



**ST HELENA**

**REVISED EDITION OF THE LAWS, 2017**

**PUBLIC HEALTH & SAFETY**

**FOOD SAFETY ORDINANCE, 2016<sup>1</sup>**

*Ordinance 17 of 2016*

*In force 1 April 2017*

*No amendments to 1 November 2017*

*Subsidiary legislation:*

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*Legal Notice 4 of 2017 (in force 1 April 2017)*

**FOOD SAFETY (PRODUCTS OF ANIMAL ORIGIN) REGULATIONS, 2017**

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**FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS, 2017**

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**FOOD SAFETY ORDINANCE, 2016**

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

<sup>2</sup> Reference corrected by Gazette Notice No. 53 of 27 March 2018

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AN ORDINANCE to make new provision for the regulation of the production, trade and handling of food, to promote food safety and to introduce standards of hygiene in the food business; and for connected and incidental purposes.

**PART 1  
PRELIMINARY**

**Short title and commencement**

**1.** This Ordinance may be cited as the Food Safety Ordinance, 2016 and comes into force on 1st April 2017.

**Interpretation**

2. In this Ordinance, unless the context otherwise requires,—
- “authorised officer”** means a person who is authorised in writing, either generally or specifically, under section 6(3);
- “bakehouse”** means any premises where bread, confectionery, biscuits or any other baked product are produced for sale;
- “building”** includes any hotel, school, factory, movable van or other building where persons are employed and also includes the curtilage of such building within the business;
- “business”** includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not;
- “commercial operation”** in relation to any food or contact material, means any of the following:
- (a) selling, possessing for sale and offering, exposing or advertising for sale;
  - (b) consigning, delivering or serving by way of sale;
  - (c) preparing for sale or presenting, labelling or wrapping for the purpose of sale;
  - (d) storing or transporting for the purpose of sale;
  - (e) importing and exporting;
- and, in relation to any food source, means deriving food from it for the purpose of sale or for purposes connected with sale;
- “contact material”** means any equipment and packaging or other material that comes in contact with food and includes surfaces where food is prepared;
- “equipment”** includes any apparatus, furnishings and utensils used for the storage, preparation and distribution of food and drink;
- “feed”** includes, but is not limited to, any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;
- “food”** includes any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans;
- “Food Authority”** means the Food Authority referred to in section 6;
- “food business”** means any trade or business, whether for profit or not, both public and private, in the course of which any operation with respect to the production, processing, handling or distribution of food are carried out;
- “food business operator”** means the natural or legal persons responsible for ensuring that the requirements of laws relating to food safety are met within the food business under their control, including managers and employees and those with a financial interest in such business;
- “food premises”** means any premises used as a food business, including bakehouses, slaughterhouses and private dwellings used to prepare food for sale;
- “food source”** means any growing crop or live animal, bird or fish from which food is intended to be derived (whether by harvesting, slaughtering, milking, collecting eggs or otherwise);
- “occupier”** means the person in occupation or having the charge, management or control of a building or part of a building, either on the person’s own account or as the agent of another person; and in the case of a ship or aircraft, means the master or other person in charge of it;
- “official control”** means any form of control that the Food Authority performs for the verification of compliance with laws relating to food safety;
- “placing on the market”** means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves;
- “premises”** includes any land, building, vehicle, stall or any structure, whether moveable or fixed, any aircraft or ship, and any streams, drains, ditches or places, whether open, covered or enclosed, whether built on or not, both natural and artificial;
- “processing”** means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of

those processes;

“**Regulatory Authority**” means the Regulatory Authority referred to in section 5;

“**preparation**” in relation to food, includes manufacture and any form of processing or treatment, and “**preparation for sale**” includes packaging;

“**stall**” includes any stand, marquee, tent, caravan or mobile canteen;

“**substance**” includes any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

“**treatment**” in relation to any food includes subjecting it to heat or cold.

### **Meaning of sale**

**3. (1)** The supply of food otherwise than by sale, at, in or from any place where food is supplied in the course of a business, is deemed to be the sale of that food and references to purchasing and purchasers are to be construed accordingly.

**(2)** This Ordinance applies—

- (a)* in relation to any food which is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted, whether on payment of money or not - as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
- (b)* in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away - as if the food were, or had been, exposed for sale by the person offering or giving away the food; and
- (c)* in relation to any food which is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in paragraph *(a)* or *(b)* - as if the food were, or had been, exposed for sale by the occupier of the premises;

**(3)** For the purposes of subsection (2), “**entertainment**” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

### **Presumption that food is intended for human consumption**

**4. (1)** Any food commonly used for human consumption is, if sold or offered, exposed or kept for sale, presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale for human consumption.

**(2)** The following are presumed, until the contrary is proved, to be intended for sale, or for manufacturing food for sale, for human consumption:

- (a)* any food commonly used for human consumption which is found on premises used for the preparation, storage, or sale of that food; and
- (b)* any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of that food.

**(3)** Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared is, until the contrary is proved, presumed to be intended for such use.

## **PART 2 IMPLEMENTATION**

### **Regulatory Authority**

5. (1) The Health Protection Board established by section 3 of the Public Health Ordinance, 1932 is the Regulatory Authority for the purposes of this Ordinance.

(2) The Regulatory Authority must enforce and execute the provisions of this Ordinance and has such other functions as the Governor considers appropriate in relation to the operation of this Ordinance.

(3) The Regulatory Authority may institute proceedings under any provision of this Ordinance.

(4) The Regulatory Authority may, where necessary, assign its functions and delegate its powers under this Ordinance to an Authority of another country which has functions and powers similar to those of the Regulatory Authority.

(5) The Regulatory Authority may issue Codes of recommended practice for the guidance of the Food Authority as regards the execution and enforcement of this Ordinance and of regulations and orders made under it.

(6) The Regulatory Authority may direct the Food Authority to take specified steps in order to comply with a Code issued under subsection (5).

### **Food Authority and authorised officers**

6. (1) For purposes of this Ordinance, the “**Food Authority**” is the authority with responsibility for the delivery of official controls over food, and consists of the Director of Health, the Senior Medical Officer/clinical Director and the Senior Environmental Health Officer.

(2) The Food Authority must carry out official controls to verify the food business operator’s compliance with the requirements of this Ordinance.

(3) The Governor may appoint and authorise any officers necessary for the delivery of official controls according to the requirements of this Ordinance.

(4) An authorised officer is not personally liable in respect of any act done by that officer within the scope of his or her employment and in the execution or purported execution of this Ordinance, if that act was done in the honest belief that the officer’s duty under this Ordinance required or entitled the officer to do it.

(5) Nothing in subsection (4) is to be construed as relieving the Food Authority of any liability in respect of the acts of their officers.

(6) If an action has been brought against an officer of the Food Authority in respect of an act done by that officer in the execution or purported execution of this Ordinance, but outside the scope of the officer’s employment, the Food Authority may indemnify that officer against the whole or a part of any damages which the officer has been ordered to pay or any costs

which the officer may have incurred, if the Food Authority is satisfied that the officer honestly believed that the act complained of was within the scope of the officer's employment.

(7) Any expenses which are incurred under this Ordinance by an authorised officer in procuring samples, and causing samples to be analysed or examined, is to be defrayed by the Food Authority.

### **Power to make regulations**

7. (1) The Governor in Council may make regulations generally for carrying into effect the provisions of this Ordinance.

(2) Without limiting subsection (1), regulations may provide for forms to be used, fees to be paid, and procedures to be adopted for or in connection with the operation of this Ordinance, including but not limited to—

- (a) provisions regulating the food industry to secure food safety and ensure that food is fit for human consumption;
- (b) labelling, marking or advertising of food or food related items;
- (c) registration and licensing of food premises;
- (d) qualification requirements for appointment of authorised persons under section 6;
- (e) the official controls to be exercised by the Food Authority and authorised officers; and
- (f) the amount of any fixed penalties which may be imposed under section 16.

## **PART 3 OFFENCES**

### **Food not complying with food safety requirements**

8. (1) Food must not be placed on the market if it is unsafe.

(2) Food is deemed to be unsafe if it is considered to be—

- (a) injurious to health; or
- (b) unfit for human consumption.

(3) In determining whether any food is unsafe, regard must be had to—

- (a) the normal conditions of use of the food by the consumer and at each stage of production, processing and distribution; and
- (b) the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods.

(4) In determining whether any food is injurious to health, regard must be had—

- (a) not only to the probable immediate, short-term or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;
- (b) to the probable cumulative toxic effects;
- (c) to the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers.

(5) In determining whether any food is unfit for human consumption, regard must be had to whether the food is unacceptable for human consumption according to its intended use for reasons of—

- (a) contamination, whether by extraneous matter or otherwise; or
- (b) putrefaction, deterioration or decay.

(6) If any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it is to be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment is unsafe.

(7) Conformity of a food with specific provisions applicable to that food does not bar the competent authorities from taking appropriate measures to impose restrictions on it being placed on the market or to require its withdrawal from the market where there are reasons to suspect that, despite such conformity, the food is unsafe.

(8) A person who places on the market food which is found to be unsafe commits an offence.

Penalty: As provided by section 24.

### **Rendering food injurious to health**

9. It is an offence for a person to render any food injurious to health by—
- (a) adding any article or substance to the food;
  - (b) using any article or substance as an ingredient in the preparation of the food;
  - (c) abstracting any constituent from the food; or
  - (d) subjecting the food to any other process or treatment,

with intent that it shall be sold for human consumption.

Penalty: As provided by section 24.

### **Consumer protection**

10. (1) A person who sells to the purchaser's prejudice any food which is not of the nature, substance or quality demanded by the purchaser commits an offence.

Penalty: As provided by section 24.

(2) In subsection (1), the reference to sale is to be construed as a reference to sale for human consumption; and in proceedings under that subsection it is not a defence that the purchaser was not prejudiced because the purchaser bought for analysis or examination.

## **PART 4 DEFENCES**

### **Offences due to fault of another person**

11. If the commission by person A of an offence under this Ordinance is due to the act or default of person B, then person B commits the offence; and person B may be convicted of the offence by virtue of this section whether or not proceedings are taken against person A.

### **Defence of due diligence**

12. (1) In any proceedings for an offence under this Ordinance or any regulations, it is, subject to subsection (5), a defence to prove that the defendant took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by the defendant or by a person under the defendant's control.

(2) Without limiting subsection (1), a person accused of an offence of contravening section 8 who —

- (a) did not prepare the food in respect of which the offence is alleged to have been committed; or
- (b) did not import it into St Helena,

is to be taken to have established the defence provided by subsection (1) if the requirements of subsection (3) or (4) are satisfied.

(3) The requirements of this subsection are satisfied if it is proved that—

- (a) the commission of the offence was due to the act or default of some other person who was not under the control of the person accused, or to reliance on information supplied by such other person;
- (b) either—
  - (i) the person accused carried out all such checks of the food in question as were reasonable in all the circumstances; or
  - (ii) it was reasonable in all the circumstances for the person accused to rely on checks carried out by the person who supplied the person accused with that food; and
- (c) the person accused did not know and had no reason to suspect at the time the offence was committed that the act or omission would amount to an offence under this Ordinance.

(4) The requirements of this section are satisfied if the offence is one of placing on the market and it is proved that—

- (a) the commission of the offence was due to the act or default of some other person who was not under the control of the person accused, or due to reliance on information supplied by such other person;
- (b) the placing on the market of which the offence consisted was not a placing on the market under the name or mark of the person accused; and
- (c) the person accused did not know and could not reasonably be expected to know at the time the offence was committed that the act or omission would amount to an offence under this Ordinance.

(5) If in any case the defence provided by subsection (1) involves the allegation that the commission of the offence was due to the act or default of another person, or to reliance on information supplied by another person, the person accused ('A') is not, without leave of the court, entitled to rely on that defence, unless—

- (a) at least 7 clear days before the hearing; and
- (b) if A previously appeared before the court in connection with the alleged offence, within one month of the first such appearance,

A has served on the prosecutor a written notice giving such information identifying or assisting in the identification of that other person as was then in A's possession.

## **PART 5 ENFORCEMENT**

### **Powers of entry**

**13. (1)** An authorised officer, on producing some duly authenticated document showing authorisation, if so required, has a right to enter any premises at all reasonable hours for the purpose of—



- (a) ascertaining whether there is or has been any contravention of this Ordinance on the premises;
- (b) ascertaining whether there is any evidence on the premises of any such contravention; and
- (c) performing any of the officer's functions under this Ordinance,

but admission to any premises used only as a private dwelling-house may not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(2) If a Justice of the Peace, on sworn information in writing, is satisfied that there is reasonable ground for entry onto any premises for a purpose mentioned in subsection (1) and that either—

- (a) admission to the premises has been refused, or a refusal is ~~apprehended~~, **expected** and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or the premises are unoccupied or the occupier is temporarily absent,

the Justice of the Peace may by warrant signed by him or her authorise the authorised officer to enter the premises, if need be by reasonable force.

(3) Every warrant granted under this section continues in force for a period of one month.

(4) An authorised officer entering any premises by virtue of this section, or of a warrant issued under it, may be accompanied by such other persons as the officer considers necessary, and on leaving any unoccupied premises which the officer has entered by virtue of such a warrant must leave them as effectively secured against unauthorised entry as the officer found them.

(5) An authorised officer entering premises by virtue of this section, or of a warrant issued under it, may inspect any records (in whatever form they are held) relating to a food business and, where any such records are stored in any electronic form—

- (a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and
- (b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as the officer reasonably requires.

(6) An officer exercising any power conferred by subsection (5) may—

- (a) seize and detain any records which the officer has reason to believe may be required as evidence in proceedings under any provision of this Ordinance; and
- (b) if the records are stored in any electronic form, require the records to be produced in a form in which they may be taken away.

(7) A person who enters any premises by virtue of this section, or of a warrant issued under it, must not disclose to any other person any information obtained on the premises with regard to any trade secret, unless the disclosure was made in the performance of the person's duty.

(8) A person who fails to comply with subsection (7) commits an offence.  
Penalty: As provided by section 24.

## Hygiene improvement notices

**14. (1)** An authorised officer who has reasonable grounds for believing that a food business operator is failing to comply with any regulations referred to in subsection (3) may, by a notice (a **“hygiene improvement notice”**) served on the operator—

- (a) state the officer's grounds for believing that the operator is failing to comply with the regulations;
- (b) specify the matters which constitute the operator's failure so to comply;
- (c) specify the measures which, in the officer's opinion, the operator must take in order to secure compliance; and
- (d) require the operator to take those measures, or measures which are at least equivalent to them, within a period (not being less than 14 days) specified in the notice.

**(2)** A person who fails to comply with an improvement notice commits an offence.  
Penalty: As provided by section 24.

**(3)** This section and section 15 apply to any regulations made under section 7 which—

- (a) require, prohibit or regulate the use of any process or treatment in the preparation of food; or
- (b) make provision for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources.

## Remedial action notices

**15. (1)** If it appears to an authorised officer that in any food premises—

- (a) any of the requirements of any regulations referred to in section 14(3) are being breached; or
- (b) an inspection under the Ordinance is being hampered,

the officer may, by a notice in writing (a **“remedial action notice”**) served on the relevant food business operator or a duly authorised representative—

- (a) prohibit the use of any equipment or any part of the establishment specified in the notice;
- (b) impose conditions upon or prohibit the carrying out of any process; or
- (c) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely.

**(2)** A remedial action notice must be served as soon as practicable and must state why it is being served.

**(3)** A remedial action notice served under subsection (1)(a) must specify the breach and the action needed to remedy it.

**(4)** An authorised officer who has served a remedial action notice on a food business operator must, as soon as the officer is satisfied that such action has been taken, withdraw the notice by a further notice in writing served on the food business operator or a duly authorised representative.

**(5)** A person who fails to comply with a remedial action notice commits an offence.  
Penalty: As provided by section 24.

## Fixed monetary penalty notices

**16. (1)** This section applies to offences under the Ordinance as prescribed by regulations.

**(2)** An authorised officer who has reasonable grounds to believe that a food business operator has committed an offence to which this section applies, may give the operator a penalty notice in respect of the offence (a “**penalty notice**”).

**(3)** A penalty notice is a notice offering the food business operator the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a penalty in accordance with this Ordinance.

**(4)** A penalty notice must specify—

- (a)* the alleged offence;
- (b)* such particulars of the circumstances alleged to constitute such offence as are necessary for giving reasonable information about it;
- (c)* the amount of the prescribed penalty and the period for payment referred to in subsection (6);
- (d)* the consequences of not paying the penalty before the end of the period mentioned in paragraph *(c)*;
- (e)* the person to whom and the address at which payment may be made;
- (f)* by what method payment may be made;
- (g)* the person to whom and the address at which any representations relating to the notice may be made.

**(5)** A penalty notice must also—

- (a)* inform the person to whom it is given of the person’s right to be tried for the alleged offence; and
- (b)* explain how that right may be exercised.

**(6)** The penalty must be paid within the period of 29 days from the day on which the notice is given.

**(7)** Proceedings for the offence in respect of which a penalty notice was given may not be brought before the end of the period for payment of the penalty.

**(8)** Subsection (7) does not apply if the person to whom the notice was given has asked in accordance with subsections (12) and (13) to be tried for the alleged offence.

**(9)** If the penalty is paid in accordance with the penalty notice before the end of the period mentioned in subsection (6), no proceedings for the offence may be brought, and subsection (11) does not apply.

**(10)** If proceedings have been brought pursuant to a request under subsection (12), but then the penalty is paid as mentioned in subsection (9), those proceedings may not be continued.

**(11)** In any proceedings, a certificate is evidence of the facts which it states, if it—

- (a)* purports to be signed by or on behalf of the person responsible for the financial affairs of the Food Authority; and
- (b)* states that payment of the penalty pursuant to the notice was or was not received by a date specified in the certificate.

(12) If the person to whom a penalty notice has been given asks to be tried for the alleged offence, the authorised officer must communicate this to the Attorney General who may institute proceedings against the person.

(13) Any request to be tried must be made—

- (a) by notice given to the Food Authority before the end of the period for payment of the penalty; and
- (b) in the manner specified in the penalty notice.

(14) If the Food Authority considers that a penalty notice which an authorised officer acting on its behalf has given to a food business operator ought not to have been given, the Regulatory Authority may give notice to the operator withdrawing the penalty notice, in which case—

- (a) the Regulatory Authority must repay any amount which has been paid by way of penalty pursuant to the penalty notice; and
- (b) no proceedings may be brought or continued against the operator for the offence in question.

### Prohibition orders

17. (1) If—

- (a) a food business operator is convicted of an offence under this Ordinance; and
- (b) the court by or before which the food operator is so convicted is satisfied that the health risk condition referred to in subsection (2) is fulfilled with respect to that business,

the court may make an order imposing the appropriate prohibition, as referred to in subsection (3).

(2) The health risk condition is fulfilled with respect to any food business if any of the following involves risk of injury to health:

- (a) the use for the purposes of the business of any process or treatment;
- (b) the construction of any premises used for the purposes of the business, or the use for those purposes of any equipment; and
- (c) the state or condition of any premises or equipment used for the purposes of the business.

(3) The appropriate prohibition is—

- (a) in a case falling within subsection (2)(a) - a prohibition on the use of the process or treatment for the purposes of the business;
- (b) in a case falling within subsection (2)(b) - a prohibition on the use of the premises or equipment for the purposes of the business or any other food business of the same class or description;
- (c) in a case falling within subsection (2)(c) - a prohibition on the use of the premises or equipment for the purposes of any food business.

(4) If—

- (a) the food business operator is convicted of an offence under this Ordinance or any regulations made under it; and
- (b) the court by or before which the food business operator is so convicted thinks it proper to do so in all the circumstances of the case,

the court may, by an order, impose a prohibition on the operator from participating in the

management of any food business, or any food business of a class or description specified in the order.

**(5)** As soon as practicable after the making of an order under subsection (1) or (4) (a “**prohibition order**”), the Food Authority must—

- (a) serve a copy of the order on the food business operator; and
- (b) in the case of an order under subsection (1), affix a copy of the order in a conspicuous position on any of the premises used for the purposes of the business as they consider appropriate.

**(5A)** A person who knowingly contravenes a prohibition order commits an offence.  
Penalty: As provided by section 24.

**(6)** A prohibition order ceases to have effect—

- (a) in the case of an order under subsection (1) - on the issue by the Food Authority of a certificate to the effect that the Food Authority is satisfied that the food business operator has taken sufficient measures to eliminate the health risk condition;
- (b) in the case of an order under subsection (4) - on the giving by the court of a direction to that effect.

**(7)** Upon the food business operator notifying the Food Authority that a health risk condition is no longer in existence, the Food Authority must cause an authorised officer to carry out an inspection of the operator and—

- (a) if the Food Authority is satisfied that the risk condition is no longer in existence it must, within 3 days of the inspection by the authorised officer, issue a certificate under subsection (6)(a);
- (b) if the Food Authority is not satisfied that the health risk condition has been eliminated, it must give notice to the food business operator of the reasons for that determination.

**(8)** The court must give a direction under subsection (6)(b) if, on an application by the food business operator, the court thinks it proper to do so having regard to all the circumstances of the case, including in particular the conduct of the food business operator since the making of the order; but no such application is to be entertained if it is made—

- (a) within 6 months after the making of the prohibition order; or
- (b) within 3 months after the making by the proprietor of a previous application for such a direction.

### **Inspection and seizure of food**

**18. (1)** An authorised officer may at all reasonable times inspect any food intended for human consumption which—

- (a) has been sold or is offered or exposed for sale;
- (b) is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale; or
- (c) is otherwise placed on the market,

and subsections (3) to (9) apply where, on such an inspection, it appears to the authorised officer that any food fails to comply with food safety requirements.

**(2)** On an inspection of any food, an authorised officer may certify that such food has not been produced, processed or distributed in compliance with regulations made under section

7 and where any food has been so certified it must be treated for the purposes of this section as failing to comply with food safety requirements:

**(2A)** If food certified under subsection (2) forms part of a batch, lot or consignment of food of the same class or description, all the food in the batch, lot or consignment must, until it is proved that it has been produced, processed or distributed in compliance with the relevant regulations, be treated for the purposes of subsection (4) as having been so certified.

- (3)** If subsection (2) applies, the authorised officer may either—
- (a) give notice to the person in charge of the food that, until the notice is withdrawn, the food or any specified portion of it—
    - (i) is not to be used for human consumption; and
    - (ii) either is not to be removed or is not to be removed except to some place specified in the notice; or
  - (b) seize the food and remove it in order to have it dealt with by a justice of the peace.

**(3A)** A person who knowingly contravenes the requirements of a notice under subsection (3)(a) commits an offence.

Penalty: As provided by section 24.

**(4)** An authorised officer who exercises the powers conferred by subsection (3)(a) must, as soon as is reasonably practicable and in any event within 21 days, determine whether or not he or she is satisfied that the food complies with food safety requirements and—

- (a) if so satisfied - forthwith withdraw the notice;
- (b) if not so satisfied - seize the food and remove it in order to have it dealt with by a Justice of the Peace.

**(5)** An authorised officer who exercises the powers conferred by subsection (3)(b) or (4)(b) must inform the person in charge of the food of the officer's intention to have it dealt with by a Justice of the Peace and—

- (a) any person who under section 8 might be liable to a prosecution in respect of the food is, if the person attends before the Justice of the Peace by whom the food falls to be dealt with, entitled to be heard and to call witnesses; and
- (b) that Justice of the Peace may, but need not, be a member of the court before which any person is charged with an offence under that section in relation to that food.

**(6)** If it appears to a Justice of the Peace, on the basis of such evidence as he or she considers appropriate in the circumstances, that any food falling to be dealt with under this section fails to comply with food safety requirements, the Justice of the Peace must condemn the food and order—

- (a) the food to be destroyed or to be so disposed of as to prevent it from being used for human consumption; and
- (b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the owner of the food.

**(7)** If a notice under subsection (3)(a) is withdrawn, or the Justice of the Peace by whom any food falls to be dealt with under this section refuses to condemn it, the Food Authority must compensate the owner of the food for any depreciation in its value resulting from the action taken by the authorised officer.

**(8)** Any disputed question as to the right to or the amount of any compensation payable under subsection (7) is to be determined by arbitration.

(9) Subsections (3) to (8) also apply if, otherwise than on such an inspection, it appears to an authorised officer that any food is likely to cause food poisoning or any disease communicable to human beings.

### **Detention notice**

**19. (1)** An authorised officer may, by a notice in writing (a “**detention notice**”) served on the relevant food business operator or duly authorised representative, require the detention of any animal or food for the purpose of examination (including the taking of samples).

(2) An authorised officer must, as soon as satisfied that the animal or food need no longer be detained, withdraw the notice by a further notice in writing served on the food business operator or duly authorised representative.

(3) A person who fails to comply with a detention notice commits an offence.  
Penalty: As provided by section 24.

### **Sampling, examination and analysis of food**

- 20. (1)** An authorised officer may—
- (a) purchase a sample of any food, or any substance capable of being used in the preparation of food;
  - (b) take a sample of any food, or any such substance, which—
    - (i) appears to the officer to be intended for placing on the market or to have been placed on the market, for human consumption; or
    - (ii) is found by the officer on or in any premises which the officer is authorised to enter by or under section 13;
  - (c) take a sample from any food source, or a sample of any contact material, which is found by the officer on or in any such premises; and
  - (d) take a sample of any article or substance which is found by the officer on or in any such premises and which the officer has reason to believe may be required as evidence in proceedings under any this Ordinance.
- (2) An authorised officer who has procured a sample under subsection (1) must—
- (a) if the officer considers that the sample should be analysed - submit it to be analysed;
  - (b) if the officer considers that the sample should be examined - submit it to be examined by a food examiner.

## **PART 6 ADMINISTRATION**

### **Registration and licensing of premises**

**21. (1)** A person must not carry on a food business unless the person has registered the food business with the Food Authority, has received a licence permitting the person to carry on such a food business from the Food Authority, and has paid the prescribed fees.

(2) Whenever the Food Authority receives an application for registration from a food business operator, an authorised officer must make an on-site visit and if the operator demonstrates compliance with the relevant requirements of this Ordinance, the Food Authority must grant the appropriate licence and approval, if required, under the regulations.

(3) The Food Authority—

- (a) may grant a conditional licence or approval, if it appears from the on-site visit that the premises meet all the infrastructure and equipment requirements;
- (b) a full licence or approval, if it is evident from a new on-site visit carried out within 3 months of the granting of a conditional licence or approval, that the premises meet all other relevant requirements of this Ordinance and any relevant regulations made under it:

(3A) If clear progress has been made, but the premises still do not meet all the requirements, a conditional licence or approval granted under subsection (3)(a) may be extended, but this extension should not exceed a total of 6 months.

(4) If the food business operates at more than one site or premises, each site or premises will require a separate licence and, if required, a separate approval number.

(5) The Food Authority must maintain up-to-date lists of licensed and approved premises, with their respective approval numbers and other relevant information, which can be made available to the public and other interested parties.

(6) A licence to carry on a food business is valid for a period of 12 months from the date of issue, but may be suspended or withdrawn at any time by the Food Authority upon the contravention of any provision of this Ordinance or regulations made under section 7 by the person to whom the licence has been granted or by that person's agent, if any, in charge of the business.

(7) The licence must be displayed in some conspicuous place in the food premises. If the licence is removed, damaged, hidden or obscured or allowed to become illegible, the person to whom the licence was been granted, or the person's agent, if any, in charge of the food, each commits an offence.

Penalty: As provided by section 24.

(8) The prescribed fees is payable in respect of the registration and licencing requirements.

(9) A person who carries on a food business without a valid licence commits an offence.

Penalty: As provided by section 24.

### **Service of documents**

22. (1) Any document which is required or authorised under this Ordinance to be served on a food business operator, may be served—

- (a) by delivering it to that operator;
- (b) by leaving it or sending it in a prepaid letter addressed to the operator at his or her usual or last known residence;
- (c) in the case of an incorporated company or body, by delivering it to the secretary at the registered or principal office, or by sending it in a prepaid letter addressed to the secretary at that office.

(2) If a document is to be served on a food business operator under this Ordinance and it is not reasonably practicable to ascertain the name and address of the person on whom it



should be served, or the premises of such operator are unoccupied, the document may be served by addressing it to the operator in the capacity of occupier of those premises (naming them), and—

- (a) by delivering it to some other person at the premises; and
- (b) if there is no other person at the premises to whom it can be delivered - by affixing it or a copy of it to some conspicuous part of the premises.

### **Time limit for prosecutions**

**23.** A prosecution for an offence under this Ordinance which is punishable under section 24 must be commenced within 3 years after the commission of the offence.

### **Punishment**

**24.** A person who commits an offence under this Ordinance is liable on conviction to a maximum penalty of a fine of £10,000 or imprisonment for a term of 18 months, or both, and, in the case of a continuing offence a further fine of £30 for each day or part of a day during which the offence continues after a conviction is first obtained.

### **Offences by body corporate**

**25. (1)** If an offence under this Ordinance which has been committed by a corporate body is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of,—

- (a) any director, manager, secretary or other similar officer of the body; or
- (b) any person who was purporting to act in any such capacity,

that person, as well as the corporate body commits that offence and is liable to be proceeded against and punished accordingly.

**(2)** In subsection (1)(a) “**director**” in relation to a corporate body established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a corporate body whose affairs are managed by its members, means a member of that body corporate.

### **Right of appeal**

**26. (1)** A person who is aggrieved by—

- (a) a decision of an authorised officer to serve a hygiene improvement notice under section 14;
- (b) a decision of an authorised officer to serve a remedial action notice under section 15;
- or
- (c) a decision of an authorised officer to refuse a licence or approval or to withdraw or suspend a licence under section 21,

may appeal to the Magistrates’ Court.

**(2)** The procedure on an appeal to the Magistrates’ Court under subsection (1) is by way of complaint for an order and the Magistrates’ Court Ordinance, 2011, applies to the proceedings.

**(3)** The period within which an appeal under paragraph (1) may be brought is—

- (a) 30 days from the date on which notice of the decision was served on the person desiring to appeal; or

- (b) in the case of an appeal against a decision to issue a hygiene improvement notice - the shorter of the period specified in paragraph (a) or the period specified in the notice pursuant to section 14(1)(d),

and the making of a complaint for an order is deemed for the purposes of this section to be the bringing of the appeal.

(4) On an appeal against a hygiene improvement notice or a remedial action notice, the court may cancel or affirm the notice and, if it affirms it, may do so either in its original form or with any modifications the court in the circumstances thinks fit.

(5) If a period specified in a hygiene improvement notice pursuant to section 14(1)(d) would otherwise include any day on which an appeal against that notice is pending, that day is to be excluded from that period.

(6) An appeal is to be regarded as pending for the purposes of subsection (5) until it is finally disposed of, withdrawn or struck out for want of prosecution.

### **Amendment of legislation and transitional provisions**

27. (1) The Public Health Ordinance, 1939 is amended by—
- (a) repealing the definitions of “aerated water factory”, “bakehouse”, “dairy”, “dairyman”, “slaughterer” and “slaughterhouse”;
  - (b) repealing sections 12, 13, 14, 15, 16, 17, 18, 19, 43 and 54;
  - (c) deleting the word and character “bakehouse,” in section 58(1).

(2) The Fish and Fish Products Ordinance, 2010, is amended by deleting the words “Public Health Ordinance, Cap. 49” in section 4(3) and substituting for them “Food Safety Ordinance, 2016”.

(3) The Governor in Council may, in any regulations issued under this Ordinance, make provisions for transitional measures which might be required in respect of the repeal of any regulations issued under the Public Health Ordinance, 1939.

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**FOOD SAFETY ORDINANCE, 2016**

**FOOD SAFETY (PROCEDURE AND FEES) REGULATIONS, 2017**  
(Section 7)

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**PART 1**  
**PRELIMINARY AND INTERPRETATION**

**Citation and commencement**

1. These Regulations may be cited as the Food Safety (Procedure and Fees) Regulations, 2017 and come into force on 1st April 2017.

## **Interpretation**

2. Any word or expression to which a meaning has been assigned in the Ordinance, or any other subsidiary legislation made under it, bears the meaning so assigned and for purposes of these Regulations—

“**documentary check**” includes, but is not limited to, the examination of health certificates, commercial documents and bill of lading or air freight documents accompanying a consignment;

“**identity check**” means a check by visual examination to ensure that the certificates or other documents provided coincide with the product itself;

“**physical check**” means a check on the product itself, which may include checks on packaging and temperature and also sampling and laboratory testing.

## **PART 2 OFFICIAL CONTROLS RELATING TO FRESH MEAT**

### **Ante-mortem inspection**

3. (1) An authorised officer or an operator authorised by him or her must carry out ante-mortem inspection of all animals before slaughter within 24 hours of arrival of such animals at the slaughterhouse and less than 24 hours before slaughter: but the authorised officer may require inspection at any other time.

(2) Ante-mortem inspection must in particular determine whether, as regards the particular animal inspected, there is any sign—

(a) that welfare has been compromised; or

(b) of any condition which might adversely affect human or animal health, paying particular attention to the list of notifiable diseases and detection of zoonotic diseases.

(3) In addition to routine ante-mortem inspection, the authorised officer must carry out a clinical inspection of all animals that the food business operator or an official auxiliary may have put aside.

### **Animal welfare**

4. The authorised officer must verify compliance with relevant rules on animal welfare, such as rules concerning the protection of animals at the time of slaughter and during transport.

### **Post-mortem inspection**

5. (1) Carcasses and accompanying offal must be subjected, without delay, after slaughter to post-mortem inspection. All external surfaces must be viewed. Minimal handling of the carcass and offal or special technical facilities may be required for that purpose.

(2) Additional examinations must take place, such as palpation and incision of parts of the carcass and offal and laboratory tests, whenever considered necessary—

(a) to reach a definitive diagnosis; or

(b) to detect the presence of—

(i) an animal disease;

(ii) residues or contaminants in excess of the levels laid down under legislation;

- (iii) non-compliance with microbiological criteria; or
- (iv) other factors that might require the meat to be declared unfit for human consumption or restrictions to be placed on its use, particularly in the case of animals having undergone emergency slaughter.

(3) Subject to sub-regulation (3A), the authorised officer must require carcasses of bovine animals over 6 months old, and domestic swine over 4 weeks old to be submitted for post-mortem inspection split lengthways into half carcasses down the spinal column and if the inspection so necessitates, the authorised officer may also require any head or any carcass to be split lengthways.

(3A) Taking account of particular eating habits, technological developments or specific sanitary situations, the Regulatory Authority may authorise the submission for inspection of carcasses of bovine animals over 6 months old, and domestic swine over 4 weeks old, not split in half.

(4) During the inspection, precautions must be taken to ensure that contamination of the meat by actions such as palpation, cutting or incision is kept to a minimum.

(5) In the event of an emergency slaughter, the carcass must be subjected to post-mortem examination as soon as possible in accordance with sub-paragraphs (1) to (4) before it is released for human consumption.

### **Specified risk material and other animal by-products**

6. The authorised officer must—
- (a) check the removal, separation and, if appropriate, marking of specified risk material and other animal by-products; and
  - (b) ensure that the food business operator takes all necessary measures to avoid contaminating meat with specified risk material during slaughter (including stunning) and removal of specified risk material.

### **Laboratory testing**

7. (1) The authorised officer must ensure when necessary that sampling takes place and that samples are appropriately identified and handled and sent to the appropriate laboratory within the framework of—

- (a) the monitoring and control of zoonoses and zoonotic agents;
- (b) the detection of unauthorised substances or products and the control of regulated substances;
- (c) the detection of symptoms suggestive of disease.

(2) The authorised officer must ensure that any other necessary laboratory testing takes place.

### **Health marking**

8. (1) The authorised officer must supervise health marking and the marks used.
- (2) The authorised officer must ensure, in particular, that—
- (a) the health mark is applied only to animals (domestic ungulates, farmed game mammals other than lagomorphs) having undergone ante-mortem and post-mortem

inspection in accordance with these Regulations and when there are no grounds for declaring the meat unfit for human consumption; and

- (b) health-marking takes place on the external surface of the carcass, by stamping the mark in ink or hot branding, and in such a manner that, if carcasses are cut into half carcasses or quarters, or half carcasses are cut into 3 pieces, each piece bears a health mark.

(3) Meat from animals having undergone emergency slaughter outside the slaughterhouse must bear a special health mark, which cannot be confused either with the health mark provided for in this Chapter or with the identification mark provided for in the Food Safety (Products of Animal Origin) Regulations, 2017.

### **Communication of inspection results**

9. (1) The authorised officer must record and evaluate the results of inspection activities.

(2) The authorised officer —

- (a) must inform the food business operator and senior veterinary officer if inspections reveal the presence of any disease or condition that might affect public or animal health, or compromise animal welfare;
- (b) if the problem identified arose during primary production, must inform—
  - (i) the authorised officer attending the holding of provenance;
  - (ii) the food business operator responsible for the holding of provenance (provided that such information would not prejudice subsequent legal proceedings); and
  - (iii) if appropriate, the competent authority responsible for supervising the holding of provenance or the hunting area.

(3) The results of inspections and tests are to be included in relevant databases.

(4) When the authorised officer, while carrying out ante-mortem or post-mortem inspections or any other inspection activity, suspects the presence of an infectious disease, the authorised officer must immediately notify the Agricultural Authority appointed under section 2A of the Animals (Diseases) Ordinance, 1944, and both must take all necessary measures and precautions to prevent the possible spread of the infectious agent.

### **Decisions concerning live animals**

10. (1) The authorised officer must verify compliance with the food business operator's duty under the Food Safety (Products of Animal Origin) Regulations, 2017 to ensure that animals that have such hide, skin or fleece conditions which pose an unacceptable risk of contamination of the meat during slaughter, are not slaughtered for human consumption unless they are cleaned beforehand.

(2) Animals with a disease or condition which may be transmitted to animals or humans through handling or eating meat and, in general, animals showing clinical signs of systemic disease or emaciation, must not be slaughtered for human consumption. Such animals must be killed separately, under conditions such that other animals or carcasses cannot be contaminated, and must be declared unfit for human consumption.

(3) The slaughter of animals suspected of having a disease or condition that may adversely affect human or animal health must be deferred and such animals must undergo

detailed ante-mortem examination in order to make a diagnosis. The authorised officer may in addition require sampling and laboratory examinations to supplement post-mortem inspection. If necessary, the animals must be slaughtered separately or at the end of normal slaughtering, taking all necessary precautions to avoid contamination of other meat.

(4) Animals that might contain residues of veterinary medicinal products due to a failure to observe licensed withdrawal periods as laid down in the product data sheets, or residues of forbidden substances, must be dealt with as unfit for human consumption.

(5) The authorised officer must impose the conditions under which animals must be dealt with under a specific scheme for the eradication or control of a specific disease, such as brucellosis or tuberculosis, or zoonotic agents such as salmonella, under his or her direct supervision. The Food Authority must determine the conditions under which such animals may be slaughtered which conditions must have the aim of minimising contamination of other animals and the meat of other animals.

(6) Animals that are presented to a slaughterhouse for slaughter must be slaughtered there: except that in exceptional circumstances, such as a serious breakdown of the slaughter facilities, the authorised officer may allow direct movements to another slaughterhouse.

### **Decisions concerning animal welfare**

11. (1) When the provisions concerning the protection of animals at the time of slaughter or killing are not respected, the authorised officer must verify that the food business operator immediately takes necessary corrective measures and prevents recurrence.

(2) The authorised officer must take a proportionate and progressive approach to enforcement action, ranging from issuing directions to slowing down and stopping production, depending on the nature and gravity of the problem.

### **Decisions concerning meat**

12. (1) Meat is to be declared unfit for human consumption if—
- (a) it derives from animals that have not undergone ante-mortem inspection;
  - (b) it derives from animals the offal of which has not undergone post-mortem inspection;
  - (c) it derives from animals which are dead before slaughter, stillborn, unborn or slaughtered under the age of 7 days;
  - (d) it results from the trimming of sticking points;
  - (e) it derives from animals showing symptoms of disease;
  - (f) it exhibits parasitic infestation;
  - (g) without affecting more specific legislation, it derives from animals or carcasses containing residues of forbidden substances or from animals that have been treated with forbidden substances;
  - (h) it has been treated illegally with decontaminating substances;
  - (i) it has been treated illegally with ionising or UV-rays;
  - (j) it contains foreign bodies;
  - (k) it indicates patho-physiological changes, anomalies in consistency, insufficient bleeding or organoleptic anomalies, in particular a pronounced sexual odour;
  - (l) it derives from emaciated animals;
  - (m) it contains specified risk material;
  - (n) it shows soiling, faecal or other contamination;

- (o) it consists of blood that may constitute a risk to public or animal health owing to the health status of any animal from which it derives or contamination arising during the slaughter process;
- (p) in the opinion of the authorised officer, after examination of all the relevant information, it may constitute a risk to public or animal health or is for any other reason not suitable for human consumption.

(2) The authorised officer may impose requirements concerning the use of meat derived from animals having undergone emergency slaughter outside the slaughterhouse.

### **PART 3**

#### **OFFICIAL CONTROLS RELATING TO IMPORTED FOODS**

##### **Requirements for official controls**

**13.** (1) The Food Authority must carry out regular official controls on Imported Foods, which must include at least—

- (a) a systematic documentary check;
- (b) a random identity check; and
- (c) if appropriate, a physical check.

(2) Physical checks must be carried out at a frequency depending on—

- (a) the risks associated with different types of food;
- (b) the history of compliance by the exporting country with the requirements of the product concerned, and the history of compliance of the establishment and food business operator importing and exporting the product;
- (c) the controls the food business operator importing the food has carried out;
- (d) any guarantees given by the competent authority of the exporting country.

##### **Action in the case of suspicion**

**14.** In the case of non-compliance, or if there is doubt as to the identity or the actual destination or origin of the consignment, or as to the correspondence between the consignment and the certification, the Food Authority must—

- (a) carry out official controls to confirm or to eliminate the suspicion or doubt; and
- (b) place the consignment concerned under official detention until it obtains the results of such official controls.

##### **Action in the case of non-compliance**

**15.** (1) Any imported food which does not comply with the requirements of the legislation relating to food safety must be placed under official detention by the Food Authority and the Food Authority must, after consultation with the food business operator responsible for importing the food,—

- (a) order that the food be destroyed or re-dispatched;
- (b) if the food has already been placed on the market, monitor or, if necessary, recall or withdraw the food before ordering destruction;
- (c) verify that the food has not given rise to any adverse effects on human health.

(2) The food Business Operator responsible for the consignment is liable for the costs incurred by the Food Authority for any of the activities referred to in sub-paragraphs (1)(a) to (c).



## Criteria for physical checks

- 16. (1)** The aim of the physical check of the animal products is to ensure that the products are acceptable for importation into St Helena, by means of—
- (a) sensory examinations: smell, colour, consistency, taste;
  - (b) simple physical or chemical tests: cutting, thawing, cooking;
  - (c) laboratory tests to detect—
    - (i) residues;
    - (ii) pathogens;
    - (iii) contaminants;
    - (iv) evidence of alteration.
- (2)** Whatever the type of product, the following must be carried out:
- (a) a check on the conditions and means of transport to identify in particular any shortcomings or breaks in the cold chain;
  - (b) the real weight of the consignment and that indicated on the certificate or document must be compared, and the whole consignment weighed if necessary;
  - (c) the wrapping materials and all markings (stamps, labels) thereon must be checked to ensure their conformity with legislation relating to food safety;
  - (d) the temperature required by legislation relating to food safety must be checked to ensure compliance during transport;
  - (e) an entire set of packages, or samples in the case of bulk products must be examined before undergoing sensory examination and physical, chemical and laboratory tests and—
    - (i) these tests must be carried out on a whole range of samples drawn from the entire consignment, which may be partially unloaded if necessary to ensure that all parts of it are reached;
    - (ii) the examination must cover 1% of the items or packages in a consignment, from a minimum of two items or packages to a maximum of ten, but depending on the products and the circumstances, the authorised officer may insist on more extensive checks;
    - (iii) in the case of bulk goods, at least five samples must be taken from various parts of the consignment;
  - (f) if random laboratory tests are undertaken which cannot provide immediate results, and there is no immediate danger to public or animal health, the consignment may be released, but if the laboratory tests have been carried out because of a suspicion of irregularity or previous tests have given positive results, the consignments may not be released until the test results are negative;
  - (g) the means of transport must be fully unloaded only in the following cases:
    - (i) loading was done in such a way as to make access to the entire consignment impossible by partial unloading alone;
    - (ii) sample checks have revealed irregularities;
    - (iii) the previous consignment has shown irregularities; or
    - (iv) the authorised officer suspects irregularities;
  - (h) once the physical check has been completed, the competent authority must certify the check by closing and officially stamping all the opened packages and by resealing all the containers.

## PART 4 FEES AND PENALTY

**Fees and fixed penalty**

**17. (1)** The fees set out in Schedule 1 are payable in respect of the matters set out in it.

**(2)** The fixed penalty contemplated by section 16 of the Ordinance is as set out in Schedule 2.

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**SCHEDULE 1**  
(Regulation 17(1))

**FEES**

Registration of a food business (one-off fee)	
Individual part-time operator	£10
All other food business operators	£27
Licence to carry on a food business (for a period of 12 months):	
Category A – Individual part-time operator	£5
Category B – less than 6 full-time equivalent employees	£20
Category C – between 7 and 11 full-time equivalent employees	£50
Category D - 12 or more full-time equivalent employees	£86
Licence for movable or temporary premises for occasional events including stalls	£2.50 per day
Slaughterhouse certification	£129 per annum
Home slaughter facility approval	£10 per annum
Meat inspection fees (per animal):	
Cattle	£7
Pigs	£4
Goats/Sheep	£2.50

**SCHEDULE 2**  
(Regulation 17(2))

Fixed monetary penalty (section 16 of the Ordinance)	£30
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**FOOD SAFETY ORDINANCE, 2016**

**FOOD SAFETY (PRODUCTS OF ANIMAL ORIGIN) REGULATIONS, 2017**  
(Section 7)

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**PART 1**  
**PRELIMINARY AND INTERPRETATION**

**Citation and commencement**

1. These Regulations may be cited as the Food Safety (Products of Animal Origin) Regulations, 2017, and come into force on 1st April 2017.

**Application**

2. These Regulations do not apply to—
  - (a) primary production for private domestic use;
  - (b) the domestic preparation, handling or storage of food for private domestic consumption; or

- (c) retail sale, except where the operations in paragraph (b) —
  - (i) are carried out with a view to the supply of food of animal origin to another establishment; or
  - (ii) include the slaughter of animals for sale for human consumption.

### **Interpretation**

**3.** Any word or expression to which a meaning has been assigned in the Ordinance, or any other subsidiary legislation made under it, bears the meaning so assigned and the words and expressions in Schedule 1 are defined for purposes of these Regulations.

## **PART 2 OBLIGATIONS ON FOOD BUSINESS OPERATORS**

### **General Obligation**

**4.** Food business operators must comply with the relevant provisions of Schedules II and III.

### **Approval of premises**

**5.** (1) Food business operators must place products of animal origin, for which Schedule III lays down requirements, on the market only if they have been prepared and handled exclusively in establishments which—

- (a) meet the relevant requirements of the Food Safety (General Food Hygiene Regulations), those of Schedules II and III and other relevant requirements of the laws relating to food safety; and
- (b) have been approved by the Regulatory Authority.

(2) An establishment subject to approval in accordance with subsection (1) must not operate unless the Regulatory Authority has—

- (a) granted the establishment approval to operate following an on-site visit; or
- (b) provided the establishment with conditional approval.

(3) Food business operators must co-operate with the Regulatory Authority and in particular, food business operators must ensure that an establishment ceases to operate if the Regulatory Authority withdraws or suspends its approval or, in the case of conditional approval, does not prolong it or fails to grant full approval.

### **Identification marking**

**6.** (1) Food business operators must not place on the market a product of animal origin handled in an establishment subject to approval in accordance with Regulation 5, unless an identification mark is applied in accordance with Part 1 of Schedule II.

(2) Food business operators may apply an identification mark to a product of animal origin only if the product has been manufactured in accordance with these Regulations in establishments meeting the requirements of regulation 4.

(3) Food business operators may not remove an identification mark from meat unless they cut or process it or work upon it in another manner.

## Products of animal origin from outside St Helena

7. Food business operators importing products of animal origin for use in approved establishments must ensure that importation takes place only from countries approved by the Regulatory Authority.

## Revocation and transitional provision

8. (1) The Slaughterhouse Regulations, Cap. 49, and the Dairy Regulations, Cap. 49, are revoked.

(2) Notwithstanding the provision of these Regulations, food business operators may continue to use stocks and equipment that they ordered before the entry into force of these Regulations until they are exhausted or require replacement.

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## SCHEDULE I

### DEFINITIONS

For the purpose of these Regulations—

#### 1. MEAT

- 1.1. “**meat**” means edible parts of the animals referred to in items 1.2 to 1.8, including blood;
- 1.2. “**domestic ungulates**” means domestic bovine (including Bubalus and Bison species), porcine, ovine and caprine animals;
- 1.3. “**poultry**” means farmed birds, including birds that are not considered as domestic but which are farmed as domestic animals, with the exception of ratites;
- 1.4. “**lagomorphs**” means rabbits and hares;
- 1.5. “**carcass**” means the body of an animal after slaughter and dressing;
- 1.6. “**fresh meat**” means meat that has not undergone any preserving process other than chilling, freezing or quick-freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;
- 1.7. “**offal**” means fresh meat other than that of the carcass, including viscera and blood;
- 1.8. “**viscera**” means the organs of the thoracic, abdominal and pelvic cavities, as well as the trachea and oesophagus and, in birds, the crop;
- 1.9. “**minced meat**” means boned meat that has been minced into fragments and contains less than 1% salt;
- 1.10. “**mechanically separated meat**” or “**MSM**” means the product obtained by removing meat from flesh-bearing bones after boning or from poultry carcasses, using mechanical means resulting in the loss or modification of the muscle fibre structure;

1.11. **“meat preparations”** means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat and thus to eliminate the characteristics of fresh meat;

1.12. **“slaughterhouse”** means an establishment accredited and certified used for slaughtering and dressing animals, the meat of which is intended for human consumption;

1.13. **“cutting plant”** means an establishment used for boning and/or cutting up meat.

## 2. EGGS

2.1. **“eggs”** means eggs in shell (other than broken, incubated or cooked eggs) that are produced by farmed birds and are fit for direct human consumption or for the preparation of egg products;

2.2. **“liquid egg”** means unprocessed egg contents after removal of the shell;

2.3. **“cracked eggs”** means eggs with damaged shell and intact membranes;

2.4. **“packing centre”** means an establishment where eggs are graded by quality and weight.

## 3. PROCESSED PRODUCTS

3.1. **“meat products”** means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat;

3.2. **“dairy products”** means processed products resulting from the processing of raw milk or from the further processing of such processed products;

3.3. **“egg products”** means processed products resulting from the processing of eggs, or of various components or mixtures of eggs, or from the further processing of such processed products;

## 4. OTHER DEFINITIONS

4.1. **“products of animal origin”** means—

(a) food of animal origin, including honey and blood;

(b) live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods intended for human consumption; and

(c) other animals destined to be prepared with a view to being supplied live to the final consumer.

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**SCHEDULE II****REQUIREMENTS CONCERNING SEVERAL PRODUCTS OF ANIMAL ORIGIN****PART I  
IDENTIFICATION MARKING**

When required in accordance with Regulation 6, and subject to the provisions of Schedule III, food business operators must ensure that products of animal origin have an identification mark applied in compliance with the following provisions.

**A. APPLICATION OF THE IDENTIFICATION MARK**

1. The identification mark must be applied before the product leaves the establishment.
2. However, a new mark need not be applied to a product unless its packaging and/or wrapping is removed or it is further processed in another establishment, in which case the new mark must indicate the approval number of the establishment where these operations take place.
3. Food business operators must, in accordance with Regulation 6 of the Food Safety (General Food Hygiene) Regulations, have in place systems and procedures to identify food business operators from whom they have received, and to whom they have delivered, products of animal origin.

**B. FORM OF THE IDENTIFICATION MARK**

4. The mark must be legible and indelible, and the characters easily decipherable. It must be clearly displayed for the competent authorities.
5. The mark must indicate the approval number of the establishment. If an establishment manufactures both food to which this Regulation applies and food to which it does not, the food business operator may apply the same identification mark to both types of food.

**C. METHOD OF MARKING**

6. The mark may, depending on the presentation of different products of animal origin, be applied directly to the product, the wrapping or the packaging, or be printed on a label affixed to the product, the wrapping or the packaging. The mark may also be an irremovable tag made of a resistant material.
7. In the case of packaging containing cut meat or offal, the mark must be applied to a label fixed to the packaging, or printed on the packaging, in such a way that it is destroyed when the packaging is opened. This is not necessary, however, if the process of opening destroys the packaging. When wrapping provides the same protection as packaging, the label may be affixed to the wrapping.
8. For products of animal origin that are placed in transport containers or large packages and are intended for further handling, processing, wrapping or packaging in another establishment, the mark may be applied to the external surface of the container or packaging.

9. When products of animal origin are placed in a package destined for direct supply to the final consumer, it is sufficient to apply the mark to the exterior of that package only.

10. When the mark is applied directly to products of animal origin, the colours used must be authorised.

## PART II OBJECTIVES OF HACCP-BASED PROCEDURES

1. Food business operators operating slaughterhouses must ensure that the procedures that they have put in place are in accordance with the general requirements of Regulation 5 of the Food Safety (General Food Hygiene) Regulations.

2. The procedures must guarantee that each animal or, if appropriate, each lot of animals accepted onto the slaughterhouse premises—

- (a) is properly identified;
- (b) does not come from a holding or an area subject to a movement prohibition or other restriction for reasons of animal or public health, except when the Regulatory Authority so permits;
- (c) is clean;
- (d) is healthy, as far as the food business operator can judge; and
- (e) is in a satisfactory state as regards welfare on arrival at the slaughterhouse.

3. In the event of failure to comply with any of the requirements listed under section 2, the food business operator must notify the authorised officer and take appropriate measures.

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## SCHEDULE III

### SPECIFIC REQUIREMENTS

#### PART I MEAT OF DOMESTIC UNGULATES

##### *Chapter I Transport of live animals to the slaughterhouse*

Food business operators transporting live animals to slaughterhouses must ensure compliance with the following requirements:

1. During collection and transport, animals must be handled carefully without causing unnecessary distress.
2. Animals showing symptoms of disease or originating in herds known to be contaminated with agents of public health importance may only be transported to the slaughterhouse when the Regulatory Authority so permits.

##### *Chapter II Requirements for slaughterhouses*

Food business operators must ensure that the construction, layout and equipment of slaughterhouses in which domestic ungulates are slaughtered meet the following requirements:



1. (a) Slaughterhouses must have adequate and hygienic lairage facilities or, climate permitting, waiting pens that are easy to clean and disinfect. These facilities must be equipped for watering the animals and, if necessary, feeding them. The drainage of the wastewater must not compromise food safety.

(b) They must also have separate lockable facilities or, climate permitting, pens for sick or suspect animals with separate draining and sited in such a way as to avoid contamination of other animals, unless the Regulatory Authority considers that such facilities are unnecessary.

(c) The size of the lairage facilities must ensure that the welfare of the animals is respected. Their layout must facilitate ante-mortem inspections, including the identification of the animals or groups of animals.

2. To avoid contaminating meat, they must—

(a) have a sufficient number of rooms, appropriate to the operations being carried out;

(b) have a separate room for the emptying and cleaning of stomachs and intestines, unless the Regulatory Authority authorises the separation in time of these operations within a specific slaughterhouse on a case-by-case basis;

(c) ensure separation in space or time of the following operations:

(i) stunning and bleeding;

(ii) in the case of porcine animals, scalding, depilation, scraping and singeing;

(iii) evisceration and further dressing;

(iv) handling clean guts and tripe;

(v) preparation and cleaning of other offal, particularly the handling of skinned heads if it does not take place at the slaughter line;

(vi) packaging offal; and

(vii) dispatching meat;

(d) have installations that prevent contact between the meat and the floors, walls and fixtures; and

(e) have slaughter lines (where operated) that are designed to allow constant progress of the slaughter process and to avoid cross-contamination between the different parts of the slaughter line. If more than one slaughter line is operated in the same premises, there must be adequate separation of the lines to prevent cross-contamination.

3. They must have facilities for disinfecting tools with hot water supplied at not less than 82°C or an alternative system having an equivalent effect.

4. The equipment for washing hands used by the staff engaged in handling exposed meat must have taps designed to prevent the spread of contamination.

5. There must be lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption.

6. There must be a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock. However, slaughterhouses need not have these places and facilities if the Regulatory Authority so permits and official authorised places and facilities exist nearby.

7. The access paths and roads to slaughterhouse must be kept clean and in good repair and adequately drained so as to minimise as far as is reasonably possible the entry into the slaughterhouse of soil and other contamination carried on the wheels of vehicles and the footwear of pedestrians.

8. They must have lockable facilities reserved for the slaughter of sick and suspect animals. This is not essential if this slaughter takes place in other establishments authorised by the competent authority for this purpose, or at the end of the normal slaughter period.

9. If manure or digestive tract content is stored in the slaughterhouse, there must be a special area or place for that purpose.

10. They must have an adequately equipped lockable facility or, if needed, room for the exclusive use of the regulatory service.

### *Chapter III* *Requirements for cutting plants*

Food business operators must ensure that cutting plants handling meat of domestic ungulates—

- (a) are constructed so as to avoid contamination of meat, in particular by—
  - (i) allowing constant progress of the operations; or
  - (ii) ensuring separation between the different production batches;
- (b) have rooms for the separate storage of packaged and exposed meat, unless stored at different times or in such a way that the packaging material and the manner of storage cannot be a source of contamination for the meat;
- (c) have cutting rooms equipped to ensure compliance with the requirements laid down in Chapter V;
- (d) have equipment for washing hands with taps designed to prevent the spread of contamination, for use by staff engaged in handling exposed meat; and
- (e) have facilities for disinfecting tools with hot water supplied at not less than 82°C, or an alternative system having an equivalent effect.

### *Chapter IV* *Slaughter hygiene*

Food business operators operating slaughterhouses in which domestic ungulates are slaughtered must ensure compliance with the following requirements:

1. An occupier of a slaughterhouse must not permit an animal intended to provide meat for sale for human consumption to be slaughtered, unless—

- (a) the occupier has given an authorised officer at least 48 hours' notice of the occupier's intention to do so; or
- (b) the occupier has a written standing arrangement with an authorised officer to slaughter animals at an arranged time, and the occupier is slaughtering at that time; or
- (c) the animal is slaughtered in accordance with this Chapter.

2. An occupier of a slaughterhouse and any person engaged in the movement of lairaging of animals must ensure that—

- (a) every animal is unloaded as soon as possible after its arrival and, if delay in unloading is unavoidable, it is protected from adverse weather conditions and is provided with adequate ventilation;
- (b) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation;
- (c) if any animal has been subjected to high temperatures in humid weather, it is cooled by appropriate means;
- (d) any animals which might injure each other on account of their species, sex, age or origin or for any other reason are kept and lairaged apart from each other;

(e) pending the slaughter or killing of any sick or disabled animal in the slaughterhouse, it is kept apart from any animal which is not sick or disabled.

3. After arrival of the animals in the slaughterhouse, their slaughter must not be unduly delayed. However, if required for welfare reasons, animals must be given a resting period before slaughter.

4. During slaughter, the operator of a slaughterhouse must ensure that an animal—

- (a) is brought or followed to the place of slaughter quietly; and
- (b) is adequately restrained so that it retains its composure and dignity; and
- (c) is slaughtered humanely using a stunning gun or electrothaler; and
- (d) is released from its restraints as soon as possible after stunning; and
- (e) is bled efficiently as soon as it is suspended; and
- (f) commences dressing as soon as bleeding is completed; and
- (g) the above operations are not carried out in sight of another living animal.

5. (a) Meat from animals other than those referred to in paragraphs (b) and (c) must not be used for human consumption if they die otherwise than by being slaughtered in the slaughterhouse.

(b) Only live animals intended for slaughter may be brought into the slaughter premises, with the exception of animals that have undergone emergency slaughter outside the slaughterhouse in accordance with Chapter VI;

(c) Meat from animals that undergo slaughter following an accident in a slaughterhouse may be used for human consumption if, on inspection, no serious lesions other than those due to the accident are found.

6. The animals or, if appropriate, each batch of animals sent for slaughter must be identified so that their origin can be traced.

7. Animals must be clean.

8. Slaughterhouse operators must follow the instructions of the authorised officer appointed by the Regulatory Authority to ensure that ante-mortem inspection of every animal to be slaughtered is carried out under suitable conditions.

9. Animals brought into the slaughter hall must be slaughtered without undue delay.

10. Stunning, bleeding, skinning, evisceration and other dressing must be carried out without undue delay and in a manner that avoids contaminating the meat. In particular—

- (a) the trachea and oesophagus must remain intact during bleeding, except in the case of slaughter according to a religious custom;
- (b) during the removal of hides and fleece—
  - (i) contact between the outside of the skin and the carcass must be prevented; and
  - (ii) operators and equipment coming into contact with the outer surface of hides and fleece must not touch the meat;
- (c) measures must be taken to prevent the spillage of digestive tract content during and after evisceration and to ensure that evisceration is completed as soon as possible after stunning; and
- (d) removal of the udder must not result in contamination of the carcass with milk or colostrum.

11. Complete skinning of the carcass and other parts of the body intended for human consumption must be carried out, except for porcine animals and the heads and feet of ovine and

caprine animals and calves. Heads and feet must be handled so as to avoid contamination of other meat.

12. Porcine animals must have their bristles removed immediately. The risk of contamination of the meat with scalding water must be minimised. Only approved additives may be used for this operation. Porcine animals must be thoroughly rinsed afterwards with potable water.

13. The carcasses must not contain visible faecal contamination. Any visible contamination must be removed without delay by trimming or alternative means having an equivalent effect.

14. Carcasses and offal must not come into contact with floors, walls or work stands.

15. Slaughterhouse operators must follow the instructions of the Regulatory Authority to ensure that post-mortem inspection of all slaughtered animals is carried out under suitable conditions.

16. Until post-mortem inspection is completed, parts of a slaughtered animal subject to such inspection must—

- (a) remain identifiable as belonging to a given carcass; and
- (b) come into contact with no other carcass, offal or viscera, including those that have already undergone post-mortem inspection.

17. Both kidneys must be removed from their fatty covering. In the case of bovine and porcine animals, the peri-renal capsule must also be removed.

18. If the blood or other offal of several animals is collected in the same container before completion of post-mortem inspection, the entire contents must be declared unfit for human consumption if the carcass of one or more of the animals concerned has been declared unfit for human consumption.

19. After post-mortem inspection—

- (a) the tonsils of bovine animals must be removed hygienically;
- (b) parts unfit for human consumption must be removed as soon as possible from the clean sector of the establishment;
- (c) meat detained or declared unfit for human consumption and inedible by-products must not come into contact with meat declared fit for human consumption; and
- (d) viscera or parts of viscera remaining in the carcass, except for the kidneys, must be removed entirely and as soon as possible, unless the Regulatory Authority authorises otherwise.

20. After completion of slaughter and post-mortem inspection, the meat must be stored in accordance with the requirements laid down in Chapter VII.

21. When destined for further handling—

- (a) stomachs must be scalded or cleaned;
- (b) intestines must be emptied and cleaned; and
- (c) heads and feet must be skinned or scalded and depilated.

22. If establishments are approved for the slaughter of different animals, precautions must be taken to prevent cross-contamination by separation either in time or in space of operations carried out on the different species.

23. If the slaughterhouse does not have lockable facilities reserved for the slaughter of sick or suspect animals, the facilities used to slaughter such animals must be cleaned, washed and disinfected under official supervision before the slaughter of other animals is resumed.

*Chapter V*  
*Hygiene during cutting and boning*

Food business operators must ensure that cutting and boning of meat of domestic ungulates takes place in accordance with the following requirements:

1. Carcasses of domestic ungulates may be cut into half-carcasses or quarters, and half carcasses into no more than three wholesale cuts, in slaughterhouses.
2. The work on meat must be organised in such a way as to prevent or minimise contamination. To this end, food business operators must ensure in particular that—
  - (a) meat intended for cutting is brought into the workrooms progressively as needed;
  - (b) during cutting, boning, trimming, slicing, dicing, wrapping and packaging, the meat is maintained at not more than 3°C for offal and 7°C for other meat, by means of an ambient temperature of not more than 12°C or an alternative system having an equivalent effect; and
  - (c) if the premises are approved for the cutting of meat of different animal species, precautions are taken to avoid cross-contamination, if necessary by separation of the operations on the different species in either space or time.
3. However, meat may be boned and cut before it reaches the temperature referred to in section 2(b) in accordance with Chapter VII, section 3.
4. Meat may also be boned and cut prior to reaching the temperature referred to in section 2(b) when the cutting room is on the same site as the slaughter premises. In this case, the meat must be transferred to the cutting room either directly from the slaughter premises or after a waiting period in a chilling or refrigerating room. As soon as it is cut and, if appropriate, packaged, the meat must be chilled to the temperature referred to in section 2(b).

*Chapter VI*  
*Emergency slaughter outside the slaughterhouse*

Food business operators must ensure that meat from domestic ungulates that have undergone emergency slaughter outside the slaughterhouse may be used for human consumption only if it complies with all the following requirements:

1. An otherwise healthy animal must have suffered an accident that prevented its transport to the slaughterhouse for welfare reasons.
2. An authorised officer must carry out an ante-mortem inspection of the animal.
3. The slaughtered and bled animal must be transported to the slaughterhouse hygienically and without undue delay. Removal of the stomach and intestines, but no other dressing, may take place on the spot, under the supervision of the authorised officer. Any viscera removed must accompany the slaughtered animal to the slaughterhouse and be identified as belonging to that animal.

4. If more than two hours elapse between slaughter and arrival at the slaughterhouse, the animal must be refrigerated. If climatic conditions so permit, active chilling is not necessary.
5. A declaration by the food business operator who reared the animal, stating the identity of the animal and indicating any veterinary products or other treatments administered to the animal, dates of administration and withdrawal periods, must accompany the slaughtered animal to the slaughterhouse.
6. A declaration issued by the authorised officer recording the favourable outcome of the ante-mortem inspection, the date and time of, and reason for, emergency slaughter, and the nature of any treatment administered by a veterinarian to the animal, must accompany the slaughtered animal to the slaughterhouse.
7. The slaughtered animal must be fit for human consumption following post-mortem inspection carried out in the, including any additional tests required in the case of emergency slaughter.
8. Food business operators must follow any instructions that the authorised officer may give after post-mortem inspection concerning the use of the meat.
9. Food business operators may not place meat from animals having undergone emergency slaughter on the market unless it bears an identification mark.

## *Chapter VII*

### *Storage and transport*

Food business operators must ensure that the storage and transport of meat of domestic ungulates takes place in accordance with the following requirements.

1. (a) Unless other specific provisions provide otherwise, post-mortem inspection must be followed immediately by chilling in the slaughterhouse to ensure a temperature throughout the meat of not more than 3°C for offal and 7°C for other meat along a chilling curve that ensures a continuous decrease of the temperature. However, meat may be cut and boned during chilling in accordance with Chapter V, section 4.  
(b) During the chilling operations, there must be adequate ventilation to prevent condensation on the surface of the meat.
2. Meat must attain the temperature specified in section 1 and remain at that temperature during storage.
3. Meat must attain the temperature specified in section 1 before transport, and remain at that temperature during transport. However, transport may also take place if the competent authority so authorises to enable the production of specific products, provided that—
  - (a) such transport takes place in accordance with the requirements that the Regulatory Authority specifies in respect of transport from one given establishment to another; and
  - (b) the meat leaves the slaughterhouse, or a cutting room on the same site as the slaughter premises, immediately and transport takes no more than two hours.
4. Meat intended for freezing must be frozen without undue delay, taking into account if necessary a stabilisation period before freezing.
5. Exposed meat must be stored and transported separately from packaged meat, unless stored or transported at different times or in such a way that the packaging material and the manner of

storage or transport cannot be a source of contamination for the meat.

*Chapter VIII*  
*Slaughter of domestic ungulates on premises other than slaughterhouse*

Notwithstanding the provisions of this Part, food business operators may slaughter sheep, goats and pigs on premises other than a slaughterhouse only with authorisation of the Regulatory Authority and in compliance with the requirements prescribed by the authority from time to time.

PART II  
MEAT FROM POULTRY AND LAGOMORPHS

*Chapter I*  
*Transport of live animals to the slaughterhouse*

Food business operators transporting live animals to slaughterhouses must ensure compliance with the following requirements:

1. During collection and transport, animals must be handled carefully without causing unnecessary distress.
2. Animals showing symptoms of disease or originating in flocks known to be contaminated with agents of public-health importance may only be transported to the slaughterhouse when permitted by the Regulatory Authority.
3. Crates for delivering animals to the slaughterhouse and modules, where used, must be made of non-corrodible material and be easy to clean and disinfect. Immediately after emptying and, if necessary, before re-use, all equipment used for collecting and delivering live animals must be cleaned, washed and disinfected.

*Chapter II*  
*Requirements for slaughterhouses*

Food business operators must ensure that the construction, layout and equipment of slaughterhouses in which poultry or lagomorphs are slaughtered meet the following requirements:

1. They must have a room or covered space for the reception of the animals and for their inspection before slaughter.
2. To avoid contaminating meat, they must—
  - (a) have a sufficient number of rooms, appropriate to the operations being carried out;
  - (b) have a separate room for evisceration and further dressing, including the addition of seasonings to whole poultry carcasses, unless the Regulatory Authority authorises separation in time of these operations within a specific slaughterhouse on a case-by-case basis;
  - (c) ensure separation in space or time of the following operations:
    - (i) stunning and bleeding;
    - (ii) plucking or skinning, and any scalding; and
    - (iii) dispatching meat;
  - (d) have installations that prevent contact between the meat and the floors, walls and fixtures; and

(e) have slaughter lines (where operated) that are designed to allow a constant progress of the slaughter process and to avoid cross-contamination between the different parts of the slaughter line. If more than one slaughter line is operated in the same premises, there must be adequate separation of the lines to prevent cross-contamination.

3. They must have facilities for disinfecting tools with hot water supplied at not less than 82°C or an alternative system having an equivalent effect.

4. The equipment for washing hands used by the staff engaged in handling exposed meat must have taps designed to prevent the spread of contamination.

5. There must be lockable facilities for the refrigerated storage of detained meat and separate lockable facilities for the storage of meat declared unfit for human consumption.

6. There must be a separate place with appropriate facilities for the cleaning, washing and disinfection of—

- (a) transport equipment such as crates; and
- (b) means of transport.

These places and facilities are not compulsory for item (b) if officially authorised places and facilities exist nearby.

7. They must have an adequately equipped lockable facility or, if needed, room for the exclusive use of the regulatory service.

### *Chapter III*

#### *Requirements for cutting plants*

1. Food business operators must ensure that cutting plants handling meat from poultry or lagomorphs—

- (a) are constructed so as to avoid contamination of meat, in particular by—
  - (i) allowing constant progress of the operations; or
  - (ii) ensuring separation between the different production batches;
- (b) have rooms for the separate storage of packaged and exposed meat, unless stored at different times or in such a way that the packaging material and the manner of storage cannot be a source of contamination for the meat;
- (c) have cutting rooms equipped to ensure compliance with the requirements laid down in Chapter V;
- (d) have equipment for washing hands used by staff handling exposed meat with taps designed to prevent the spread of contamination; and
- (e) have facilities for disinfecting tools with hot water supplied at not less than 82°C, or an alternative system having an equivalent effect.

2. If the following operations are undertaken in a cutting plant:

- (a) the evisceration of geese and ducks reared for the production of "foie gras", which have been stunned, bled and plucked on the fattening farm; or
  - (b) the evisceration of delayed eviscerated poultry,
- food business operators must ensure that separate rooms are available for that purpose.

### *Chapter IV*

#### *Slaughter hygiene*



Food business operators operating slaughterhouses in which poultry or lagomorphs are slaughtered must ensure compliance with the following requirements:

1. A food business operator must not permit an animal intended to provide meat for sale for human consumption to be slaughtered unless—
  - (a) he has given an authorised officer at least 48 hours' notice of his intention to do so; or
  - (b) he has a written standing arrangement with an authorised officer to slaughter animals at an arranged time, and he is slaughtering at that time; or
  - (c) the animal is slaughtered in accordance with Chapter VI.
  
2. The occupier of a slaughterhouse and any person engaged in the movement of lairaging of animals must ensure that—
  - (a) every animal is unloaded as soon as possible after its arrival and, if delay in unloading is unavoidable, it is protected from adverse weather conditions and is provided with adequate ventilation;
  - (b) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation;
  - (c) if any animal has been subjected to high temperatures in humid weather, it is cooled by appropriate means;
  - (d) any animals which might injure each other on account of their species, sex, age or origin or for any other reason are kept and lairaged apart from each other;
  - (e) pending the slaughter or killing of any sick or disabled animal in the slaughterhouse, such animal is kept apart from any animal which is not sick or disabled.
  
3. After arrival in the slaughterhouse, the slaughter of the animals must not be unduly delayed. However, if required for welfare reasons, animals must be given a resting period before slaughter.
  
4. During slaughter, the operator of a slaughterhouse must ensure that an animal—
  - (a) is brought or followed to the place of slaughter quietly; and
  - (b) is adequately restrained so that it retains its composure and dignity; and
  - (c) is slaughtered humanely; and
  - (d) is released from its restraints as soon as possible after stunning; and
  - (e) is bled efficiently as soon as it is suspended; and
  - (f) commences dressing as soon as bleeding is completed; and
  - (g) the above operations are not carried out in sight of another living animal.
  
5. (a) Meat from animals other than those referred to in item (b) must not be used for human consumption if they die otherwise than by being slaughtered in the slaughterhouse.  
 (b) Only live animals intended for slaughter may be brought into the slaughter premises, with the exception of delayed eviscerated poultry, geese and ducks reared for the production of "foie gras" and birds that are not considered as domestic but which are farmed as domestic animals, if slaughtered at the farm in accordance with Chapter VI.
  
6. Slaughterhouse operators must follow the instructions of the Regulatory Authority to ensure that ante-mortem inspection is carried out under suitable conditions.
  
7. If establishments are approved for the slaughter of different animal species precautions must be taken to prevent cross contamination by separation either in time or in space of the operations carried out on the different species.
  
8. Animals brought into the slaughter room must be slaughtered without undue delay.

9. Stunning, bleeding, skinning or plucking, evisceration and other dressing must be carried out without undue delay in such a way that contamination of the meat is avoided. In particular, measures must be taken to prevent the spillage of digestive tract contents during evisceration.

10. Slaughterhouse operators must follow the instructions of the Regulatory Authority to ensure that the post-mortem inspection is carried out under suitable conditions, and in particular that slaughtered animals can be inspected properly.

11. After post-mortem inspection—

- (a) parts unfit for human consumption must be removed as soon as possible from the clean sector of the establishment;
- (b) meat detained or declared unfit for human consumption and inedible by-products must not come into contact with meat declared fit for human consumption; and
- (c) viscera or parts of viscera remaining in the carcass, except for the kidneys, must be removed entirely, if possible, and as soon as possible, unless otherwise authorised by the competent authority.

12. After inspection and evisceration, slaughtered animals must be cleaned and chilled to not more than 4°C as soon as possible, unless the meat is cut while warm.

13. When carcasses are subjected to an immersion chilling process, account must be taken of the following:

- (a) Every precaution must be taken to avoid contamination of carcasses, taking into account parameters such as carcass weight, water temperature, volume and direction of water flow and chilling time.
- (b) Equipment must be entirely emptied, cleaned and disinfected whenever this is necessary and at least once a day.

14. Sick or suspect animals, and animals slaughtered in application of disease eradication or control programmes, must not be slaughtered in the establishment except when permitted by the Regulatory Authority. In that event, slaughter must be performed under official supervision and steps taken to prevent contamination; the premises must be cleaned and disinfected before being used again.

### *Chapter V*

#### *Hygiene during and after cutting and boning*

Food business operators must ensure that cutting and boning of poultry's and lagomorphs' meat takes place in accordance with the following requirements:

1. The work on meat must be organised in such a way as to prevent or minimise contamination. To this end, food business operators must ensure in particular that—

- (a) meat intended for cutting is brought into the workrooms progressively as needed;
- (b) during cutting, boning, trimming, slicing, dicing, wrapping and packaging, the temperature of the meat is maintained at not more than 4°C by means of an ambient temperature of 12°C or an alternative system having an equivalent effect; and
- (c) if the premises are approved for the cutting of meat of different animal species, precautions are taken to avoid cross-contamination, if necessary, by separation of the operations on the different species in either space or time.

2. However, meat may be boned and cut prior to reaching the temperature referred to in section 1(b) when the cutting room is on the same site as the slaughter premises, provided that it is transferred to the cutting room either—
  - (a) directly from the slaughter premises; or
  - (b) after a waiting period in a chilling or refrigerating room.
3. As soon as it is cut and, if appropriate, packaged, the meat must be chilled to the temperature referred to in section 1(b).
4. Exposed meat must be stored and transported separately from packaged meat, unless stored or transported at different times or in such a way that the packaging material and the manner of storage or transport cannot be a source of contamination for the meat.

*Chapter VI*  
*Slaughter on premises other than slaughterhouse*

Food business operators may slaughter poultry referred to in Chapter IV, section 1(b), on premises other than a slaughterhouse only with the authorisation of the Regulatory Authority and in compliance with the following requirements:

1. The farm must undergo regular veterinary inspection.
2. The food business operator must inform the Regulatory Authority in advance of the date and time of slaughter.
3. The holding must have facilities for concentrating the birds to allow an ante-mortem inspection of the group to be made.
4. The holding must have premises suitable for the hygienic slaughter and further handling of the birds.
5. Animal welfare requirements must be complied with.
6. In the case of poultry reared for the production of "foie gras", the uneviscerated birds must be transported immediately and, if necessary, refrigerated to a slaughterhouse or cutting plant. They must be eviscerated within 24 hours of slaughter under the supervision of the Food Authority.
7. Delayed eviscerated poultry obtained at the farm of production may be kept for up to 15 days at a temperature of not more than 4°C.

**PART III**  
**MINCED MEAT, MEAT PREPARATIONS AND MECHANICALLY SEPARATED MEAT**  
**(MSM)**

*Chapter I*  
*Requirements for production establishments*

Food business operators operating establishments producing minced meat, meat preparations or MSM must ensure that they—

- (a) are constructed so as to avoid contamination of meat and products, in particular by—
  - (i) allowing constant progress of the operations; or

- (ii) ensuring separation between the different production batches;
- (b) have rooms for the separate storage of packaged and exposed meat and products, unless stored at different times or in such a way that the packaging material and the manner of storage cannot be a source of contamination for the meat or products;
- (c) have rooms equipped to ensure compliance with the temperature requirements laid down in Chapter III;
- (d) have equipment for washing hands used by staff handling exposed meat and products with taps designed to prevent the spread of contamination; and
- (e) have facilities for disinfecting tools with hot water supplied at not less than 82°C, or an alternative system having an equivalent effect.

## *Chapter II*

### *Requirements for raw material*

Food business operators producing minced meat, meat preparations or MSM must ensure that the raw materials used satisfy the following requirements:

1. The raw material used to prepare minced meat must meet the following requirements:

- (a) it must comply with the requirements for fresh meat;
- (b) it must derive from skeletal muscle, including adherent fatty tissues;
- (c) it must not derive from—
  - (i) scrap cuttings and scrap trimmings (other than whole muscle cuttings);
  - (ii) MSM;
  - (iii) meat containing bone fragments or skin; or
  - (iv) meat of the head with the exception of the masseters, the non-muscular part of the linea alba, the region of the carpus and the tarsus, bone scrapings and the muscles of the diaphragm (unless the serosa has been removed).

2. The following raw material may be used to prepare meat preparations:

- (a) fresh meat;
- (b) meat meeting the requirements of section 1; and
- (c) if the meat preparation is clearly not intended to be consumed without first undergoing heat treatment—
  - (i) meat derived from the mincing or fragmentation of meat meeting the requirements of section 1 other than section 1(c)(i); and
  - (ii) MSM meeting the requirements of Chapter III, section 3.

3. The raw material used to produce MSM must meet the following requirements:

- (a) it must comply with the requirements for fresh meat;
- (b) the following material must not be used to produce MSM:
  - (i) for poultry, the feet, neckskin and head; and
  - (ii) for other animals, the bones of the head, feet, tails, femur, tibia, fibula, humerus, radius and ulna.

## *Chapter III*

### *Hygiene during and after production*

Food business operators producing minced meat, meat preparations or MSM must ensure compliance with the following requirements:

1. The work on meat must be organised in such a way as to prevent or minimise contamination. To this end, food business operators must ensure in particular that the meat used is—

- (a) at a temperature of not more than 4°C for poultry, 3°C for offal and 7°C for other meat; and
- (b) brought into the preparation room progressively as needed.

2. The following requirements apply to the production of minced meat and meat preparations:

- (a) unless the Regulatory Authority authorises boning immediately before mincing, frozen or deep-frozen meat used for the preparation of minced meat or meat preparations must be boned before freezing. It may be stored only for a limited period.
- (b) when prepared from chilled meat, minced meat must be prepared—
  - (i) in the case of poultry, within no more than 3 days of their slaughter;
  - (ii) in the case of animal other than poultry, within no more than 6 days of their slaughter;
  - or
  - (iii) within no more than 15 days from the slaughter of the animals in the case of boned, vacuum-packed beef and veal.
- (c) immediately after production, minced meat and meat preparations must be wrapped or packaged and be—
  - (i) chilled to an internal temperature of not more than 2°C for minced meat and 4°C for meat preparations; or
  - (ii) frozen to an internal temperature of not more than -18°C.

These temperature conditions must be maintained during storage and transport.

3. The following requirements apply to the production and use of MSM produced using techniques that do not alter the structure of the bones used in the production of MSM and the calcium content of which is not significantly higher than that of minced meat:

- (a) raw material for deboning from an on-site slaughterhouse must be no more than 7 days old; otherwise, raw material for deboning must be no more than 5 days old. However, poultry carcasses must be no more than 3 days old;
- (b) mechanical separation must take place immediately after deboning;
- (c) if not used immediately after being obtained, MSM must be wrapped or packaged and then chilled to a temperature of no more than 2°C or frozen to an internal temperature of no more than -18°C. These temperature requirements must be maintained during storage and transport.

4. The following requirements apply to the production and use of MSM produced using techniques other than those mentioned in section 3:

- (a) raw material for deboning from an on-site slaughterhouse must be no more than seven days old; otherwise, raw material for deboning must be no more than 5 days old. However, poultry carcasses must be no more than three days old;
- (b) if mechanical separation does not take place immediately after deboning the flesh-bearing bones must be stored and transported at a temperature of no more than 2°C or, if frozen, at a temperature of no more than -18°C;
- (c) flesh-bearing bones obtained from frozen carcasses must not be refrozen;
- (d) if not used within one hour of being obtained, MSM must be chilled immediately to a temperature of not more than 2°C;
- (e) if, after chilling, MSM is not processed within 24 hours, it must be frozen within 12 hours of production and reach an internal temperature of no more than -18°C within six hours;
- (f) frozen MSM must be wrapped or packaged before storage or transport, must not be stored for more than three months and must be maintained at a temperature of not more than -18°C during storage and transport;
- (g) MSM may be used only to manufacture heat-treated meat products in establishments approved in accordance with this Regulation.

5. Minced meat, meat preparations and MSM must not be re-frozen after thawing.

*Chapter IV*  
*Labelling*

1. Packages intended for supply to the final consumer containing minced meat from poultry or meat preparations containing MSM must bear a notice indicating that such products should be cooked before consumption.

PART IV  
MEAT PRODUCTS

*Chapter I*  
*Raw materials*

1. Food business operators must ensure that the following items are not used in the preparation of meat products:

- (a) genital organs of either female or male animals, except testicles;
- (b) urinary organs, except the kidneys and the bladder;
- (c) the cartilage of the larynx, the trachea and the extra-lobular bronchi;
- (d) eyes and eyelids;
- (e) the external auditory meatus;
- (f) horn tissue; and
- (g) in poultry, the head – except the comb and the ears, the wattles and caruncles – the oesophagus, the crop, the intestines and the genital organs.

2. All meat, including minced meat and meat preparations, used to produce meat products must meet the requirements of these regulations.

*Chapter II*  
*Requirements for production establishments*

Food business operators operating establishments producing meat products must ensure that they—

- (a) are constructed so as to avoid contamination of meat and meat products, in particular by—
  - (i) allowing constant progress of the operations; or
  - (ii) ensuring separation between the different production batches;
- (b) have rooms for the separate storage of packaged and exposed meat and meat products, unless stored at different times or in such a way that the packaging material and the manner of storage cannot be a source of contamination for the meat or meat products;
- (c) have equipment for washing hands used by staff handling exposed meat and products with taps designed to prevent the spread of contamination; and
- (d) have facilities for disinfecting tools with hot water supplied at not less than 82°C, or an alternative system having an equivalent effect.

*Chapter III*  
*Heat treatment*

The following requirements apply only to food placed on the market in hermetically sealed containers:

- (a) any heat treatment process used to process an unprocessed product or to process further a processed product is—
  - (i) to raise every party of the product treated to a given temperature for a given period of time; and
  - (ii) to prevent the product from becoming contaminated during the process;
- (b) to ensure that the process employed achieves the desired objectives, food business operators are to check regularly the main relevant parameters (particularly temperature, pressure, sealing and microbiology), including by the use of automatic devices;
- (c) the process used should conform to an internationally recognised standard (for example, pasteurisation, ultra-high temperature or sterilisation).

*Chapter IV*  
*Hygiene during and after production*

Food business operators producing meat products must ensure compliance with the following requirements:

1. The work on meat must be organised in such a way as to prevent or minimise contamination. To this end, food business operators must ensure in particular that the meat used is—
  - (a) at a temperature of no more than 4°C for poultry, 3°C for offal and 7°C for other meat; and
  - (b) brought into the preparation room progressively as needed.
2. Immediately after production, meat products must be wrapped or packaged and, unless the processing, wrapping or packaging renders the meat product stable at ambient temperature, must be—
  - (a) chilled to an internal temperature of no more than 5°C; or
  - (b) frozen to an internal temperature of no more than -18°C.
 These temperature conditions must be maintained during storage and transport.

PART V  
EGGS AND EGG PRODUCTS

*Chapter I*  
*Eggs*

1. Eggs must be kept at the producer's premises, effectively protected from shocks and out of direct sunshine, clean, dry and free of extraneous odour until sold.
2. Eggs must be stored and transported at a temperature, preferably constant, that is best suited to assure optimal conservation of their hygiene properties.
3. Eggs must be delivered to the consumer within a maximum time limit of 14 days of laying.

*Chapter II*  
*Egg products*

A. REQUIREMENTS FOR ESTABLISHMENTS

Food business operators must ensure that establishments for the manufacture of egg products are constructed, laid out and equipped so as to ensure separation of the following operations:

1. washing, drying and disinfecting dirty eggs, where carried out;
2. breaking eggs, collecting their contents and removing parts of shells and membranes; and

3. operations other than those referred to in sections 1 and 2.

## B. RAW MATERIALS FOR THE MANUFACTURE OF EGG PRODUCTS

Food business operators must ensure that raw materials used to manufacture egg products comply with the following requirements:

1. The shells of eggs used in the manufacture of egg products must be fully developed and contain no breaks. However, cracked eggs may be used for the manufacture of egg products if the establishment of production or a packing centre delivers them directly to a processing establishment, where they must be broken as soon as possible.
2. Liquid egg obtained in an establishment approved for that purpose may be used as raw material. Liquid egg must be obtained in accordance with the requirements of sections 1, 2, 3, 4 and 7 of Part C.

## C. SPECIAL HYGIENE REQUIREMENTS FOR THE MANUFACTURE OF EGG PRODUCTS

Food business operators must ensure that all operations are carried out in such a way as to avoid any contamination during production, handling and storage of egg products, in particular by ensuring compliance with the following requirements.

1. Eggs must not be broken unless they are clean and dry.
2. Eggs must be broken in a manner that minimises contamination, in particular by ensuring adequate separation from other operations. Cracked eggs must be processed as soon as possible.
3. Eggs other than those of hens, turkeys or guinea fowl must be handled and processed separately. All equipment must be cleaned and disinfected before processing of hens', turkeys' and guinea fowls' eggs is resumed.
4. Egg contents may not be obtained by the centrifuging or crushing of eggs, nor may centrifuging be used to obtain the remains of egg whites from empty shells for human consumption.
5. After breaking, each particle of the egg product must undergo processing as quickly as possible to eliminate microbiological hazards or to reduce them to an acceptable level. A batch that has been insufficiently processed may immediately undergo processing again in the same establishment, if this processing renders it fit for human consumption. When a batch is found to be unfit for human consumption, it must be denatured so as to ensure that it is not used for human consumption.
6. Processing is not required for egg white intended for the manufacture of dried or crystallised albumin destined subsequently to undergo heat treatment.
7. If processing is not carried out immediately after breaking, liquid egg must be stored either frozen or at a temperature of not more than 4 °C. The storage period before processing at 4 °C must not exceed 48 hours. However, these requirements do not apply to products to be de-sugared, if de-sugaring process is performed as soon as possible.



8. Products that have not been stabilised so as to be kept at room temperature must be cooled to not more than 4 °C. Products for freezing must be frozen immediately after processing.

#### D. ANALYTICAL SPECIFICATIONS

1. The concentration of 3-OH-butyric acid must not exceed 10 mg/kg in the dry matter of the unmodified egg product.
2. The lactic acid content of raw material used to manufacture egg products must not exceed 1g/kg of dry matter. However, for fermented products, this value must be the one recorded before the fermentation process.
3. The quantity of eggshell remains, egg membranes and any other particles in the processed egg product must not exceed 100 mg/kg of egg product.

#### E. LABELLING AND IDENTIFICATION MARKING

1. In addition to the general requirements for identification marking laid down in Part I of Schedule II, consignments of egg products, destined not for retail but for use as an ingredient in the manufacture of another product, must have a label giving the temperature at which the egg products must be maintained and the period during which conservation may thus be assured.
2. In the case of liquid eggs, the label referred to in section 1 must also bear the words: “non-pasteurised egg products - to be treated at place of destination” and indicate the date and hour of breaking.

## PART VI RAW MILK AND DAIRY PRODUCTS

### *Chapter I Raw milk – Primary production*

Food business operators producing or, as appropriate, collecting raw milk must ensure compliance with the requirements laid down in this Chapter.

#### A. HEALTH REQUIREMENTS FOR RAW MILK PRODUCTION

1. Raw milk must come from animals—
  - (a) that do not show any symptoms of infectious diseases communicable to humans through milk;
  - (b) that are in a good general state of health, present no sign of disease that might result in the contamination of milk and, in particular, are not suffering from any infection of the genital tract with discharge, enteritis with diarrhoea and fever, or a recognisable inflammation of the udder;
  - (c) that do not have any udder wound likely to affect the milk;
  - (d) to which no unauthorised substances or products have been administered; and
  - (e) in respect of which, if authorised products or substances have been administered, the withdrawal periods prescribed for these products or substances have been observed.
- 2.(a) In particular, as regards brucellosis, raw milk must come from—
  - (i) cows belonging to a herd which are free or officially free of brucellosis;
  - (ii) sheep or goats belonging to a holding free or officially free of brucellosis;

- (iii) females of other species belonging, for species susceptible to brucellosis, to herds regularly checked for that disease under a control plan that the Regulatory Authority has approved.
- (b) As regards tuberculosis, raw milk must come from—
  - (i) cows belonging to a herd which is officially free of tuberculosis; or
  - (ii) females of other species belonging, for species susceptible to tuberculosis, to herds regularly checked for this disease under a control plan that the Regulatory Authority has approved.
- (c) If goats are kept together with cows, such goats must be inspected and tested for tuberculosis.

3. However, raw milk from animals that do not meet the requirements of section 2 may be used with the authorisation of the Regulatory Authority—

- (a) in the case of cows that do not show a positive reaction to tests for tuberculosis or brucellosis, nor any symptoms of these diseases, after having undergone a heat treatment such as to show a negative reaction to the phosphatase test;
- (b) in the case of sheep or goats that do not show a positive reaction to tests for brucellosis, or which have been vaccinated against brucellosis as part of an approved eradication programme, and which do not show any symptom of that disease, either—
  - (i) for the manufacture of cheese with a maturation period of at least two months; or
  - (ii) after having undergone heat treatment such as to show a negative reaction to the phosphatase test; and
- (c) in the case of females of other species that do not show a positive reaction to tests for tuberculosis or brucellosis, nor any symptoms of these diseases, but belong to a herd where brucellosis or tuberculosis has been detected after the checks referred to in section 2(a)(iii) or 2(b)(ii), if treated to ensure its safety.

4. Raw milk from any animal not complying with the requirements of sections 1 to 3, in particular, any animal showing individually a positive reaction to the prophylactic tests vis-à-vis tuberculosis, must not be used for human consumption.

5. The isolation of animals that are infected, or suspected of being infected, with any of the diseases referred to in section 1 or 2 must be effective to avoid any adverse effect on other animals' milk.

## B. HYGIENE ON MILK PRODUCTION HOLDINGS

### 1. Requirements for premises and equipment

(a) Milking equipment, and premises where milk is stored, handled or cooled must be located and constructed so as to limit the risk of contamination of milk.

(b) Premises for the storage of milk must be protected against vermin, have adequate separation from premises where animals are housed and, if necessary to meet the requirements laid down in Part 2, have suitable refrigeration equipment.

(c) Surfaces of equipment that are intended to come into contact with milk (utensils, containers, tanks, etc. intended for milking, collection or transport) must be easy to clean and, if necessary, disinfect and be maintained in a sound condition. This requires the use of smooth, washable and non-toxic materials.

(d) After use, such surfaces must be cleaned and, if necessary, disinfected. After each journey, or after each series of journeys when the period of time between unloading and the following loading is very short, but in all cases at least once a day, containers and tanks used for the transport of raw milk must be cleaned and disinfected in an appropriate manner before re-use.

## 2. Hygiene during milking, collection and transport

- (a) Milking must be carried out hygienically, ensuring in particular—
- (i) that, before milking starts, the teats, udder and adjacent parts are clean;
  - (ii) that milk from each animal is checked for organoleptic or physico-chemical abnormalities by the milker or a method achieving similar results and that milk presenting such abnormalities is not used for human consumption;
  - (iii) that milk from animals showing clinical signs of udder disease is not used for human consumption otherwise than in accordance with the instructions of a veterinarian;
  - (iv) the identification of animals undergoing medical treatment likely to transfer residues to the milk, and that milk obtained from such animals before the end of the prescribed withdrawal period is not used for human consumption; and
  - (v) that teat dips or sprays are used only if the Regulatory Authority has approved them and in a manner that does not produce unacceptable residue levels in the milk.
- (b) Immediately after milking, milk must be held in a clean place designed and equipped to avoid contamination. It must be cooled immediately to not more than 8 °C in the case of daily collection, or not more than 6 °C if collection is not daily.
- (c) During transport the cold chain must be maintained and, on arrival at the establishment of destination, the temperature of the milk must not be more than 10°C.
- (d) Food business operators need not comply with the temperature requirements laid down in sections 2 and 3 if the milk meets the criteria provided for in Part C and either—
- (i) the milk is processed within 2 hours of milking; or
  - (ii) a higher temperature is necessary for technological reasons related to the manufacture of certain dairy products and the competent authority so authorises.

## 3. Staff hygiene

- (a) Persons performing milking and/or handling raw milk must wear suitable clean clothes.
- (b) Persons performing milking must maintain a high degree of personal cleanliness. Suitable facilities must be available near the place of milking to enable persons performing milking and handling raw milk to wash their hands and arms.

## C. CRITERIA FOR RAW MILK

1. A representative number of samples of raw milk collected from milk production holdings taken by random sampling must be checked for compliance with sections 2 and 3.
2. (a) Food business operators must initiate procedures to ensure that raw milk meets the following criteria:
  - (i) for raw cows' milk:
    - Plate count at 30 °C (per ml)
    - Somatic cell count (per ml)
    - ≤ 100 000 (\*)
    - ≤ 400 000 (\*\*)

- (ii) for raw milk from other species:  
Plate count at 30 °C (per ml)  $\leq$  1 500 000 (\*)

(b) However, if raw milk from species other than cows is intended for the manufacture of products made with raw milk by a process that does not involve any heat treatment, food business operators must take steps to ensure that the raw milk used meets the following criterion:

Plate count at 30 °C (per ml)  $\leq$  500 000 (\*)

(\*) Rolling geometric average over a two-month period, with at least two samples per month.

(\*\*) Rolling geometric average over a three-month period, with at least one sample per month, unless the competent authority specifies another methodology to take account of seasonal variations in production levels.

3. When raw milk fails to comply with section 2, the food business operator must inform the Regulatory Authority and take measures to correct the situation.

## *Chapter II*

### *Requirements concerning dairy products*

#### A. TEMPERATURE REQUIREMENTS

1. Food business operators must ensure that, upon acceptance at a processing establishment, milk is quickly cooled to not more than 6 °C and kept at that temperature until processed.

2. However, food business operators may keep milk at a higher temperature if—

- (a) processing begins immediately after milking, or within 4 hours of acceptance at the processing establishment; or
- (b) the Regulatory Authority authorises a higher temperature for technological reasons concerning the manufacture of certain dairy products.

#### B. REQUIREMENTS FOR HEAT TREATMENT

1. When raw milk or dairy products undergo heat treatment, food business operators must ensure that this satisfies the Food Authority sampling requirements.

2. When considering whether to subject raw milk to heat treatment, food business operators must have regard to the procedures developed in accordance with the HACCP principles.

#### C. CRITERIA FOR RAW COWS' MILK

1. Food business operators manufacturing dairy products must initiate procedures to ensure that, immediately before processing—

- (a) raw cows' milk used to prepare dairy products has a plate count at 30°C of less than 300 000 per ml; and
- (b) processed cows' milk used to prepare dairy products has a plate count at 30°C of less than 100 000 per ml.

2. When milk fails to meet the criteria laid down in section 1, the food business operator must inform the Regulatory Authority and take measures to correct the situation.

*Chapter III*  
*Wrapping and packaging*

Sealing of consumer packages must be carried out immediately after filling in the establishment where the last heat treatment of liquid dairy products takes place, by means of sealing devices that prevent contamination. The sealing system must be designed in such a way that, after opening, the evidence of its opening remains clear and easy to check.

*Chapter IV*  
*Labelling*

1. Labelling must clearly show—

- (a) in the case of raw milk intended for direct human consumption, the words "raw milk";
- (b) in the case of products made with raw milk, the manufacturing process for which does not include any heat treatment or any physical or chemical treatment, the words "made with raw milk".

2. The requirements of section 1 apply to products destined for retail trade. The term "labelling" includes any packaging, document, notice, label, ring or collar accompanying or referring to such products.

*Chapter V*  
*Identification marking*

By way of derogation from the requirements of Part I of Schedule II, rather than indicating the approval number of the establishment, the identification mark may include a reference to where on the wrapping or packaging the approval number of the establishment is indicated.

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## FOOD SAFETY ORDINANCE, 2016

### FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS, 2017 (Section 7)

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##### PART 1

##### PRELIMINARY AND INTERPRETATION

#### **Citation and commencement**

**1.** These Regulations may be cited as the Food Safety (General Food Hygiene) Regulations, 2017, and come into force on 1st April 2017.

#### **Interpretation**

**2. (1)** For the purposes of these Regulations, any word or expression to which a meaning has been assigned in the Ordinance, or any other subsidiary legislation made under it, bears the meaning so assigned, and—

“**clean seawater**” means natural, artificial or purified seawater or brackish water that does not contain micro-organisms, harmful substances or toxic marine plankton in quantities capable of directly or indirectly affecting the health quality of food;

- “**clean water**” means clean seawater and fresh water of a similar quality;
- “**contamination**” means the presence or introduction of a hazard;
- “**establishment**” means any unit of a food business;
- “**final consumer**” means the ultimate consumer of food stuff who will not use the food as part of any food business operation or activity;
- “**food handler**” means any person engaged in the handling of food for the purposes of a food business;
- “**food hygiene**” means the measures and conditions necessary to control hazards and to ensure fitness for human consumption of a foodstuff taking into account its intended use;
- “**HACCP principles**” means the Hazard Analysis Critical Control Point principles referred to in regulation 5;
- “**hazard**” means a biological, chemical or physical agent in, or condition of, food or feed with the potential to cause an adverse health effect;
- “**open food**” means food not enclosed and protected in containers so as to exclude all risk of contamination;
- “**packaging**” means the placing of one or more wrapped foodstuffs in a second container, and the latter container itself;
- “**potable water**” means water meeting the minimum requirements on the quality of water intended for human consumption laid down in Schedule III;
- “**primary products**” means products of primary production including products of the soil, of stock farming, of hunting and fishing;
- “**processed products**” means foodstuffs resulting from the processing of unprocessed products and these products may contain ingredients that are necessary for their manufacture or to give them specific characteristics;
- “**unprocessed products**” means foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed;
- “**wrapping**” means the placing of a foodstuff in a wrapper or container in direct contact with the foodstuff concerned, and the wrapper or container itself.

(2) The terms ‘if necessary’, ‘if appropriate’, ‘adequate’ and ‘sufficient’ bear such meaning so as to achieve the objective of these Regulations of achieving a high level of protection for human health.

## **PART 2**

### **OBLIGATIONS ON FOOD BUSINESS OPERATOR**

#### **General obligation**

**3.** Food business operators must ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in these Regulations.

#### **General and specific requirements**

**4.** (1) A food business operator carrying out primary production and any associated operations listed in Schedule I must comply with the general hygiene provisions laid down in that Schedule and any additional requirements provided for in the Food Safety (Products of Animal Origin) Regulations which may also apply.

(2) All food business operators carrying out any stage of production, processing,

distribution or sale of food after those stages to which paragraph 1 applies, must comply with the general hygiene requirements laid down in Schedule II and any additional requirements provided for in the Food Safety (Products of Animal Origin) Regulations, 2017, which may also apply.

(3) Food business operators may only import food which complies with the relevant requirements of the Ordinance and subsidiary legislation made thereunder or with conditions equivalent to it.

(4) Food business operators must give the Food Authority at least 3 days' notice of the importation of food by the submission of either health certificates, commercial invoices, bill of lading, air freight document or any combination of these.

### **Hazard Analysis Critical Control Point principles**

5. (1) A food business operator must put in place, implement and maintain a permanent procedure or procedures based on Hazard Analysis Critical Control Point (HACCP) principles and which must be commensurate with and reflect the nature, size and food safety risk of the business.

(2) The HACCP principles referred to in paragraph (1) consist of the following:

- (a) identifying any hazards that must be prevented, eliminated or reduced to acceptable levels;
- (b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or reduce it to acceptable levels;
- (c) establishing critical limits at critical control point which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
- (d) establishing and implementing effective monitoring procedures at critical control points;
- (e) establishing corrective actions when monitoring indicates that a critical control point is not under control;
- (f) establishing procedures which shall be carried out regularly to verify that the measures outlined in items (a) to (e) are working effectively; and
- (g) establishing documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures outlined in paragraphs (a) to (f).

(3) Food business operators must review the procedure and make any necessary changes to it whenever a modification is made in the product, process or any step.

(4) Food business operators must—

- (a) provide the Food Authority with evidence of their compliance with paragraph (1);
- (b) ensure that all documents and records describing the procedures are accurate and up to date at all times;
- (c) retain all documents and records for an appropriate time as agreed with the Food Authority.

### **Traceability**

6. Food and feed business operators must—



- (a) be able to identify any person or business from whom they have been supplied with a food, a food-producing animal or any substance intended to be, or expected to be, incorporated into a food;
- (b) be able to identify any other businesses to which their products have been supplied;
- (c) have in place systems and procedures which allow for this information to be made available to the Food Authority; and
- (d) make this information available to the Food Authority on demand.

## Recall

**7. (1)** If a food business operator considers or has reason to believe that a food which he has imported, produced, processed, manufactured, distributed or sold is not in compliance with the food safety requirements, the food business operator must—

- (a) if the food has left the control of that initial food business operator—
  - (i) immediately initiate procedures to withdraw the food in question from the market; and
  - (ii) inform the Food Authority about this;
- (b) if the product may have reached the consumer, the operator must—
  - (i) effectively and accurately inform the consumers of the reason for its withdrawal; and
  - (ii) if necessary, recall from consumers products already supplied to them when other measures are not sufficient to achieve a high level of health protection; and
  - (iii) inform the Food Authority about this.

**(2)** A food business operator must—

- (a) immediately inform the Food Authority if the operator considers or has reason to believe that a food which the operator has placed on the market may be injurious to human health; and
- (b) inform the Food Authority of the action taken to prevent risks to the final consumer; and
- (c) not prevent or discourage any person from co-operating, in accordance with the requirements of the Ordinance, with the Food Authority if this may prevent, reduce or eliminate a risk arising from the food.

**(3)** Food business operators must collaborate and co-operate with the Food Authority on any action taken to avoid or reduce risks posed by a food which they supply or have supplied.

## Durability labelling

**8. (1)** The Food business operator must ensure that any food ready for delivery to the final consumer or a catering establishment is marked or labelled with—

- (a) the name of the food;
- (b) a list of ingredients and allergens;
- (c) subject to paragraph (3), the appropriate durability indication referred to in paragraph (2);
- (d) any special storage conditions or conditions of use;
- (e) instructions for use, if required;
- (f) the name or business name.

**(2)** For purposes of paragraph (1)(c), the appropriate durability indication means—

- (a) in the case of a food which, from the microbiological point of view, is highly perishable and in consequence likely after a short period to constitute a danger to health, a 'use by' date;
- (b) for food other than that specified in paragraph (a), a minimum durability indicated by the words 'best before' followed by—
  - (i) the date up to and including which the food can reasonably be expected to retain its specific properties if properly stored; and
  - (ii) any storage conditions which need to be observed if the food is to retain its specific properties:

Provided that the date in the indication of appropriate durability must be expressed in terms of a day, month and year in that order.

(3) The following foods need not be marked or labelled with an appropriate durability indication:

- (a) Fresh fruit and vegetables (including potatoes but not including sprouting seeds, legume sprouts and similar products) which have not been peeled or cut into pieces;
- (b) wine, liqueur wine, sparkling wine, aromatised wine and any similar drink obtained from fruit other than grapes;
- (c) any drink with an alcoholic strength by volume of 10 per cent or more;
- (d) any flour, confectionery and bread which, given the nature of its content, is normally consumed within 24 hours of its preparation;
- (e) vinegar;
- (f) cooking and table salt;
- (g) solid sugar and products consisting almost solely of flavoured or coloured sugars;
- (h) chewing gums and similar products;
- (i) edible ices in individual portions.

(4) Food which is placed on the market or found to be offered for sale after the date shown in a 'use by' durability marking relating to it may be certified under section 18(2) of the Ordinance as not having been distributed in accordance with the regulations under section 7 of the Ordinance and any food so certified fails to comply with food safety requirements.

(5) No person may remove or alter the durability indication of a food without permission from the Food Authority.

### **PART 3 MISCELLANEOUS**

#### **Official guides**

9. (1) The Food Authority may adopt or develop official guides to good practice for hygiene and for the application of HACCP principles.

(2) The guides under paragraph (1) may be adopted from existing guidance used elsewhere or may be developed or adapted for St Helena and if these guides are so adopted, they should be developed and disseminated by the Food Authority having regard to the relevant codes of practice of *Codex Alimentarius* established by the World Health Organization and the United Nations Food and Agriculture Organization.

(3) Food Business Operators may obtain the guides referred to in paragraph (1) from the Food Authority.

## **Amendment and revocation of legislation**

**10. (1)** The following Regulations issued under the Public Health Ordinance, Cap. 49, are revoked:

- (a) the Public Health (Food Hygiene) Regulations;
- (b) the Bakehouse Regulations; and
- (c) the Aerated Water Factory Regulations, Cap. 49.

**(2)** The Fish and Fish Products Regulations, 2011, are amended—

- (a) by deleting the words “the Public Health Ordinance, Cap. 49” in regulation 3(4) and substituting “the Food Safety Ordinance, 2016” therefor;
- (b) by deleting regulation 16(2)(b) and substituting the following therefor:
  - “(b) the Senior Medical Officer/Clinical Director or an authorised officer pursuant to section 18 of the Food Safety Ordinance, 2016”;
- (c) by deleting paragraph 1(a) of Part II of Schedule 3 and substituting the following therefor:
  - “(a) undergo an annual medical examination and possess a certificate of good health issued by a medical officer in the form approved by the Senior Medical Officer; and”;
- (d) by deleting the paragraph 4(a) of Part C of Schedule 8 and substituting the following therefor:
  - “(a) that persons handling fishery products undergo an annual medical examination and possess a certificate of good health issued by a medical officer in the form approved by the Senior Medical Officer; and”;
- (e) by deleting the reference to “section 54 of the Public Health Ordinance, Cap. 49” in paragraph 4 of Schedule 13 and substituting “section 18 of the Food Safety Ordinance, 2016” therefor.

### **SCHEDULE I**

(Regulation 4(1))

#### **PRIMARY PRODUCTION**

##### *General Hygiene Provisions for Primary Production and Associated Operations*

#### **1. Scope**

This Schedule applies to primary production and the following associated operations:

- (a) The transport, storage and handling of primary products at the place of production, provided that this does not substantially alter their nature;
- (b) the transport of live animals, if this is necessary to achieve the objectives of this Regulation; and
- (c) in the case of products of plant origin and wild game, transport operations to deliver primary products, the nature of which has not been substantially altered, from the place of production to an establishment.

## 2. Hygiene provisions

- (1) As far as possible, food business operators must ensure that primary products are protected against contamination, having regard to any processing that primary products will subsequently undergo.
- (2) The general duty laid down in subparagraph (1) is in addition to any requirement to comply with legislative provisions relating to the control of hazards in primary production and associated operations, including—
  - (a) measures to control contamination arising from the air, soil, water, feed, fertilisers, veterinary medicinal products, plant protection products and biocides and the storage, handling and disposal of waste; and
  - (b) measures relating to animal health and welfare and plant health that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents.
- (3) Food business operators rearing, harvesting or hunting animals or producing primary products of animal origin are to take adequate measures, as appropriate—
  - (a) to keep any facilities used in connection with primary production and associated operations, including facilities used to store and handle feed, clean and, if necessary after cleaning, to disinfect them in an appropriate manner;
  - (b) to keep clean and, if necessary after cleaning, to disinfect, in an appropriate manner, equipment, containers, crates, vehicles and vessels;
  - (c) as far as possible to ensure the cleanliness of animals going to slaughter and, if necessary, production animals;
  - (d) to use potable water, or clean water, whenever necessary to prevent contamination;
  - (e) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
  - (f) as far as possible to prevent animals and pests from causing contamination;
  - (g) to store and handle waste and hazardous substances so as to prevent contamination;
  - (h) to prevent the introduction and spread of contagious diseases transmissible to humans through food, including by taking precautionary measures when introducing new animals and reporting suspected outbreaks of such diseases to the competent authority;
  - (i) to take account of the results of any relevant analyses carried out on samples taken from animals or other samples that have importance to human health; and
  - (j) to use feed additives and veterinary medicinal products correctly, as required by the relevant legislation.
- (4) Food business operators producing or harvesting plant products must take adequate measures, as appropriate—
  - (a) to keep clean and, if necessary after cleaning, to disinfect, in an appropriate manner, facilities, equipment, containers, crates, vehicles and vessels;
  - (b) to ensure, if necessary, hygienic production, transport and storage conditions for, and the cleanliness of plant products;
  - (c) to use potable water, or clean water, whenever necessary to prevent contamination;
  - (d) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
  - (e) as far as possible to prevent animals and pests from causing contamination;
  - (f) to store and handle wastes and hazardous substances so as to prevent contamination;
  - (g) to take account of the results of any relevant analyses carried out on samples taken from plants or other samples that have importance to human health; and
  - (h) to use plant protection products and biocides correctly, as required by the relevant

legislation.

(5) Food business operators are to take appropriate remedial action when informed of problems identified during official controls.

### **3. Record-keeping**

(1) Food business operators are to keep and retain records relating to measures put in place to control hazards in an appropriate manner and for an appropriate period, commensurate with the nature and size of the food business as determined by the Food Authority. Food business operators are to make relevant information contained in these records available to the Regulatory Authority and receiving food business operators on request.

(2) Food business operators rearing animals or producing primary products of animal origin must keep records on—

- (a) the nature and origin of feed fed to the animals;
- (b) veterinary medicinal products or other treatments administered to the animals, dates of administration and withdrawal periods;
- (c) the occurrence of diseases that may affect the safety of products of animal origin;
- (d) the results of any analyses carried out on samples taken from animals or other samples taken for diagnostic purposes, that have importance for human health; and
- (e) any relevant reports on checks carried out on animals or products of animal origin.

(3) Food business operators producing or harvesting plant products must keep records on—

- (a) any use of plant protection products and biocides;
- (b) any occurrence of pests or diseases that may affect the safety of products of plant origin; and
- (c) the results of any relevant analyses carried out on samples taken from plants or other samples that have importance to human health.

(4) The food business operators may be assisted by other persons, such as veterinarians, agronomists and farm technicians, with the keeping of records.

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## **SCHEDULE II** (Regulation 4(2))

### **GENERAL HYGIENE REQUIREMENTS FOR ALL FOOD BUSINESS OPERATORS**

(Except when Schedule I applies)

#### **INTRODUCTION**

The Chapters in this Schedule apply as follows:

- Chapter I applies to all food premises, except premises to which Chapter III applies;
- Chapter II applies to all rooms where food is prepared, treated or processed, except dining areas and premises to which Chapter III applies;
- Chapter III applies to those premises listed in the heading to the Chapter and
- Chapter IV applies to all transportation.
- Chapters V to XI apply to all stages of production, processing and distribution of food.

## CHAPTER I

### General requirements for food premises (other than those specified in Chapter III)

1. All parts of a food premises must be kept clean and maintained in good repair and condition.
2. The layout, design, construction, siting and size of food premises must—
  - (a) permit adequate maintenance, cleaning and/or disinfection, avoid or minimise air-borne contamination, and provide adequate working space to allow for the hygienic performance of all operations;
  - (b) be such as to protect against the accumulation of dirt, contact with toxic materials, the shedding of particles into food and the formation of condensation or undesirable mould on surfaces;
  - (c) permit good food hygiene practices, including protection against contamination and, in particular, pest control; and
  - (c) if necessary, provide suitable temperature-controlled handling and storage conditions of sufficient capacity for maintaining foodstuffs at appropriate temperatures and designed to allow those temperatures to be monitored and, if necessary, recorded.
3. Food premises must have adequate natural and/or artificial lighting.
4. There must be suitable and sufficient means of natural or mechanical ventilation. Mechanical airflow from a contaminated area to a clean area must be avoided. Ventilation systems must be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible. Such parts should be regularly cleaned commensurate with their use and the nature of the premises.
5. An adequate number of flush lavatories must be available and connected to an effective drainage system. Lavatories must be kept clean and must not open directly into rooms in which food is handled.
6. Sanitary conveniences must have adequate natural or mechanical ventilation. In every sanitary convenience there must be a clearly legible notice requesting users to wash their hands after using a sanitary convenience.
7. An adequate number of washbasins must be available, if appropriate none hand operable, suitably located and designated for cleaning hands. Washbasins for cleaning hands must be provided with hot and cold running water, or hot water at a suitable controlled temperature, materials for cleaning hands and for hygienic drying. Washbasins for cleaning hands must be kept clean and the taps connected with them must be kept clean and in efficient working order. If necessary, the facilities for washing food must be separate from the hand-washing facility.
8. Drainage facilities must be adequate for the purpose intended. They must be designed and constructed to avoid the risk of contamination. If drainage channels are fully or partially open, they must be so designed as to ensure that waste does not flow from a contaminated area towards or into a clean area, in particular an area where foods likely to present a high risk to the final consumer are handled.
9. If necessary, adequate changing facilities for personnel must be provided, including sufficient cupboards or locker accommodation, if needed.
10. Cleaning agents and disinfectants must not be stored in areas where food is handled.

## CHAPTER II

### Specific requirements in rooms where foodstuffs are prepared, treated or processed (excluding dining areas and those premises specified in Chapter III)

1. In rooms where food is prepared, treated or processed (excluding dining areas and those premises specified in Chapter III, but including rooms contained in means of transport) the

design and layout must permit good food hygiene practices, including protection against contamination between and during operations. In particular—

- (a) floor surfaces must be maintained in a sound condition and be easy to clean and, if necessary, to disinfect. This will require the use of impervious, non-absorbent, washable and non-toxic materials unless food business operators can satisfy the Food Authority that other materials used are appropriate. If appropriate, floors must allow adequate surface drainage;
  - (b) wall surfaces must be maintained in a sound condition and be easy to clean and, if necessary, to disinfect. This will require the use of impervious, non-absorbent, washable and non-toxic materials and require a smooth surface up to a height appropriate for the operations unless food business operators can satisfy the Food Authority that other materials used are appropriate;
  - (c) ceilings (or, if there are no ceilings, the interior surface of the roof) and overhead fixtures must be constructed and finished so as to prevent the accumulation of dirt and to reduce condensation, the growth of undesirable mould and the shedding of particles;
  - (d) windows and other openings must be constructed to prevent the accumulation of dirt. Those which can be opened to the outside environment must be fitted, if necessary, with insect-proof screens which can be easily removed for cleaning. If open windows would result in contamination, windows must remain closed and fixed during production;
  - (e) doors must be easy to clean and, if necessary, to disinfect. This will require the use of smooth and non-absorbent surfaces unless food business operators can satisfy the Food Authority that other materials used are appropriate; and
  - (f) surfaces (including surfaces of equipment) in areas where foods are handled and in particular those in contact with food must be maintained in a sound condition and be easy to clean and, if necessary, to disinfect. This will require the use of smooth, washable corrosion-resistant and non-toxic materials, unless food business operators can satisfy the Food Authority that other materials used are appropriate.
2. Adequate facilities must be provided, if necessary, for the cleaning, disinfecting and storage of working utensils and equipment. These facilities must be constructed of corrosion-resistant materials, be easy to clean and be kept clean. These facilities must have an adequate supply of hot and cold water or water at a suitable controlled temperature.
  3. Adequate provision must be made, if necessary, for washing food. Every sink or other such facility provided for the washing of food must have an adequate supply of hot and/or cold potable water consistent with the requirements of Chapter VII and be kept clean and, if necessary, disinfected.

### **CHAPTER III**

#### **Requirements for movable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles), premises used primarily as a private dwelling-house but where foods are regularly prepared for placing on the market and vending machines**

1. Premises and vending machines must be, so far as is reasonably practicable, so sited, designed, constructed and kept clean and maintained in good repair and condition as to avoid the risk of contamination, in particular by animals and pests.2. In particular, if necessary—
  - (a) appropriate facilities must be available to maintain adequate personal hygiene (including facilities for the hygienic washing, drying and cleansing of hands, hygienic sanitary arrangements and changing facilities);
  - (b) surfaces in contact with food must be in a sound condition and be easy to clean and, if necessary, to disinfect. This will require the use of smooth, washable,

- corrosion-resistant and non-toxic materials, unless food business operators can satisfy the Food Authority that other materials used are appropriate;
- (c) adequate provision must be made for the cleaning and, if necessary, disinfecting of working utensils and equipment;
  - (d) if foodstuffs are cleaned as part of the food business operations, adequate provision must be made for this to be undertaken hygienically;
  - (e) an adequate supply of hot and/or cold potable water must be available;
  - (f) adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid) must be available;
  - (g) adequate facilities and/or arrangements for maintaining and monitoring suitable food temperature conditions must be available;
  - (h) foodstuffs must be so placed as to avoid the risk of contamination so far as is reasonably practicable.

## **CHAPTER IV**

### **Transport**

1. Conveyances and/or containers used for transporting foodstuffs must be kept clean and maintained in good repair and condition to protect foodstuffs from contamination and, if necessary, must be designed and constructed to permit adequate cleaning and/or disinfection.
2. Receptacles in vehicles and/or containers must not be used for transporting anything other than foodstuffs if this may result in contamination.
3. If conveyances and/or containers are used for transporting anything in addition to foodstuffs or for transporting different foodstuffs at the same time, if necessary, there must be effective separation of products.
4. Bulk foodstuffs in liquid, granulate or powder form must be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs. Such containers must be marked in a clearly visible and indelible fashion, to show that they are used for the transport of foodstuffs, or must be marked 'for foodstuffs only'.
5. If conveyances and/or containers have been used for transporting anything other than foodstuffs or for transporting different foodstuffs, there must be effective cleaning between loads to avoid the risk of contamination.
6. Foodstuffs in conveyances and/or containers must be so placed and protected as to minimise the risk of contamination.
7. If necessary, conveyances and/or containers used for transporting foodstuffs must be capable of maintaining foodstuffs at appropriate temperatures and allow those temperatures to be monitored.

## **CHAPTER V**

### **Equipment requirements**

1. All articles, fittings and equipment with which food comes into contact must—
  - (a) be effectively cleaned and, if necessary, disinfected. Cleaning and disinfection must take place at a frequency sufficient to avoid any risk of contamination;
  - (b) be so constructed, be of such materials and be kept in such good order, repair and condition as to minimise any risk of contamination;
  - (c) with the exception of non-returnable containers and packaging, be so



- constructed, be of such materials and be kept in such good order, repair and condition as to enable them to be kept clean and, if necessary, be disinfected; and
- (d) be installed in such a manner as to allow adequate cleaning of the equipment and the surrounding area.
2. If chemical additives have to be used to prevent corrosion of equipment and containers, they must be used in accordance with good Health and Safety practice.

## **CHAPTER VI**

### **Food waste**

1. Food waste, non-edible by-products and other refuse must be removed from rooms where food is present as quickly as possible, so as to avoid their accumulation, and at least at the end of each working day or shift.
2. Food waste, non-edible by-products and other refuse must be deposited in closable containers, unless food business operators can demonstrate to the Food Authority that other types of containers or evacuation systems used are appropriate. These containers should be appropriately labelled, of an appropriate construction, kept in sound condition, be easy to clean and, if necessary, to disinfect.
3. Adequate provision must be made for the storage and disposal of food waste, non-edible by-products and other refuse. Refuse stores must be designed and managed in such a way as to enable them to be kept clean and, if necessary, free of animals and pests.
4. All waste must be eliminated in a hygienic and environmentally friendly way in accordance with St Helena legislation, and must not constitute a direct or indirect source of contamination.

## **CHAPTER VII**

### **Water supply**

1. There must be an adequate supply of potable water, which must be used whenever necessary to ensure that foodstuffs are not contaminated and—
  - (a) clean water may be used with whole fishery products;
  - (b) clean seawater may be used with live bivalve molluscs, echinoderms, tunicates and marine gastropods; clean water may also be used for external washing. When such water is used, adequate facilities must be available for its supply.
2. If non-potable water is used, for example for fire control, steam production, refrigeration and other similar purposes, it must circulate in a separate duly identified system. Non-potable water must not connect with, or allow reflux into, potable water systems.
3. Recycled water used in processing or as an ingredient must not present a risk of contamination. It must be of the same standard as potable water, unless the competent authority is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.
4. Ice which comes into contact with food or which may contaminate food must be made from potable water or, when used to chill whole fishery products, clean water. It must be made, handled and stored under conditions that protect it from contamination.
5. Steam used directly in contact with food must not contain any substance that presents a hazard to health or is likely to contaminate the food.
6. If heat treatment is applied to foodstuffs it must be ensured that any water used to cool the containers or food stuffs after heat treatment is not a source of contamination for the foodstuff.

## **CHAPTER VIII**

### **Personal hygiene**

1. Every person working in a food-handling area must maintain a high degree of personal cleanliness and must wear suitable, clean and, if necessary, protective clothing.
2. No person may smoke or use any form of tobacco, including snuff, while working in a food handling area or handling open food.
3. Food handlers must refrain from eating, drinking and/or spitting while working in a food handling area or handling open food.
4. Food handlers must keep any open cut or abrasion on any exposed part of his or her person covered with a conspicuously coloured waterproof dressing.
5. A person suffering from cold or flu like symptoms or being a carrier of a disease likely to be transmitted through food or afflicted, for example, with infected wounds, skin infections, sores or diarrhoea must not be permitted to handle food or enter any food-handling area in any capacity if there is any likelihood of direct or indirect contamination, and—
  - (a) any person so affected and employed in a food business who is likely to come into contact with food must report immediately the illness or symptoms, and if possible their causes, to the food business operator;
  - (b) the food business operator must inform the Food Authority of the actions taken to prevent transmission of the disease.
6. If the Food Authority has any reason to believe that a food handler is suffering from cold or flu like symptoms, or is a carrier of a disease likely to be transmitted through food or is afflicted, for example, with infected wounds, skin infections, sores or diarrhoea, an authorised officer may require that food handler to submit to a medical examination by a medical officer, and—
  - (a) the medical officer must issue a certificate stating whether the person is fit or unfit to come into contact with food;
  - (b) the food handler must cease handling food during the process of medical examination, including the time required for processing of any specimens; and
  - (c) if the certificate states the person is unfit to handle food that person must cease work until he or she has obtained a certificate of good health from a medical officer.

## **CHAPTER IX**

### **Provisions applicable to foodstuffs**

1. A food business operator must not accept raw materials or ingredients, other than live animals, or any other material used in processing products, if they are known to be, or might reasonably be expected to be, contaminated with parasites, pathogenic microorganisms or toxic, decomposed or contain foreign substances to such an extent that, even after the food business operator had hygienically applied normal sorting and/or preparatory or processing procedures, the final product would be unfit for human consumption.
2. Raw materials and all ingredients stored in a food business must be kept in appropriate conditions designed to prevent harmful deterioration and protect them from contamination.
3. At all stages of production, processing and distribution, food must be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.

4. Adequate procedures must be in place to control pests. Adequate procedures must also be in place to prevent domestic animals from having access to places where food is prepared, handled or stored (or, if the Food Authority so permits or authorise in special cases, to prevent such access from resulting in contamination).
5. Raw materials, ingredients, intermediate products and finished products likely to support the reproduction of pathogenic micro-organisms or the formation of toxins must not be kept at temperatures that might result in a risk to health and the following requirements apply:
  - (a) Chill Holding Requirements:
    - (i) Any food which is likely to support the growth of pathogenic micro-organisms or the formation of toxins held in a food premises which does not require approval under the Food Safety (Products of Animal Origin) Regulations must be kept at or below 5<sup>0</sup>C, but if the food is for service or on display for sale it may be held above 5<sup>0</sup>C for a single period, not exceeding 4 hours.
    - (ii) Any food which is likely to support the growth of pathogenic micro-organisms or the formation of toxins which is held in an establishment requiring approval under the Food Safety (Products of Animal Origin) Regulations must comply with the chill holding requirements of that Regulation.
    - (iii) The cold chain must not be interrupted; however, limited periods outside temperature control are permitted to accommodate the practicalities of handling during preparation, transport and storage, of food, provided that it does not result in a risk to health.
  - (b) Hot Holding Requirements:
    - (i) Food in a food premises which has been cooked or re-heated, which is for service or on display for sale and which is likely to support the growth of pathogenic micro-organisms or the formation of toxins must be kept at or above 63<sup>0</sup>C, but if the food is for service or on display for sale it may be held below 63<sup>0</sup>C for a single period, not exceeding 2 hours.
6. Food businesses manufacturing, handling and wrapping processed foodstuffs must have suitable rooms, large enough for the separate storage of raw materials from processed material and sufficient separate refrigerated storage.
7. If foodstuffs are to be held or served at chilled temperatures they must be cooled as quickly as possible following the heat-processing stage, or final preparation stage if no heat process is applied, to a temperature which does not result in a risk to health.
8. The thawing of foodstuffs must be undertaken in such a way as to minimise the risk of growth of pathogenic microorganisms or the formation of toxins in the foods. During thawing, foods must be subjected to temperatures that would not result in a risk to health. If run-off liquid from the thawing process is likely to present a risk to health, the liquid must be adequately drained. Following thawing, food must be handled in such a manner as to minimise the risk of growth of pathogenic microorganisms or the formation of toxins.
9. Hazardous and/or inedible substances, including animal feed, must be adequately labelled and stored in separate and secure containers.

## **CHAPTER X**

### **Provisions applicable to the wrapping and packaging of foodstuffs**

1. Material used for wrapping and packaging must not be a source of contamination.
2. Wrapping materials must be stored in such a manner that they are not exposed to a risk of contamination.

3. Wrapping and packaging operations must be carried out so as to avoid contamination of the products. If appropriate and in particular in the case of cans and glass jars, the integrity of the container's construction and its cleanliness must be assured. Any container not originally used for food should not be used for storage of food.
4. Wrapping and packaging material re-used for foodstuffs must be easy to clean and, if necessary, to disinfect.

## CHAPTER XI Training

1. Food business operators must ensure—
  - (a) that food handlers are supervised and instructed and/or trained in food hygiene matters commensurate with their work activity;
  - (b) that those responsible for the development and maintenance of the procedure referred to in Regulation 5(1) have received adequate training in the application of the HACCP principles; and
  - (c) compliance with any requirements of the law concerning training programmes for persons working in certain food sectors.

## SCHEDULE III (Regulation 2)

### PARAMETERS FOR POTABLE WATER PRESCRIBED CONCENTRATIONS AND VALUES

**TABLE A  
MICROBIOLOGICAL PARAMETERS**

<i>Item</i>	<i>Name</i>	<i>Concentration or Value maximum)</i>	<i>Units of Measurement</i>	<i>Point of compliance</i>
1.	Enterococci	0	number/100ml	Consumers' taps
2.	<i>Escherichia coli</i> ( <i>E. coli</i> )	0	number/100ml	Consumers' taps

**TABLE B  
CHEMICAL PARAMETERS**

<i>Item</i>	<i>Name</i>	<i>Concentration or Value maximum)</i>	<i>Units of Measurement</i>	<i>Point of compliance</i>
1.	Acrylamide	0.10	µg/l	(i)
2.	Antimony	5.0	µgSb/l	Consumers' taps
3.	Arsenic	10	µgAs/l	Consumers' taps
4.	Benzene	1.0	µg/l	Consumers' taps
5.	Benzo(a)pyrene	0.010	µg/l	Consumers' taps

6.	Boron	1.0	mgB/l	Consumers' taps
7.	Bromate	10	$\mu\text{gBrO}_3/\text{l}$	Consumers' taps
8.	Cadmium	5.0	$\mu\text{gCd/l}$	Consumers' taps
9.	Chromium	50	$\mu\text{gCr/l}$	Consumers' taps
10.	Copper	2.0	mgCu/l	Consumers' taps
11.	Cyanide	50	$\mu\text{gCN/l}$	Consumers' taps
12.	1, 2 dichloroethane	3.0	$\mu\text{g/l}$	Consumers' taps
<hr/>				
13.	Epichlorohydrin	0.10	$\mu\text{g/l}$	(i)
14.	Fluoride	1.5	mgF/l	Consumers' taps
15.	Lead	10	$\mu\text{gPb/l}$	Consumers' taps
16.	Mercury	1.0	$\mu\text{gHg/l}$	Consumers' taps
17.	Nickel	20	$\mu\text{gNi/l}$	Consumers' taps
18.	Nitrate	50	mgNO <sub>3</sub> /l	Consumers' taps
19.	Nitrite	0.50	mgNO <sub>2</sub> /l	Consumers' taps
		0.10		Treatment works
20.	Pesticides <sup>(ii)(iii)</sup>			
	Aldrin	0.030	$\mu\text{g/l}$	Consumers' taps
	Dieldrin			
	Heptachlor			
	Heptachlor epoxide			

	other pesticides	0.10	µg/l	Consumers' taps
21.	Pesticides: Total <sup>(iv)</sup>	0.50	µg/l	Consumers' taps
22.	Polycyclic aromatic hydrocarbons <sup>(v)</sup>	0.10	µg/l	Consumers' taps
23.	Selenium	10	µgSe/l	Consumers' taps
24.	Tetrachloroethene and Trichloroethene <sup>(vi)</sup>	10	µg/l	Consumers' taps
25.	Trihalomethanes: Total <sup>(vii)</sup>	100	µg/l	Consumers' taps
26.	Vinyl chloride	0.50	µg/l	(i)

*Notes:*

(i)

The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water. This is controlled by product specification.

(ii)

*Pesticides means:*

*organic insecticides*

*organic herbicides*

*organic fungicides*

*organic nematocides*

*organic ascaricides*

*organic algicides*

*organic rodenticides*

*organic slimicides*

*related products (inter alia, growth regulators) and their relevant metabolites, degradation and reaction products.*

(iii)

The parametric value applies to each individual pesticide.

(iv)

“Pesticides: Total” means the sum of the concentrations of the individual pesticides detected and quantified in the monitoring procedure.

(v)

The specified compounds are:

benzo(b)fluoranthene

benzo(k)fluoranthene

benzo(ghi)perylene

indeno(1,2,3-cd)pyrene.

The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

(vi)

The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

(vii)

The specified compounds are:

chloroform

bromoform

dibromochloromethane

bromodichloromethane.

The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

## PART II: NATIONAL REQUIREMENTS

<i>Item</i>	<i>Parameters</i>	<i>Concentration Value (maximum)</i>	<i>or Units Measurement</i>	<i>of Point compliance</i>	<i>of</i>
1.		200	$\mu\text{gAl/l}$		Consumers' taps
Aluminium					
2.	Colour	20	$\text{mg/l Pt/Co}$		Consumers' taps
3.					
4.	Iron	200	$\mu\text{gFe/l}$		Consumers' taps
5.	Manganese	50	$\mu\text{gMn/l}$		Consumers' taps
6.	Odour	Acceptable to consumers and no abnormal change			Consumers' taps
7.	Sodium	200	$\text{mgNa/l}$		Consumers' taps
8.	Taste	Acceptable to consumers and no abnormal change			Consumers' taps
9.	Tetrachloromethane	3	$\mu\text{g/l}$		Consumers' taps
10.	Turbidity	4	NTU		Consumers' taps

