1960 No. 1602

The Food Hygiene (Docks, Carriers, etc.) Regulations, 1960

Made - - - -	1*st September*, 1960
Laid before Parliament	12*th September*, 1960
Coming into Operation	1*st November*, 1960

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 13 and 123 of the Food and Drugs Act, 1955(a), and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and reference to the Food Hygiene Advisory Council under section 82 of the said Act:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Food Hygiene (Docks, Carriers, etc.) Regulations, 1960, and shall come into operation, save in so far as may be otherwise expressly provided by any provision thereof, on the first day of November, 1960.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Food and Drugs Act, 1955;

"certificate of exemption", in relation to any premises or place to which these regulations apply, means a certificate for the time being in force in relation to such premises or place for the purposes of regulation 24 of these regulations;

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

"contamination" includes contamination by odour; and "contaminated" shall be construed accordingly;

"dock" includes any harbour, moorings, wharf, pier, jetty or other works in or at which food can be shipped or unshipped and any warehouse, transit shed or other premises used in connection therewith for the temporary storage or loading for dispatch of food which is unshipped or to be shipped;

"equipment" includes apparatus, loading and unloading gear, furnishings and utensils;

"food" means food intended for sale, or sold, for human consumption and includes drink, chewing gum and other products of a like nature and

(a) 4 & 5 Eliz. 2. c. 16.

use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(*a*) milk, cream or separated milk, other than dried milk and condensed milk;

(*b*) water, live animals or birds;

(*c*) articles and substances used only as drugs; or

(*d*) any raw food which has to be subjected to a process of milling or refining for the purpose of rendering it in a state fit for human consumption;

"food building" means any building or part of a building (being part of premises to which these regulations apply) in which any person engages in the handling of food or in the cleaning of equipment used in the handling of food;

"local authority" means—

(*a*) as respects the City of London, the Common Council, and, as respects a metropolitan borough, the council thereof;

(*b*) as respects any other borough and any urban district or rural district, the council of the borough or district;

"meat" means the flesh (including edible offal and fat) of animals and birds which is sold or intended for sale for human consumption, and includes bacon or ham but does not include any other such flesh which has been cooked or otherwise prepared for sale by any similar process;

"port employer" means any person employing labour who undertakes to discharge, move, store or dispatch food arriving at any dock;

"premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with the building and includes any loading bay, platform or other works in or at which food can be loaded or unloaded;

"preparation" in relation to food includes manufacture and any form of treatment;

"the principal regulations" means the Food Hygiene (General) Regulations, 1960(**a**);

"sanitary convenience" means a water closet, urinal, earth or chemical closet, privy or similar convenience.

(2) In these regulations, unless the context otherwise requires, the handling of food means the carrying out, or assisting in the carrying out, of any process or operation in the transport, loading, unloading, storage, packaging, wrapping, or delivery of food at, in or upon any premises or place to which these regulations apply.

(3) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Enforcement

3. Each port health authority shall enforce and execute the provisions of these regulations in their district, and elsewhere each local authority shall enforce and execute them in their district.

(a) S.I. 1960/1601 (Pt. II, p. 1499, of this vol.). (b) 52 & 53 Vict. c. 63.

Premises and places to which the regulations apply

4. These regulations shall apply to the premises and places listed below, except so far as the handling of food there may be involved in the course of a retail business (including any such activity carried on by a local or public authority) or in the course of supplying food for immediate consumption—

(*a*) any dock, public warehouse or public cold store ;

(*b*) any premises or place occupied by a carrier of goods for the purposes of his trade or business as such a carrier, except in so far as the handling of food at any such premises or place is regulated by the provisions of Part VI of the principal regulations ;

(*c*) any premises used for the storage of food which are not subject to the principal regulations, that is to say, any premises which

(i) are used exclusively for the storage of food manufactured and packed by the occupier thereof ; and

(ii) are situated outside the curtilage of the premises used for the manufacture or packing of that food ; and

(iii) are not used for the storage of food other than that contained in containers of such materials and so closed as to exclude the risk of contamination.

PART II

GENERAL REQUIREMENTS APPLYING TO AUTHORITIES ALLOCATING OR LETTING ACCOMMODATION, PORT EMPLOYERS, AND OTHER PERSONS CARRYING ON A BUSINESS AT PREMISES AND PLACES TO WHICH THESE REGULATIONS APPLY

Condition of accommodation allocated for handling food

5. Before permitting the use of accommodation for the discharge, movement, storage, or dispatch of any food at any premises or place to which these regulations apply, the person having control or management of the premises or place or responsible for allotting the accommodation shall, so far as is reasonably practicable, take account of the nature of the food which is to be discharged, moved, stored or dispatched and of the manner in which it is packed and shall not permit the use of accommodation which is in such a state as to expose the food to the risk of contamination.

Cleanliness of vessels, vehicles, equipment, etc.

6. A person who provides any lighter, barge or other vessel or any vehicle intended for the movement of food or who provides any container or equipment with which it is liable to come into contact shall ensure that the interior of such vessel or vehicle and any surface with which food is liable to come into contact are kept in such a state of cleanliness and in such good order, repair and condition as to prevent, so far as is reasonably practicable, any risk of contamination of the food.

Food to be protected from risk of contamination

7. The port employer or other person employing staff engaged in the handling of food at any premises or place to which these regulations apply shall take all such steps as may be reasonably necessary to protect from the risk of contamination any food which is being handled and in particular (without prejudice to the generality of the foregoing)—

(*a*) shall keep that part of the premises or place in which the food is being handled and any lighter, barge, vehicle or equipment with which

the food is liable to come into contact in such condition as to avoid risk of contamination ;

(*b*) shall ensure that any ice, any container and the surface of any packing material provided by him which are liable to come into contact with the food are clean ; and

(*c*) shall take all such steps as may be reasonably necessary to secure that any person employed by him or under his control shall so place the food as to avoid any risk of contamination.

Circumstances affecting risk of contamination

8. In determining for the purpose of this part of these regulations whether any matter involves a risk of contamination to any food, regard shall be had to the manner in which the food is packed, the time during which it is to remain in any place, and the extent to which contamination in the respect in question is immaterial because of the nature of the food or any process to which the food is to be subjected.

PART III

REQUIREMENTS APPLYING TO DOCK WORKERS AND OTHER FOOD HANDLERS

Personal cleanliness

9.—(1) A person who engages in the handling of food which is not so packed, or the packing of which is not in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch, shall while so engaged handle it in such a way as to prevent, so far as may be reasonably practicable, any contamination, and in particular (without prejudice to the generality of the foregoing) shall—

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

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

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

(*d*) refrain from spitting ;

(*e*) refrain from the use of tobacco or any other smoking mixture or snuff.

(2) This regulation shall not apply to the handling of food at, in or upon any premises mentioned in paragraph (*c*) of regulation 4 above.

Handling of meat

10. A person engaged at, in or upon any dock, public warehouse or public cold store in the carrying of meat which is not so packed as to protect it from contact with the person or clothing of the handler shall take all such precautions as are reasonably practicable to prevent the meat coming into contact with any exposed part of his person other than his hands and forearms or with any clothing other than protective clothing or a washable head covering.

Persons suffering from certain infections

11.—(1) Subject to the provisions of this regulation, as soon as any person who in the course of his employment engages in the handling of food to which this regulation applies becomes aware that he is suffering from, or is a carrier of, typhoid fever, paratyphoid fever or any other salmonella

infection or dysentery, or any staphylococcal infection likely to cause food poisoning, he shall forthwith give notice of the fact to the person by whom he is employed and the said person shall, immediately after receipt of the notice, notify the appropriate medical officer of health accordingly.

(2) The food to which this regulation applies is food which is not so packed, or the packing of which is not in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch; and the appropriate medical officer of health for the purposes of this regulation is the medical officer of health of the district or port health district in which the person is employed.

PART IV

REQUIREMENTS RELATING TO PREMISES

Responsibility of occupiers and owners

12. A person who is occupying for the purpose of the discharge, movement, storage, or dispatch of food the whole or part of any premises or place to which these regulations apply shall comply with the requirements of the next eleven regulations so far as they relate to the premises or place or the part occupied by him:

Provided that the owner of the premises or place who either lets them or any part of them for use for any such purpose or permits them or any part of them to be so used after notice from the authority charged with the enforcement of these regulations shall comply with such of those requirements as are of a structural character.

Soil drainage systems

13.—(1) No fresh air intake of any ventilation pipe included in the soil drainage system of any premises shall be situated in a food building.

(2) Every inlet into any such system situated in any such building shall be trapped.

Cisterns for supplying water to food buildings

14. No cistern for the supply of water to a food building shall supply a sanitary convenience otherwise than through an efficient flushing cistern or some other flushing apparatus equally efficient and suitable for the prevention of contamination of water supplies.

Sanitary conveniences

15.—(1) Every sanitary convenience used in connection with any food building shall be kept clean and in efficient order.

(2) Any room or other place which contains a sanitary convenience shall be suitably and sufficiently lighted and ventilated and shall be kept clean.

(3) No room which contains a sanitary convenience shall be used for the storage or handling of food which is not so packed, or the packing of which is not in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch.

(4) Paragraph (2) of this regulation so far as it requires any room or other place to be suitably and sufficiently lighted and ventilated shall come into operation on the first day of May, 1961.

Water supply to be provided

16.—(1) Subject to the provisions of any certificate of exemption, a supply of clean and wholesome water sufficient in quantity to enable these regula-

tions to be complied with shall be provided and maintained in or in reasonable proximity to all food buildings.

(2) This regulation shall come into operation on the first day of May, 1961.

Washing facilities to be provided

17.—(1) Subject to the provisions of any certificate of exemption, there shall be provided in or in reasonable proximity to any premises or place to which these regulations apply and where any food such as is mentioned in paragraph (3) of this regulation may be handled, suitable and sufficient washing facilities for the use of and in a position conveniently accessible to persons engaged in the handling of such food.

(2) All such washing facilities shall be kept clean and any traps and connections thereof shall be kept clean and in efficient working order.

(3) The food referred to in paragraph (1) of this regulation is food which is not so packed, or the packing of which is not in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch.

(4) This regulation shall come into operation on the first day of May, 1961.

First-aid materials to be provided

18. Suitable and sufficient bandages, dressings (including waterproof dressings) and antiseptic for first-aid treatment shall be provided and maintained in a readily accessible position for the use of persons engaged in the handling of food on or about any premises or place to which the regulations apply.

Lighting of food buildings

19. Suitable and sufficient means of lighting shall be provided in every food building and every food building shall be suitably and sufficiently lighted.

Ventilation of food buildings

20. Except in the case of a humidity-controlled or temperature-controlled chamber, suitable and sufficient means of ventilation shall be provided in every food building, and suitable and sufficient ventilation shall be maintained there.

Sleeping place not to be used as a food building

21. No sleeping place shall be used as a food building.

Cleanliness and repair, etc., of food buildings

22.—(1) The structure of every food building shall be maintained in such good order, repair and condition as to—

(*a*) prevent it from becoming insanitary ; and

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

(2) The internal surfaces of every room used for food storage or food handling in a public cold store and, in every other food building, those parts of the internal surfaces on which, against which, or in proximity to which food is deposited shall be kept clean.

(3) Where at any time after the coming into operation of these regulations any works affecting the structure of a food building, other than mere removal of part of the structure, are executed, the structure affected by such works shall after completion of the works be such as to prevent, so far as is reasonably practicable, any risk of infestation by rats, mice and insects.

Accumulation of refuse, etc.

23. No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in a food building except so far as may be unavoidable for the proper carrying on of the trade or business.

PART V

ADMINISTRATIVE PROVISIONS

Exemption of premises from certain requirements

24.—(1) While there is in force in relation to any premises or place to which these regulations apply a certificate of the port health authority or local authority whose duty it is to enforce these regulations in relation thereto to the effect that compliance with any of the provisions of regulations 16 and 17 of these regulations cannot be reasonably required with respect to the premises or place or any activities carried on there, the premises or place shall be exempted from the provisions mentioned in the certificate.

(2) Such a certificate shall not be granted by the port health authority or local authority with respect to any premises or place unless the authority are satisfied that by reason of restricted accommodation or other special circumstances it is reasonable that such a certificate should be in force with respect thereto.

(3) Any such certificate shall be withdrawn by the authority if at any time they cease to be satisfied as aforesaid.

(4) If a person who has applied for or holds such a certificate is aggrieved by the refusal or withdrawal of the certificate he may appeal to a magistrates' court and that court may make such order concerning the certificate as appears to the court, having regard to the matters with respect to which the authority are required to be satisfied as aforesaid, to be just and equitable.

(5) Section 120 of the Act (which relates to the right to carry on business while an appeal is pending) shall have effect for the purpose of these regulations as if the reference therein to refusing or revoking a licence included a reference to refusing or withdrawing a certificate under this regulation.

Offences

25. If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this first day of September, nineteen hundred and sixty.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the official seal of the Minister of Health this twenty-ninth day of August, nineteen hundred and sixty.

(L.S.) *J. Enoch Powell,*
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations prescribe requirements to secure the hygienic handling of food at docks, warehouses, cold stores, carriers' premises and a number of other special types of premises which were excluded from the ambit of the Food Hygiene Regulations, 1955(a). The regulations follow the pattern of the Food Hygiene (General) Regulations, 1960, with adaptations to take account of the circumstances in which food is handled at those places.

Part II of the regulations requires that places, vessels and vehicles used for the reception or movement of food are made available in a cleanly condition and so far as practicable are kept in that condition by the persons using them.

Part III contains requirements as to the cleanliness of workers handling food which is not completely protected by its packing and of their clothing, and as to the action to be taken where they suffer from or are the carriers of certain infections liable to cause food poisoning.

Part IV contains requirements as to the construction, maintenance and repair of premises and as to sanitary conveniences and the provision of a water supply and washing facilities.

Part V contains administrative provisions including provisions for the giving of certificates of exemption (as authorised by section 13 (4) of the Food and Drugs Act, 1955) from the requirements of regulations 16 and 17 as to the provision of a water supply and washing facilities if through special circumstances compliance with those requirements cannot reasonably be required. There is an appeal to a magistrates' court against the refusal or withdrawal of a certificate.

(a) S.I. 1955/1906 (1955 I, p. 918).