghouse or as a refreshment-room, the local authority, on being satisfied that the premises comply with the requirements of these regulations in respect thereof, shall register the same as an eatinghouse or as a refreshment-room, as the case may be, and shall issue to the applicant a certificate of registration accordingly.

(2) If a certificate of registration under the regulations hereby revoked was current and in force in respect of the premises at the date of coming into force of these regulations, then, notwithstanding that the premises may not comply with the requirements hereof, the local authority, on being satisfied that the same would still comply with the requirements of the said revoked regulations, shall register the same as an eatinghouse or as a refreshment-room, as the case may be, and shall issue a certificate of registration accordingly, but shall enface the certificate with a statement to the effect that it is issued under the provisions of this clause :

Provided that in no case shall a certificate of registration or any renewal thereof be issued in respect of any premises which do not comply with the requirements of these regulations after three years from the date of coming into force thereof.

(3) In any other case the local authority shall decline to issue a certificate of registration or any renewal thereof in respect of the said premises.

10. (1) In the case of premises registered under these regulations for the first time, the certificate of registration may be expressed to expire upon such date as the local authority, for administrative reasons, may see fit to provide; but, save as aforesaid, every such certificate shall enure for a period of twelve months from the date of effect thereof.

(2) Every such certificate may be renewed from time to time by application in the same manner and upon and subject to the same terms and conditions as may be prescribed with respect to the issue thereof.

11. (1) Every local authority shall keep a record of all registered premises and of all certificates of registration and of renewals thereof issued by it.

(2) Such record shall in every case show—

(a) The name and address of the holder of the certificate of registration in respect thereof, who in every case shall be the legal occupier of the premises:

(b) The situation of the premises:

(c) A description of the premises:

(d) Whether the same are registered as an eatinghouse or as a refreshment-room:

(e) The date of initial registration under these regulations and the dates of any renewals thereof:

(f) The name of the manager or person for the time being responsible for the management of the eatinghouse, and the names of all persons previously in that position:

(g) Every transfer of the certificate of registration to any other person:

(h) A statement of any conditions under which the certificate of registration or any renewal thereof was granted, including, where applicable, the statement required by clause (2) of Regulation 9 hereof:

Provided that in the case of a pie-cart the references to premises contained in this clause shall be deemed references to the permanent premises referred to in clause (2) of Regulation 17 hereof.

(3) Such record of registered premises shall be available at all reasonable times for inspection by any officer of the Department of Health.

(4) Every certificate of registration shall terminate each year on such date as the local authority may by by-law decide.

(5) Such fees as the local authority may by by-law properly prescribe shall be payable upon the said application and upon the issue of a certificate of registration and on every renewal and transfer thereof.

(6) The local authority may at any time during the currency of any certificate of registration, upon application by the holder thereof, transfer the same to any other person nominated by him ; and in the event of any proposed change in the proprietorship or management of the premises, or of any other alteration affecting the particulars of registration, the holder of the certificate shall make application to the local authority to have such alteration recorded in the record of registration and endorsed upon the certificate of registration, which shall be produced for the purpose.

(7) Every certificate of registration shall contain the particulars specified in clause (2) hereof, save that it shall not be necessary to repeat therein the names of previous holders thereof or of previous managers of the premises or the dates of any previous renewals of the initial certificate of registration.

(8) Every certificate of registration shall be posted conspicuously in a public part of the premises to which it relates.

(9) A fresh certificate of registration shall be issued on every renewal of registration.

12. (1) In any case where a local authority has grounds for the belief that an eatinghouse registered under these regulations no longer complies with the requirements hereof, it may cause to be served upon the holder of the certificate of registration in respect thereof a notice requiring him, within a time to be stated therein, to effect such alterations or repairs as shall be specified in such notice and which are necessary for the purpose of rendering the premises in conformity with the said requirements ; and unless the holder thereupon complies with the terms of such notice the local authority may cause to be served upon such holder a second notice calling upon him to show cause why his certificate of registration should not be revoked, and unless an explanation satisfactory to the local authority is forthcoming it may revoke the said certificate or may decline to renew the same or to issue a fresh certificate until it is satisfied that the premises have been altered or repaired so as to comply with the requirements hereof :

Provided that for a period of three years from the date of coming into force of these regulations no local authority shall revoke a certificate of registration or decline to issue a renewal thereof in respect of premises as to which a certificate of registration under the regulations hereby revoked was current and in force at the date of coming into force of these regulations so long as such premises would still comply with the requirements of the said revoked regulations.

(2) If any person being the holder of a certificate of registration has been convicted of an offence against these regulations or against the Health Act, 1920, or the Food and Drugs Act, 1947, or against any regulations or by-laws made under either of such Acts arising out of his conduct of the said eatinghouse and has been fined on any one occasion in respect thereof in any amount exceeding £10 exclusive of costs, the local authority shall cause to be served upon such holder a notice calling upon him to show cause why his certificate of registration should not be revoked, and unless an explanation satisfactory to the local authority is forthcoming it may revoke the said certificate, and may thereafter decline to issue a fresh certificate to that person for a period of two years from the date of such conviction.

13. Nothing in this part of these regulations shall apply to eating-houses in the occupation of the Crown.

PART III.—REQUIREMENTS OF EATINGHOUSES

14. Regulation 15 hereof shall apply to eatinghouses other than refreshment-rooms and pie-carts; Regulations 18, 22, and 23 shall apply to all eatinghouses other than pie-carts; Regulation 17 shall apply to pie-carts only; and Regulations 19 to 21 both inclusive and Regulation 24 shall apply to eatinghouses of all descriptions.

15. (1) Every eatinghouse other than a refreshment-room and a pie-cart shall include as part thereof a room used solely as a kitchen, which room shall be not less than 8ft. in height and not less than 100 square feet in floor area kept clear of furniture, fittings, and stored goods.

(2) Every such kitchen shall have sufficient windows opening to the external air to provide adequate natural lighting and ventilation, and shall also be provided with suitable artificial lighting.

16. (1) In any eatinghouse other than a pie-cart, every kitchen and every place in which food is prepared or in which utensils used in the preparation, serving, or consumption of food are cleaned—

- (a) Shall be provided with adequate means of lighting and ventilation;
- (b) Shall have sufficient floor space to enable every person working therein to carry out his duties efficiently and to permit easy access for cleansing, and such floor space shall in no case be less than 33 square feet clear of all furniture, fittings, and stored goods for each person at any time employed therein:
- (c) Shall be provided with floorings of non-absorbent material with a smooth surface, or of close-jointed tongued and grooved boards:
- (d) Shall be provided with walls and ceiling of a light colour and having a smooth, non-absorbent, and readily cleansed surface, which if of wood shall be painted and finished with a coat of enamel paint:
- (e) Shall be so constructed as to be ratproof:
- (f) Shall, if so required by an Inspector, be provided with suitable canopies and air ducts placed over the cooking-appliances to carry off all fumes caused by cooking:
- (g) Shall not be in direct communication with any sleeping-apartment or any urinal or privy.

(2) The premises upon which any such eatinghouse is conducted shall conform with any regulations governing the storage and preparation of food and with any by-laws of the local authority as to buildings, drainage, and sanitation.

(3) With respect to any such eatinghouse, sufficient and separate privy accommodation for each sex shall be available on the premises for the persons employed thereon. Such privy accommodation shall be convenient to and, if practicable, on the same floor or floors as the eatinghouse, and shall be adequately lit and ventilated.

17. (1) Every pie-cart shall comply with the following provisions :—

- (a) The internal walls and ceiling shall be lined and finished with a material of even surface impervious to water and shall be painted in a light washable colour :
- (b) The floor shall be so constructed as to be easily cleaned :
- (c) The counter shall be covered with a material impervious to water and free from cracks and shall be so constructed as to be easily cleaned :
- (d) Adequate artificial lighting shall be provided :
- (e) Provision shall be made for the disposal of waste water in a sanitary manner.

(2) No pie-cart shall be registered as an eatinghouse unless the occupier thereof has available to be used in connection therewith suitable premises of a permanent character equipped and provided with—

- (a) Adequate facilities to clean the contrivances of the pie-cart and all the utensils used in the preparation, service, and consumption of food :
- (b) A refrigerator for the storage of readily perishable food :
- (c) A properly constructed and ratproof store-room or containers for the storage of food :
- (d) Adequate hand-washing facilities, including an ample supply of hot and cold water, soap, and clean towels.

18. Every eatinghouse other than a pie-cart shall be equipped or provided with the following conveniences or articles for the storage and display of the following classes of foodstuffs, namely—

- (a) For cream, butter, cooked meats, and other readily perishable foods—a refrigerator :
- (b) For milk in bulk—a shaded compartment or cupboard :
- (c) For uncooked vegetables—a well-ventilated, adequately lit, ratproof compartment with entrance from the external air or a well-ventilated ratproof receptacle :
- (d) For uncooked meat—a well-ventilated flyproof meat-safe or a refrigerator :
- (e) For milk-jugs and sugar-basins on the tables or counters—suitable flyproof covers :
- (f) For foods set out for individual selection by customers—a fixed rail, glass shield, or other contrivance that will effectually prevent the customer's head, shoulders, or arms from achieving a position directly above the food displayed.

19. Every cupboard and all benches, shelves, and other places used or intended for the storage of food in an eatinghouse shall be so constructed as to be readily cleansed, and in the case of cupboards to protect any food stored therein from damp and contamination, from access by rats or other vermin and, as far as practicable, from dust, flies, and roaches.

20. Every eatinghouse shall be provided with an adequate supply of hot water, and shall be equipped with sufficient sinks and accessories or other plant and appliances to enable all utensils used in the preparation, service, and consumption of food to be cleansed efficiently.

21. Every eatinghouse shall be provided with a sufficient number of metal water-tight receptacles for refuse ; such receptacles shall be so designed as to be readily cleansed, and shall be equipped with lids fitted so as to protect the interior from rain and from access by flies and vermin.

22. (1) In every eatinghouse other than a pie-cart, wash-hand basins, in the ratio of one to every ten employees or part thereof, with hot and cold water laid on, together with soap and clean towels shall be provided. Wherever possible, paper towels shall be provided.

(2) There shall be posted in each privy and toilet-room a notice calling upon every member of the management and staff to wash his hands thoroughly before commencing work and again before handling food at any time after using the privy.

23. In every eatinghouse other than a pie-cart a suitable cupboard or locker shall be provided for the deposit of the hats and other outdoor garments of the persons employed on the premises, and an adequate cloak-room shall be provided for the use of females where more than three female persons are engaged on the premises, and a similar room shall be provided for males where more than four male persons are so engaged.

24. The occupier or manager of every eatinghouse shall cause to be prominently displayed, in such manner that it will be brought to the notice of all persons employed in the eatinghouse, a notice or such number of notices as an Inspector may require in which is written in clear, legible lettering a copy of Regulations 33 and 34 of these regulations.

PART IV.—CONDUCT OF EATINGHOUSES

25. No person shall increase the floor space of any dining-room or decrease the floor space of any servery or kitchen in an eatinghouse without the precedent consent in writing of the local authority.

26. (1) Every eatinghouse shall be maintained in good repair, order, and condition, and shall be effectively cleansed every day upon which the same is open.

(2) Every such eatinghouse shall be maintained, as far as possible, free from rats and mice, and from roaches, flies, and other insects.

27. (1) Every cupboard, compartment, and safe, and all benches and shelves, equipment, and appliances, in an eatinghouse shall be maintained in clean condition.

(2) All refuse receptacles used in an eatinghouse shall be emptied and cleansed daily.

28. (1) Particular articles of food shall be stored or kept in the receptacles required to be provided by Regulation 18 hereof, and no food other than uncooked vegetables shall be deposited in the vegetable compartment or receptacle referred to in paragraph (c) of that regulation.

(2) No milk shall be kept on the premises of an eatinghouse for a period in excess of six hours except where the same shall, during the whole period of storage, have been deposited in a refrigerator.

(3) Where food is set out for individual selection by customers, no such food shall be so placed as to require the customer in obtaining the same to extend his arm directly over any other such food.

(4) All food which shall remain in an eatinghouse at the end of the day shall be placed in satisfactory storage prior to closing the premises.

29. No occupier or manager of or person employed in an eatinghouse shall permit or suffer the same to be used as a receiving depot for parcels or clothing.

30. No person shall engage in sweeping the floor of any room of an eatinghouse otherwise than by means of a suction cleaner whilst food is in course of preparation, service, or consumption in that room.

31. (1) All utensils used in the service or consumption of food shall be effectively cleansed and rendered hygienic by one of the following methods:—

(a) They shall be scraped to remove gross particles of food, and washed in a suitable washing-machine in water of a temperature of not less than 140° F. containing an adequate amount of soap or other detergent, followed by rinsing for not less than two minutes in clean water at a temperature of not less than 170° F.; or

(b) They shall be scraped to remove gross particles of food, and thoroughly washed in water at a temperature of not less than 110° F. containing an adequate amount of soap or other detergent, and thereafter, by means of a wire basket or other appliance in which the dishes are kept separate from each other,—

(i) They shall be immersed for half a minute in boiling water and drained; or

(ii) Immersed for two minutes in clean water at a temperature of not less than 170° F., the temperature being maintained by means of a gas-ring, steam or hot-water jacket, or by other effectual means, and drained; or

(iii) Immersed for two minutes in clean luke-warm water containing not less than 50 and not more than 100 parts per million of available chlorine, and thereafter dried with a clean towel:

Provided that in the case of a pie-cart, but not in any other case, it shall be sufficient if such utensils are scraped and washed in the manner already prescribed and thereafter dried with a clean towel.

(2) After treatment by one of the methods set out in the preceding clause hereof, utensils shall be so handled and stored as not to become contaminated before again being used.

(3) No utensil which is cracked, chipped, or so damaged as to render cleansing difficult shall be used in any eatinghouse.

32. (1) In the wiping of utensils used in an eatinghouse no person shall use any tea-towel or other cloth which is not clean or is otherwise unsuitable for the purpose.

(2) All tea-towels, dish-cloths, and dish-mops used in or about an eatinghouse shall be immersed in boiling water for not less than five minutes at least once daily.

33. Every member of the management and staff of an eatinghouse shall thoroughly wash his hands before commencing work and before again handling food after at any time using the privy.

34. Every person preparing, handling, or serving food in an eating-house shall exercise care to avoid the contamination of any such food and to avoid all unnecessary human contact with food and utensils, and for such purpose shall observe the following directions:—

- (a) Except only to the extent necessary to the occasion, he shall not serve food with his fingers, but for such purpose shall use a fork or other suitable implement :
- (b) He shall not wipe his hands upon his clothing or upon anything other than a clean towel :
- (c) He shall not place, carry, or store any food in such a manner that the bottom side of any plate, dish, or container comes into contact with food in a lower plate, dish, or container :
- (d) He shall not handle any spoon, knife, fork, or drinking-utensil in such a manner as would permit the transference of bacteria from his fingers to the mouth of any person using such utensils, and shall not carry any spoon, knife, or fork in the pocket of any garment or apron :
- (e) He shall not smoke in any kitchen or servery or whilst engaged in the preparing or serving of food :

35. (1) Every person who is engaged in an eatinghouse in the preparation or handling of any food shall at all times whilst so engaged be attired in clean washable light-coloured outer garments and shall maintain his clothing and his body in a state of cleanliness.

(2) Every person who is engaged in an eatinghouse in the preparation or cooking of food shall at all times whilst so engaged wear a clean, washable, light-coloured head-covering.

36. No person who is suffering from any communicable disease or from any condition causing a discharge of pus or serum from any part of the head, neck, hands, or arms shall be employed in any capacity in an eatinghouse.

PART V.—MISCELLANEOUS PROVISIONS

37. No person shall serve or cause or permit to be served any cooked or prepared food in any refreshment-room unless such food has been cooked or prepared on premises that are licensed by the local authority or other responsible authority for the purposes of cooking or preparing food.

38. It shall be the duty of the committee of any club or association occupying or using any racecourse or showground to provide the facilities for the proper cleansing of all utensils used in the preparation, service, and consumption of food in every eatinghouse situated on such racecourse or showground, and it shall be the duty of the caterer or, if there is no caterer, of the said committee to ensure that the provisions of these regulations are complied with in respect of such eatinghouses.

39. On the first occasion after the coming into force of these regulations on which a local authority issues a certificate of registration for an eatinghouse in respect of any particular premises, the local authority shall supply a copy of these regulations to the person to whom such certificate is issued.

40. (1) Every person shall be deemed to commit a breach of these regulations and shall be guilty of an offence who—

- (a) Does or commits or attempts to do or commit any act, matter, or thing contrary to any of the provisions hereof :
- (b) Fails or omits to do or to provide any thing to be done or to be provided by him by these regulations :
- (c) Fails or omits to comply with any request or direction properly made or given hereunder.

(2) Every person guilty of an offence against these regulations for which no penalty is provided elsewhere than in this regulation shall be liable on summary conviction to a fine not exceeding £20, and if the offence is a continuing one and is committed in breach of a regulation authorized by the Food and Drugs Act, 1947, to a further fine not exceeding £5 for every day or part of a day during which such offence continues.

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 25th day of November, 1948.

These regulations are administered in the Department of Health.