

1966/72



**THE HEALTH (EATINGHOUSE) REGULATIONS 1948,
AMENDMENT NO. 3**

—
BERNARD FERGUSSON, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 18th day of May 1966

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Health Act 1956 so far as regulations 3 and 4 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, hereby makes the following regulations.

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REGULATIONS

1. (1) These regulations may be cited as the Health (Eatinghouse) Regulations 1948, Amendment No. 3, and shall be read together with and deemed part of the Health (Eatinghouse) Regulations 1948* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. (1) The principal regulations are hereby amended by revoking regulation 3 (as amended by regulation 2 of the Health (Eatinghouse) Regulations 1948, Amendment No. 2), and substituting the following regulation:

“3. In these regulations, unless the context otherwise requires,—

“‘Eatinghouse’ means—

“(a) Any premises in which food is sold for consumption on or at those premises; and

“(b) For the purposes of Parts III, IV, and V of these regulations, but without limiting paragraph (a) hereof, any licensed premises and any premises in which tea, coffee, or other beverages are sold for consumption on or at those premises:

*S.R. 1948/185 (Reprinted with Amendments S.R. 1954/208)
Amendment No. 2: S.R. 1960/132

“‘Licensed premises’ means—

“(a) Any premises in respect of which a licence is in force under the Sale of Liquor Act 1962 and in which liquor is sold for consumption on the premises, or, in the case of a ship in respect of which a ship licence is in force under that Act, the part of the ship in which liquor is sold for consumption thereon:

“(b) Any premises maintained by a Licensing Trust in which liquor is sold or supplied for consumption on the premises:

“‘Refreshment room’ means any licensed premises, any premises in which only tea, coffee, or other beverages are sold for consumption on or at those premises, and any premises in which food, all of which has been cooked or otherwise prepared elsewhere, is sold for consumption on or at those premises; except premises in which accommodation is provided for travellers.”

(2) Regulation 2 of the Health (Eatinghouse) Regulations 1948, Amendment No. 2, is hereby revoked.

3. (1) The principal regulations are hereby amended by revoking regulation 7, and substituting the following regulation:

“7. Subject to regulation 13 of these regulations, no person shall use any premises open to the general public as an eatinghouse unless the premises are for the time being registered as an eatinghouse by the local authority and the person is the holder of a current certificate of registration in respect of those premises in accordance with the Health (Registration of Premises) Regulations 1966*.”

(2) The principal regulations are hereby further amended by revoking regulations 8, 9, 10, 11, and 12.

(3) Every certificate of registration in force under the principal regulations immediately before the date of the commencement of these regulations shall be deemed to have been issued under the Health (Registration of Premises) Regulations 1966 and the provisions of those regulations shall apply accordingly.

4. (1) The principal regulations are hereby amended by revoking regulation 13 (as amended by regulation 3 of the Health (Eatinghouse) Regulations 1948, Amendment No. 2), and substituting the following regulation:

“13. Nothing in this Part of these regulations shall apply to—

“(a) Any eatinghouse in the occupation of the Crown; or

“(b) Any premises in respect of which a licence is in force under the Sale of Liquor Act 1962; or

“(c) Any premises operated by a Licensing Trust; or

“(d) Any eatinghouse that is situated at an airport that has been declared to be a sanitary aerodrome for the purposes of the Quarantine (Air) Regulations 1952†.”

(2) Regulation 3 of the Health (Eatinghouse) Regulations 1948, Amendment No. 2, is hereby revoked.

*S.R. 1966/73

†S.R. 1952/192

Amendment No. 1: S.R. 1962/112

Amendment No. 2: S.R. 1963/184

Amendment No. 3: S.R. 1966/11

5. (1) Regulation 37 of the principal regulations (as amended by regulation 5 of the Health (Eatinghouse) Regulations 1948, Amendment No. 2) is hereby amended by omitting the words "in the kitchen of a licensed hotel or", and substituting the words "in a kitchen on licensed premises or".

(2) Regulation 5 of the Health (Eatinghouse) Regulations 1948, Amendment No. 2, is hereby revoked.

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

EXPLANATORY NOTE

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

These regulations make several amendments to the Health (Eatinghouse) Regulations 1948.

Regulation 2 substitutes new definitions of terms used in the principal regulations. Some of the changes are consequential on the passing of the Sale of Liquor Act 1962 and the creation of new types of licences under that Act. Other changes are designed to clarify the regulations.

Regulation 3 makes amendments to Part II (which deals with the registration of eatinghouses) consequential on the passing of the Health (Registration of Premises) Regulations 1966 which provide a uniform procedure for the registration by local authorities of premises required to be registered by or under the Health Act 1956.

Regulation 4 substitutes a new regulation 13 in Part II of the principal regulations. The main change is that eatinghouses situated at airports that have been declared to be sanitary aerodromes for the purposes of the Quarantine (Air) Regulations 1952 are exempted from the provisions of Part II and will not be required to be registered by the local authority.

Regulation 5 makes an amendment which is consequential on the passing of the Sale of Liquor Act 1962.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 May 1966.

These regulations are administered in the Department of Health.