Revised Regulations of Anguilla: P125-2

PUBLIC HEALTH ACT (R.S.A. c. P125)

FOOD HYGIENE REGULATIONS

Note: These Regulations are enabled under section 8 of the Public Health Act, R.S.A. c. P125.

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PART 1

PRELIMINARY

Interpretation

1. (1) In these Regulations—

"Act" means the Public Health Act;

"business" includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not;

"certificate of exemption", in relation to a food business, means a certificate for the time being in force and granted in accordance with the provisions of section 10;

"container" includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

"contamination" means the presence or introduction of a hazard and "contaminated" shall be construed accordingly;

(R.A. 24/2013, s. 2(a))

"equipment" includes apparatus, furnishings, cutlery and utensils used for the storage, preparation and distribution of food or drink;

"fish" includes cooked, uncooked, cured or smoked fish and any other form of seafood;

"food" includes any substance or product, whether processed, partially processed or unprocessed, intended to be or reasonably expected to be ingested by humans and includes drink, live seafood or dead seafood, and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment;

(R.A. 24/2013, s. 2(b))

"food business" includes—

(a) any trade or business for the purposes of which any person engages in the handling of food;

(b) the undertaking of a canteen, club, school, hospital or institution whether carried on for profit or not; and

(c) so much of any trade or business as consists of the handling of food at, in or upon—

(i) any dock, wharf, careenage, public warehouse or cold store,

(ii) any premises or place occupied by a carrier of goods for the purposes of his trade or business as a carrier, and

(iii) any premises or places occupied by a wholesaler of raw vegetables and used exclusively for the purpose of his trade or business as a wholesaler;

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

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"food room" means any room in which any person engages in the handling of food or in the cleaning of equipment for the purpose of any food business other than—

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

(b) a room communicating with a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to any person by whom the other room is occupied; or

(c) a day room in a hospital nursing home and similar institution or in a home for the aged or disabled persons;

"meat" includes the flesh, edible offal and fat of cattle, swine, sheep, rabbits, poultry and goats which are sold or intended for sale for human consumption, and bacon and ham;

"open food" means food not in a container and food that is not sufficiently enclosed in a container so as to exclude all risks of contamination;

"preparation", in relation to food, includes manufacture and "prepared" shall be construed accordingly;

"stall" includes any stand, marquee or tent.

(2) A person shall be deemed to engage in the handling of food if he carries out or assists in the carrying out of any process or operation in the sale, preparation, transport, storage, packing, wrapping, exposure for sale, service or delivery of food.

(3) The supply of food otherwise than for purchase at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of food, and reference to "purchasing" and "purchasers" shall be construed accordingly; and where in connection with any business in the course of which food is supplied, the place where food is served to consumers is different from the place where food is consumed, both these places shall be deemed to be places in which food is sold.

(4) Expressions in these Regulations which are similar to expressions in the Act, unless the context otherwise requires, shall have the meanings assigned to them in the Act.

PART 2

GENERAL REQUIREMENTS

Food premises to be licensed

2. (1) All food premises, except stalls, shall be inspected annually by an Environmental Health Officer who, on being satisfied that the premises are suitable and conform with the requirements of these Regulations, shall issue a licence in respect of such premises for the carrying on of food business.

(2) A licence issued under the provisions of subsection (1) shall be—

(a) conditional on the payment of the fee set out in subsection (4); and

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(b) valid for a period of one year from the date of issue unless previously cancelled by an Environmental Health Officer by notice in writing to the licensee.

(R.A. 24/2013, s. 3(a))

(3) Any person who may be aggrieved by the refusal or cancellation of a licence by the Environmental Health Officer may appeal against such refusal or cancellation to the Director of Health Services who shall enquire into the matter and whose decision shall be final, subject only to appeal to the Magistrate in accordance with the provisions of section 27.

(4) The fee to be paid for a licence issued in respect of food premises shall be as follows—

Categories	Description	Fee
		E.C.$
1. Category A	Five Star Hotels and Restaurants	1000
2. Category B	Hotel Restaurants (not Five Star)	800
3. Category C	Other Restaurants and Bars	600
4. Category D	Supermarkets, Bakeries, Groceries and Ice-cream Factory	400
5. Category E	Mobile Food Vans, Itinerant Food Vendors	250.

(R.A. 38/2010, s. 1)

(5) Where fees due under this section are not paid in full, the Environmental Health Officer shall not issue a licence under subsection (1).

(R.A. 24/2013, s. 3(b))

Premises, clothes, etc., used for food business to be kept free of contamination

3. (1) No food business shall be carried on in any insanitary premises, stall or place or anywhere whatsoever, the situation, construction or condition of which exposes food to the risk of contamination.

(2) All multi-use utensils used for preparing, serving, eating or drinking food shall be thoroughly cleaned after each usage.

(3) Single-service containers shall be used once only.

(4) Drying cloths, if used, shall be clean and reasonably dry and shall be used for no other purpose.

(5) No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for cleaning or polishing of any utensil which is used for the preparation, storage or serving of food, or shall be stored where they are liable to come into contact with food.

(6) Without prejudice to the provisions of subsections (1) to (5), all containers intended for use with food in the course of a food business, whether or not they come into contact with food, shall so far as is reasonably practicable be protected and kept free of contamination.

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PART 3

REQUIREMENTS RELATING TO PERSONS ENGAGED IN HANDLING FOOD

Food not to be placed so as to risk contamination

4. (1) Any person engaged in the handling of food shall protect it from the risk of contamination and—

(a) shall not place or permit to be placed any food as to involve any risk of contamination; and

(b) shall not in or about any alley, yard, market or stall, place or permit to be placed any food lower than 18 inches from the ground unless it is adequately protected from risk of contamination.

(2) Subject to subsections (3), (4) and (5) live animals are not permitted on the food premises or in the food room.

(3) The following animals may be permitted on the food premises—

(a) a guide animal;

(b) live animals in an aquarium;

(c) seafood awaiting preparation for human consumption;

(d) any other animal that an Environmental Health Officer determines will not pose a risk of contamination of food at the premises.

(4) Where an animal is permitted on the food premises under subsection (3), any person engaged in the handling of food shall take all reasonable steps to prevent contamination by animals in the dining area or in any area where food is being served.

(5) An animal referred to in subsection (3)(a), (b) and (d) is not permitted in the food room or where food is stored.

(6) For the purpose of this section "guide animal" means any guide dog, signal dog or other service animal trained to provide assistance to an individual with a disability.

(R.A. 24/2013, s. 4)

Food handlers to obtain certificate of good health

5. (1) No person shall engage in the handling of food unless he is in possession of a certificate of health in the form prescribed from time to time by a Medical Officer.

(2) The duration of the certificate shall be for a period not longer than 12 months, and shall expire on the 31 December next after its date of issue.

(3) The certificate shall be kept at the food premises and shall be available for inspection by any officer authorised by a Medical Officer or an Environmental Health Officer.

(4) Anyone who engages in the handling of food, while so engaged, shall—

(a) keep as clean as reasonably practicable all parts of his person which are liable to come into contact with the food;

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

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

(d) refrain from spitting;

(e) while he is in any room in which there is open food, refrain from the use of tobacco and snuff; and

(f) after using the toilet, wash his hands with soap before resumption of his duties.

(5) No person with any septic or infected cut or abrasion on any exposed part of his body shall engage in the handling or preparation of food.

(6) Anyone who engages in the handling of food, while so engaged shall not—

(a) carry any food in a vehicle or container together with any other article from which there is a risk of contamination of the food;

(b) carry any food in a vehicle or otherwise together with any live animal or live poultry, without taking all such precautions as are reasonably practicable to avoid any risk of contamination;

(c) allow any live animal or live poultry to come into contact with meat or fish intended for human consumption;

(d) use for wrapping or containing any open food, any paper or other wrapping material or container that is not clean or which is liable to contaminate food; or

(e) allow any printed material other than printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables.

Anyone suffering from fever, vomiting, etc., to cease work

6. (1) Subject to the provisions of these Regulations, as soon as any person engaged in the handling of food becomes aware that he is suffering from any fever, vomiting, diarrhoea, jaundice, dysentry or other bowel disease or any persistent cough, any skin disease or any infection likely to be injurious to health, he shall forthwith give notice of the fact—

(a) to the occupier of the food premises, if he is engaged in the handling of food at or from food premises; and

(b) to the owner of the business, if he is engaged in the handling of food otherwise than at or from food premises;

and the owner or occupier, as the case may be, shall, immediately after being notified of the fact, cause such person to cease work forthwith and notify the Medical Officer of the area in which the premises are situated.

(2) When the person referred to in subsection (1) is himself the occupier or the owner of the food business, he shall immediately cease work and give notice to the Medical Officer of the area in which the premises or business is situated.

(3) Without prejudice to the provisions of subsection 5(1), if a Medical Officer or an Environmental Health Officer has reason to believe that a person engaged in the preparation or handling of food is suffering

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from any disease likely to be injurious to health, he may require the person to submit to a medical examination by a Medical Officer, who shall issue a certificate as to the person's fitness or unfitness to engage in handling food; and if the certificate states that the person is unfit the person shall cease work forthwith.

(4) Any person who has ceased to work under the provisions of this section shall not resume work unless he has obtained a certificate of good health from a Medical Officer.

PART 4

REQUIREMENTS RELATING TO FOOD PREMISES

No sewer ventilation to be in food room

7. (1) No fresh air intake of any ventilation pipe which is part of the sewage system of food premises shall be situated in a food room.

(2) Every inlet into a sewage system situated in a food premises shall be trapped.

Water supply to a food room not to serve privy, etc.

8. The supply of water from a cistern to a food room shall not supply a privy or other sanitary convenience otherwise than through an efficient flushing system, suitable for the prevention of contamination of the water supply.

Sanitary facilities to be on food premises

9. (1) All food premises shall be supplied with sanitary facilities which, in the opinion of the Medical Officer, are adequate.

(2) Every sanitary convenience situated on any food premises shall be—

(a) kept clean and in efficient order; and

(b) so placed that no offensive odour therefrom can penetrate into any food room.

(3) Any room or other place which contains a sanitary convenience shall be suitably and sufficiently lighted and ventilated to the satisfaction of the Medical Officer.

(4) No room which contains a sanitary convenience shall be used as a food room.

(5) No room which communicates directly with a room or other place which contains a sanitary convenience shall be used for the—

(a) handling of open food; or

(b) cleaning of equipment for use in any food business in the course of which open food is handled.

(6) There shall be affixed and maintained in a prominent and suitable position near every sanitary convenience situated on any food premises, a clearly legible notice requesting users to wash their hands after using a convenience.

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Exemption of licensee from compliance with certain provisions of this Part

10. (1) Where in the opinion of the Medical Officer the provisions of section 11(1), 12(1) or (2), 14, 15(1)(a) or (b) or 18(2) ought to be waived in part, because of any special circumstances affecting the premises, he shall issue a certificate of exemption to a licensee specifying therein—

(a) the provisions from which the occupier or owner is exempted in relation to the food premises; and

(b) the special reasons for the exemptions.

(2) A certificate of exemption shall not be granted by a Medical Officer with respect to any food premises unless he is satisfied that by reason of restricted accommodation or other special circumstances affecting the premises it is reasonable that the certificate should be in force with respect thereto.

(3) Any certificate of exemption may be withdrawn by the Medical Officer if at any time he ceases to be satisfied as aforesaid.

Adequate supply of water to be maintained on food premises

11. (1) A supply of water, sufficient in quantity to satisfy the purposes of this Part shall be provided and maintained at all times on all food premises.

(2) Any supply of water provided for the purposes of this Part shall be clean and wholesome.

Hand wash basins to be provided in food premises

12. (1) Suitable and sufficient hand wash basins for the use of all persons engaged in the handling of food on all food premises shall be provided and maintained in a position conveniently accessible to those persons.

(2) There shall be provided and maintained for every hand wash basin an adequate supply of water.

(3) At or near every hand wash basin there shall be provided and maintained for the use of persons engaged in handling food on the food premises, adequate supplies of soap or other suitable detergent, nail brushes and clean towels or other suitable drying facilities, which shall be used only for securing the personal cleanliness of those persons.

(4) All hand wash basins shall be kept clean, and any taps in connection therewith shall be kept clean and in efficient working order.

First aid equipment to be kept on premises

13. Suitable and sufficient bandages, dressings and antiseptic for first aid treatment shall be provided and maintained in all food premises, in a readily accessible position, for the use of persons engaged in the handling of food on those premises.

Locker accommodation to be provided on food premises

14. (1) Except where adequate provision is made elsewhere, suitable and sufficient cupboards or locker accommodation shall be provided for the clothing and footwear not worn during working hours of all persons engaged in the handling of food on those premises.

(2) No cupboard or locker accommodation is required on food premises where no open food is handled.

(3) No cupboard or locker accommodation shall be placed in a food room.

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Adequate provision and maintenance of sinks and cleaning facilities

15. (1) Subject to the provisions of subsection (2)—

(a) there shall be provided and maintained to the satisfaction of the Medical Officer, suitable and sufficient sinks for washing food and other equipment used in food premises in all food premises;

(b) for every sink or other facility, there shall be provided and maintained to the satisfaction of the Medical Officer an adequate supply of hot and cold water, but a supply of cold water shall be sufficient for any sink or other facility not used for any other purpose than the washing of fish, tripe, animal casings, fruit or vegetables;

(c) all sinks and other facilities shall be kept clean and in efficient working order; and

(d) there shall be provided and maintained for use at all sinks and other facilities, adequate supplies of soap or other suitable detergent and clean cloths or other adequate and suitable cleaning and drying facilities.

(2) Nothing contained in subsection (1) shall apply in relation to food premises where open food is not handled.

Suitable and sufficient lighting to be provided

16. Suitable and sufficient means of lighting shall be provided and maintained in every food room to the satisfaction of the Medical Officer.

Suitable and sufficient ventilation to be provided

17. Except in a humidity controlled or temperature controlled chamber, suitable and sufficient means of ventilation shall be provided and maintained in every food room to the satisfaction of the Medical Officer.

Food room not to be a sleeping place

18. (1) No food room shall be used as a sleeping place, and no sleeping place shall be used as a food room.

(2) No food room which communicates directly with a sleeping place shall be used for the handling of open food.

Walls, doors, etc., of food room to be painted, etc.

19. (1) The walls, doors, windows, ceiling, counters, woodwork and all other parts of the structure of every food room shall be painted or varnished, and the floors of every food room shall at all times be kept clean and in such good order, repair and condition as to—

(a) enable them to be effectively cleaned; and

(b) prevent, so far as is reasonably practicable, any risk of infestation of rats, mice and insects and the entry of birds.

(2) Where any works affecting the structure of any food room are executed, the parts affected by the works shall upon completion thereof be in such a condition as to—

(a) enable them to be effectively cleaned; and

(b) prevent, so far as is reasonably practicable, any risk of infestation of rats, mice and insects and the entry of birds.

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Refuse and filth not to accumulate in a food room

20. No refuse or filth shall be deposited or allowed to accumulate in a food room except so far as is unavoidable for the proper carrying on of the food business, and any refuse or filth shall be removed as soon as is practicable and in any case before the end of each working day.

PART 5

REQUIREMENTS RELATING TO MOBILE CANTEENS AND STALLS

Conditions of every mobile canteen or stall from which meat or fish is sold

21. (1) Every mobile stall from which meat or fish is sold or exposed for sale for human consumption shall be provided with a sufficient number of suitably covered receptacles for waste trimmings, refuse and rubbish.

(2) Receptacles for meat or fish waste or for refuse or rubbish shall be constructed of impervious materials or shall be replaced as often as may be necessary to prevent the accumulation of obnoxious matter, and shall be kept apart from any meat or fish intended for sale.

(3) All waste trimmings of meat or fish or refuse or rubbish shall be placed in the receptacle provided therefor.

PART 6

REQUIREMENTS RELATING TO THE TRANSPORT OF MEAT AND FISH

Conditions for transport of meat and fish

22. (1) All vehicles used in the course of a food business for the transport of meat and fish, or either of them, when the meat or fish is open food, shall—

(a) except in the case of a closed van, be covered by canvas or other washable material supported on frames or poles so as to enclose completely that part of the vehicle in which the meat or fish is placed; and so far as is reasonably practicable the cover shall not be allowed to come into contact with the meat or fish;

(b) have impervious floors fitted with movable duck boards in such a manner as to prevent the meat or fish, or their wrappings, from touching the floor of the vehicle;

(c) be provided with a sufficient number of suitable receptacles to contain separately all offal that is detached from the carcass; and

(d) transport offal therein only if carried in separate receptacles provided therefor;

but paragraphs (a) and (b) shall not apply in relation to the transportation of meat or fish on isolated occasions, in the course of the business of a carrier, if the meat or fish is adequately protected by suitable materials from the risk of contamination.

(2) Any receptacle or duck board in or on which meat or fish is placed, and such parts of any slings, implements or other equipment for the loading or unloading of meat or fish, as come into contact therewith or its wrappings, shall be kept clean and in a proper state of repair.

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(3) All receptacles for offal carried in any vehicle in the course of a food business shall be constructed of impervious materials and kept clean and in such good order, repair and condition as shall enable them to be thoroughly cleaned.

Persons carrying meat or fish to wear clean overalls

23. (1) Every person carrying meat or fish which is open food, in the course of a food business, (otherwise than in the course of distribution by a retailer to his customers) shall, while so engaged, wear clean and washable overalls; and, if the meat or fish is liable to come into contact with his neck or head, a clean and washable or disposable head covering.

(2) This section shall not apply where the vehicle used for the transport is not ordinarily used for the transportation of meat or fish and where the person carrying the meat or fish takes all other precautions as are reasonably practicable to prevent the meat or fish coming into contact with any exposed part of his person or with any clothing other than his overalls.

PART 7

COLD STORES AND SALE OF FROZEN AND CHILLED FOODS

Food to be date stamped when cold storage temperature not controlled

24. (1) Any cold storage building, warehouse or other unit shall, where the temperature is not controlled, have all food contained therein stamped with the date on which it left a properly temperature controlled store.

(2) All chilled and frozen food in uncontrolled stores or display cabinets shall be marked with the date on which it was displayed.

Cold storage apparatus to be properly maintained

25. All cold stores, refrigerators, chiller cabinets or other apparatus used for the storage of chilled or frozen foods shall be properly maintained, regularly defrosted and kept in a clean condition at all times.

PART 8

REQUIREMENTS RELATING TO THE INSPECTION, EXAMINATION AND DESTRUCTION OF FOOD

Environmental Health Officer may inspect, examine and condemn food

26. (1) An Environmental Health Officer may, at all reasonable times, enter any food premises and inspect and examine any food sold, exposed for sale or deposited in any place or is in the course of transmission for the purposes of preparation or manufacture for sale.

(2) The Medical Officer may condemn, seize and carry away or cause to be carried away any food which—

(a) appears to him to be diseased, unsound, unwholesome or unfit for human consumption; or

(b) being perishable is not clearly labelled with the date and place of origin, and a description of the contents on its container;

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and may cause the food to be destroyed or otherwise disposed of.

(3) The expenses incurred in destroying or otherwise disposing of any food condemned in accordance with the provisions of these Regulations shall be a debt due by the owner of the food, and recoverable in the Magistrate's Court by or on behalf of the person by whom the expenses were incurred from the owner or the person who was in possession of the food.

(4) No person having in possession any food which is diseased, unsound, unwholesome or unfit for human consumption shall give, sell or consign that food to any other person or to any firm, business, organisation, institution or association.

(5) Any person having in his possession any food which is diseased, unsound, unwholesome or unfit for human consumption—

(a) shall destroy or dispose of the same to the satisfaction of the Medical Officer; or

(b) request the Medical Officer to remove and dispose of it and upon its removal and disposal—

(i) the person shall pay a reasonable sum for the removal and disposal, and

(ii) the Medical Officer shall give the owner a certificate to the effect that the food was satisfactorily destroyed and disposed of.

PART 9

ADMINISTRATIVE PROVISIONS AND CITATION

Food business to be registered and licence issued

27. (1) No person shall carry on a food business until he has registered that food business with the Environmental Health Officer and has received a licence permitting him to carry on that food business in accordance with the provisions of section 2.

(2) Any licence granted under these Regulations may be suspended or withdrawn, in addition to any other punishment by the Court, at any time by the Medical Officer upon the violation of any of the provisions of these Regulations by the licensee, his agent or any person in charge of his food business.

(3) The licence shall be displayed in a conspicuous place in the food premises and if the licence is removed, damaged, hidden or obscured or allowed to become illegible the person to whom the licence has been granted and his agent, if any, in charge of the food business is guilty of a breach of these Regulations.

(4) If a licence to carry on a food business is refused, suspended or withdrawn, the proprietor of the food business or his agent as aforesaid may appeal to the Magistrate who shall make such order concerning the licence as appears to be just and equitable.

Breach of Regulations an offence

28. (1) If the occupier of any food premises fails to comply with the requirements of these Regulations with respect to the structure of or provision of fixtures at or in the food premises he is guilty of an offence under these Regulations.

(2) If the owner or the person in charge of any food business fails to comply with the requirements of these Regulations as to the provision of any equipment, cloths, towels, or other drying facilities and soap or

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other detergents on the food premises, where such business is carried on, he is guilty of an offence under these Regulations.

(3) If any person carries on any food business in premises which have not been licensed in accordance with the provisions of section 2, he is guilty of an offence under these Regulations.

(4) If any person engaged in the handling of food fails to comply with sections 4(1), (2), (4) or (5) of these Regulations, he is guilty of an offence.

(R.A. 24/2013, s. 5)

(5) If any person engaged in the handling of food fails to comply with any provision of these Regulations, or if the occupier of any food premises, or the owner of any food business, or any other person for the time being having the control or management of a food business fails to take all reasonable steps to secure compliance therewith by any person employed by him or under his control, he is guilty of an offence under these Regulations.

Penalty

29. Any person guilty of an offence under these Regulations is liable on summary conviction to a fine of $5,000.

(R.A. 24/2013, s. 6)

Citation

30. These Regulations may be cited as the Food Hygiene Regulations, Revised Regulations of Anguilla, P125-2.

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