

A guide to the National Regulations governing general hygiene requirements for a food premises, the transport of food and related matters

Please note that this document is not a comprehensive or inclusive guide to the content and provisions of the Regulations. Any person looking to make application for a “certificate of acceptability” and or wishing to ensure that their food facilities and food handling standards comply with all of the specific requirements must refer to the gazetted Regulation which is available on the FEDHASA website.

The Minister of Health has published Regulations setting out the general hygiene requirements for a food premises and for the transportation of food. This document, which amends the previous set of Regulations published back in 2002, was gazetted on the 22nd June 2018 and is relevant to FEDHASA members.

What are the Regulations all about?

Essentially they provide for a mandatory inspection, by a local authority health officer, of any business that provides and or sells food to the public. Once the inspection is complete and the facilities and standards approved, the health officer will issue a “certificate of acceptability”. The certification inspection is based on all of the hygiene standards as set out in the Regulations.

When do I need to apply for a “certificate of acceptability” for food service?

Every establishment that prepares and or sells food to a consumer is required to hold a valid “certificate of acceptability”. This includes, for example, those accommodation establishments who provide meals (breakfast and or lunch and or dinner etc) for their clients and or the general public. If your business falls into this category and you do not have a certificate, you will need to apply.

It is important to note that the “certificate of acceptability” is issued in the name of the person in charge and not in the name of the establishment. A "person in charge" is defined as a natural person who is responsible for the food premises or the owner of the food premises. Certificates are not transferable from one person to another person or from one food premises to another.

What happens if I already have a certificate?

The Regulations came into force on the date of publication being the 22nd June 2018 with the exception of a few provisions (provided under section 16 of the Regulations) that will apply after a period of 12 months. If you have a “certificate of acceptability” and it is made out in the name of the person currently in charge (see definition “person in charge”) and if the food handling processes have remained the same (section 9(b) it will remain valid in terms of these Regulations.

What do I do if the name on the certificate is incorrect?

If you have a certificate but it is made out in the name of someone who is no longer “in charge” or the person has left the establishment, the new “person in charge” will need to inform the local authority in writing of the change within 30 days after the date of the replacement. The local authority will then either re-inspect the property or alternatively issue a new certificate without an inspection. Although no form has been provided in the National Regulations for this notification, it may be a good idea to visit the local municipal health department in order to ascertain if they have a specific form and at the same time obtain answers to any queries you may have.

How do I apply for a certificate?

The application must be submitted in writing to the local municipal health department by completing the form as set out in annexure A of the Regulations. It would probably be wise to initially visit the local municipal health department in order to obtain a copy of the applicable form and at the same time to obtain answers to any queries.

Not surprisingly, a number of municipalities have chosen to adopt their own set of Regulations and forms and these, more often than not, differ from those Regulations issued by the national department.

What happens after having made the application?

Upon receipt of the application, the authority will inspect the premises and, if satisfied that the provisions set out in the regulations have been met, will issue a certificate or alternatively grant an extension to the person in charge to make any necessary changes. Unfortunately no specific time frame or cost has been set out in the Regulations. It should be noted that the certificate must be on public display on the premises or a copy must immediately be made available on request.

What food and premises hygiene requirements must I adhere to?

The Regulations provide specific hygiene requirements for matters concerning - food premises, food facilities, any alteration to food premises, food containers, appliances and equipment, food display, food storage and temperature, employee protective clothing, the duties of those in charge, the duties of a food handler, the handling of meat, the transportation of food and certain exemptions.

Examples of the food premises requirements

There are, for example, specific requirements regarding interior walls, ceilings, floors, ventilation and lighting. Food facilities must have a wash-up area with hot and cold running water and a waste disposal system approved by the local authority. There must be handwashing facilities for staff and guests, refuse containers with close-fitting lids, storage space for food and equipment, a separate changing area for employees with sufficient toilets and hand washbasins as set out in annexure D of the Regulations.

Examples of the food facility requirements

Working surfaces and food preparation equipment must be clean, smooth, rustproof and not chipped, split or cracked. Disposable service ware must be stored in dust free containers and must not be used more than once. Surfaces must be cleaned before food preparation and must be washed clean immediately after food handling.

Examples of the food container, appliance and equipment requirements

Containers must be clean and free of any contaminants. Prepacked food must be packed in a dust and liquid proof container that protects against contamination and must be packed, wrapped or sealed so that food cannot be removed from its container without the lid being removed. The requirements for a butchery, if there is one on the premises, are fairly extensive and set out in annexure F of the Regulations.

Examples of the display, storage and temperature requirements

Food must not come into contact with a floor or any ground surface and shelves or racks must be clean and free of dust or dirt. Meals or foods displayed in open containers must be protected against contamination. There are provisions covering the thawing and refreezing of food together with various temperatures set out in annexure E. In addition, annexure G provides a code of practice for measuring food temperature.

Examples of the protective clothing requirements

A person handling food must wear protective clothing, a head covering and footwear which must be clean and designed in a way that does not contaminate the food. Protective clothing must prevent food from coming into contact with any part of the body other than the hands.

Examples of the duties of the person in charge

The person in charge needs to be fittingly trained and qualified in the principles and practices of food safety and food hygiene and the course(s) or programme attended must have been accredited. The Regulation does not provide for a specific course or training programme, nor mention by whom the course(s) should have been accredited and it does not provide for a period or date by which the training should have taken place.

The person in charge must ensure that all other persons working on the food premises are suitable qualified or trained. Training programmes must be carried out and records must be kept and regularly updated. The person in charge is responsible for ensuring that all of the provisions of the Regulations are carried out by those working in a food premises. Matters such as cleanliness, pest control, food handling, preparation, waste disposal, appropriate use of the facility, maintaining of records, recall procedures and disease control all fall within the responsibility of the person in charge.

Examples of the duties of a food handler

Although the person in charge has the organisational responsibility, the food handler is required to ensure that his/her actions do not cause food contamination. The food handler must ensure continuous personal cleanliness and hygiene, their good health, adherence to all of the food handling requirements and all other matters relating to the direct handling, preparation, service and storage of food.

Examples of the requirements for meat handling

If animals are butchered on the premises, the person in charge is required to comply with the Meat Safety Act 40 of 2000. Those purchasing meat are not required to comply with the Meat Safety Act for as long as the meat is obtained from a compliant butcher or meat supplier.

Examples of the requirements for the transportation of food

The transportation used must be clean and free of any waste, harmful or poisonous substances and free of any other potential contaminate. The freight compartment must be made of a material that is easy to clean, dustproof and not used for transporting anything else at the same time. Food should not, whilst in transit, make any contact with the floor of the vehicle.

Are there any exemptions and or additional requirements?

A person in charge of food premises may make application to the local authority for exemption from any of the provisions set out in the regulations with the exception of the issuing of the “certificate of acceptability”. No specific form is provided in the national Regulations however it would probably be best to check with your local authority. Exemptions, if granted, may be subject to certain conditions decided upon by the local authority and may be withdrawn if the exemption is deemed likely to become a health hazard. A local authority may set additional requirements to be met at any food premises where, despite compliance, a health hazard exists that is not provided for in the Regulations.

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