



**THE MASTERTON AND SOUTH
WAIRARAPA DISTRICT COUNCILS'
CONSOLIDATED BYLAW 2012**

PART SIXTEEN

FOOD SAFETY

Masterton District Council

The Consolidated Bylaws 2012 comprising parts one to eighteen were adopted at the Council Meeting held on Wednesday 14th August 2013.

The Consolidated Bylaws 2012 came into force throughout the Masterton and South Wairarapa Districts on the 1st September 2013

South Wairarapa District Council

The Consolidated Bylaws 2012 comprising parts one to six and parts eight and nine and parts eleven to sixteen were adopted at the Council Meeting held on Wednesday 31st July 2013.

The Consolidated Bylaws 2012 came into force throughout the Masterton and South Wairarapa Districts on the 1st September 2013

THE MASTERTON DISTRICT AND SOUTH WAIRARAPA DISTRICT COUNCILS' CONSOLIDATED BYLAW 2012

PART 16 – FOOD SAFETY BYLAW

This bylaw is made pursuant to the powers contained in the Local Government Act 2002.

CONTENTS

1	TITLE	2
2	SCOPE.....	2
	2.1 Exemptions from bylaw.....	2
3	COMPULSORY TRAINING FOR FOOD WORKERS	2
	3.1 Exceptions from training requirements.....	3
	3.2 Refresher training	3
	3.3 Transition period for training requirements	3
4	CLOSURE OF PREMISES	3
5	SICKNESS POLICY.....	4
6	APPEALS	4
7	OFFENCES	4
8	PENALTIES.....	5
9	DATE OF EFFECT.....	5

1 TITLE

The title of this bylaw shall be the Food Safety Bylaw.

2 SCOPE

The purpose of this Bylaw is to ensure that safe food is available in all registered food premises in the Masterton District and South Wairarapa District, and to make provision for food workers employed in Masterton and South Wairarapa to have successfully completed a recognised course in food hygiene. It also enables the Principal Environmental Health Officer to close food premises where necessary.

2.1 Exemptions from bylaw

Any registered premises operating a Food Safety Programme and holding an exemption from the Food Hygiene Regulations 1974 or having a registered Risk Management Plan are exempt from this bylaw.

3 COMPULSORY TRAINING FOR FOOD WORKERS

- 1) Any new or replacement food worker will have a 3 month transition period to undergo training to become qualified in Unit 167, or an equivalent qualification. It shall be the duty of the occupier of every food premise to oversee their training while on the premises.
- 2) Every food premises shall have at least one person employed in a supervisory and training capacity that is certificated to have completed and passed Unit Standard 167 or equivalent, and Unit Standard 168 or equivalent.
- 3) Where food premises consist of separate departments or sections, each of which functions primarily independently of the others, at least one person shall be appointed to act in a supervisory and training capacity within each department.
- 4) The occupier of every food premises shall ensure that adequate records are kept relating to staff training and that copies of all certificates gained by staff are kept on the premises for perusal by any authorised officer of the Council's Environmental Health Unit upon request.

3.1 Exceptions from training requirements

- 1) Persons employed exclusively in the handling of pre-packaged foodstuffs at the point of sale or in storage or transport are exempt from the requirements of section 3 of this bylaw.
- 2) Any other person employed on food premises may seek exemption from the Principal Environmental Health Officer on the basis of prior training on a suitable course of study.

3.2 Refresher training

If an authorised officer is satisfied that a food handler or food handlers working in any food premises has insufficient food safety knowledge, then the authorised officer may require that person or persons to complete or re-complete an approved training course in food hygiene.

3.3 Transition period for training requirements

Each food business shall have a transition period to comply with the compulsory training for food workers. The transition period is to allow food premises a reasonable time to comply with this training requirement.

The transition period for training requirements for existing staff is 12 months from the date of the commencement of this bylaw.

Any food business commencing operation within the transition period must comply with the compulsory training for food workers from the commencement of trading.

4 CLOSURE OF PREMISES

- 1) Where any food premises or part of a food premises or any appliance, fitting or fixture or equipment in any food premises are, by reason of their situation, construction, disrepair or state, in such a condition that any food in the premises may be exposed to contamination or taint or deteriorate or become contaminated to prejudice public health, the Principal Environmental Health Officer may serve a notice in writing on the occupier or owner of the premises requiring him or her to:
 - a) Cease to use the premises as food premises, and not to subsequently resume the use of the premises as food premises; or
 - b) Clean, reconstruct, or repair the premises or any appliance, fitting or fixture, or equipment in a manner to be specified in the notice;or

- c) Clean, reconstruct or repair the premises or any appliance, fitting or fixture, or equipment in a manner to be specified in the notice and to cease to use the premises until the cleaning, reconstruction or repair has been completed to the satisfaction of an authorised officer.
- 2) Where an occupier has been directed to cease operating any food premises, the occupier shall not recommence use of those food premises until the Principal Environmental Health Officer has given permission in writing.
- 3) An occupier shall not continue to operate any premises if the Council has revoked the Certificate of Registration pursuant to Regulation 9(3) and 9(4) of the Health (Registration of Premises) Regulations 1966 and the Food Hygiene Regulations 1974.

5 SICKNESS POLICY

Every food premises must have a written sickness policy on the premises at all times. This policy must be adhered to by all food handling staff.

6 APPEALS

- 1) Any occupier of a food premises in respect of which any decision or requirement has been made by an authorised officer under this bylaw may appeal in writing to the Council against that requirement within 14 days after receiving notice thereof. The requirement shall remain in force pending a hearing.
- 2) On hearing the appeal, the Council may confirm, reverse or modify that requirement.
- 3) This right of appeal is in addition to any other statutory right which applies to the occupier.

7 OFFENCES

Any occupier of a food premises commits an offence against this bylaw who;

- a) Permits an untrained person to work in a food premises; except where exempt by provisions 3(1) or 3.1.
- b) Has been directed to cease operating any food premises and who does not comply with this requirement; or

- c) Does not have on the premises at all times a suitable sickness policy that is adhered to by all food handling staff and associated records.

8 PENALTIES

Any person who commits an offence against this bylaw is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002.

9 DATE OF EFFECT

This bylaw shall come into effect on 1st September 2013.