

1966/71



THE FOOD HYGIENE REGULATIONS 1952, AMENDMENT  
NO. 3

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of May 1966

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Health Act 1956 and the Food and Drugs Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Food Hygiene Regulations 1952, Amendment No. 3, and shall be read together with and deemed part of the Food Hygiene Regulations 1952\* (hereinafter referred to as the principal regulations).

(2) Except as provided in regulation 4 of these regulations, these regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. (1) The principal regulations are hereby amended by revoking regulation 6, and the heading above that regulation, and substituting the following regulation and heading:

*"Use of Premises for the Manufacture, Preparation, Packing, Storage, or Handling of Food for Sale*

"6. (1) No person shall use any premises for the manufacture, preparation, or packing of any article of food for sale unless the premises are for the time being registered by the local authority and he is the holder of a current certificate of registration in respect of those premises in accordance with the Health (Registration of Premises) Regulations 1966†.

\*S.R. 1952/74  
Amendment No. 1: S.R. 1953/161  
Amendment No. 2: S.R. 1962/104  
†S.R. 1966/73

“(2) No person shall use any premises—

“(a) For the sale of meat or fish; or

“(b) As a delicatessen; or

“(c) For the storage of milk pending retail sale; or

“(d) For the bottling of raw milk; or

“(e) For the retail sale of milk; or

“(f) For the sale of ice cream or milk ices; or

“(g) As a grocer's shop; or

“(h) As a fruit and vegetable shop; or

“(i) As a cake shop; or

“(j) As an auction mart where food is sold; or

“(k) For any two or more of the above-mentioned purposes;

unless the premises are for the time being registered by the local authority and he is the holder of a current certificate of registration in respect of those premises in accordance with the Health (Registration of Premises) Regulations 1966.

“(3) For the purposes of this regulation the term ‘packing’ does not include the wrapping in paper of simple or uncompounded foods that are weighed, counted, or measured in the presence of the purchaser or the packing on retail premises of dry foods in unsealed packages for sale thereon.

“(4) Nothing in this regulation shall apply to premises in the occupation of the Crown or to premises operated by a Licensing Trust or to premises registered or licensed under the Apiaries Act 1927, the Dairy Industry Act 1952, the Agriculture (Emergency Powers) Act 1934, or the Sale of Liquor Act 1962, or under regulations made pursuant to any of those Acts.”

(2) The principal regulations are hereby amended by revoking Part II and the proviso to paragraph (c) of regulation 53.

(3) Regulation 58 of the principal regulations is hereby amended by omitting the words “these regulations” where they first occur, and substituting the words “the Health (Registration of Premises) Regulations 1966”.

(4) Nothing in this regulation shall prevent the use or require the registration before the 1st day of April 1967 of any premises which would not have been required to be registered if these regulations had not been made.

(5) Every certificate of registration in force under the principal regulations immediately before the date of the commencement of these regulations shall be deemed to have been issued under the Health (Registration of Premises) Regulations 1966 and the provisions of those regulations shall apply accordingly.

3. (1) Regulation 55 of the principal regulations is hereby amended by omitting from subclause (2) the words “the direct rays of the sun”, and substituting the word “daylight”.

(2) Regulation 55 of the principal regulations is hereby further amended by adding the following subclause:

“(3) For the purposes of this regulation and regulation 56 hereof, ‘daylight’ shall be deemed to endure from 30 minutes before sunrise until 30 minutes after sunset.”

4. (1) The principal regulations are hereby amended by revoking regulation 56, and substituting the following regulation:

“56. (1) Regulation 28 of these regulations shall apply in respect of vehicles used for the conveyance of milk as it applies in respect of vehicles used for the carriage or delivery of other food, subject, in the case of bottled milk, to subclauses (2) to (4) of this regulation.

“(2) Except as provided in subclause (3) of this regulation, no person shall use any vehicle for the conveyance of bottled milk unless the vehicle is equipped with a permanent canopy that protects the milk from daylight and unless the vehicle and canopy comply with the following conditions:

“(a) The tray, deck, or floor of the vehicle shall have an even surface, free from cracks and imperfections and shall be in a good condition of repair, and if constructed of wood, the flooring boards shall be tightly cramped together:

“(b) The canopy for the vehicle shall be unbroken (except by openings permitted or required by this regulation), in a good condition of repair, and capable of being thoroughly cleansed:

“(c) There may be openings in the sides of the canopy but all such openings shall be fitted with sliding panels made of approved material or with sliding curtains which shall be capable of covering completely the opening to which they are fitted:

“(d) Where curtains are provided, they shall be made of durable canvas at least 14 gauge in thickness or of other approved material:

“(e) There shall be at least two curtains for each side opening and they shall be securely affixed at the top to a slide rail and provided with at least two clip fasteners at each side so that the canopy is capable of affording (with the assistance of the hinged side boards) unbroken covering of the whole load:

“(f) Where curtains are used the slide rail shall be affixed at least  $1\frac{1}{2}$  in. above the bottom edge of the side and rear valances so that there shall be no gap between the valance and curtain where light may enter:

“(g) Hooks or suitable fastenings for attaching curtains to the slide rail are to be attached to the curtains at least  $1\frac{1}{2}$  in. below the top end of each curtain:

“(h) The bottom of the curtains shall reach to within 1 in. of the tray, deck, or floor of the vehicle:

“(i) Where the vehicle is fitted with coaming rails, the side and tail boards shall be so fixed that they fit over the top of the coaming rails:

“(j) The rear end of the canopy shall be fitted with a door or doors, or sliding curtains of durable material fitted in a similar manner to the side curtains:

“(k) The height from the floor level of the vehicle to the bottom edge of the side and rear valances shall be not more than 4 ft:

- “(1) The deck of the vehicle shall be fitted with hinged side and rear boards which are at least as high as the depth of a milk crate:
- “(m) The front end of the canopy shall be permanently closed but a glass window of an area not exceeding 2 sq. ft. may be provided in the front end of the canopy.
- “(3) Subclause (2) of this regulation shall not apply—
- “(a) To any vehicle so long as the Medical Officer of Health, taking into account the conditions under which the vehicle operates, is of the opinion that it is so constructed and equipped as to protect adequately the bottled milk conveyed on it from daylight:
- “(b) To any trolley used to convey bottled milk from a delivery vehicle in a quantity not exceeding 8 gallons if any such bottled milk does not remain on the trolley and exposed to daylight for a period exceeding 20 minutes.
- “(4) Every person in charge of a vehicle that is being used for the conveyance of bottled milk shall—
- “(a) Operate the vehicle so as to protect the milk from daylight; and
- “(b) Ensure that, during delivery, the doors or other openings in the canopy do not remain open to an extent or for a period of time greater than is reasonably necessary to carry out the distribution of milk; and
- “(c) Ensure that all such doors or other openings are closed whenever the vehicle is left unattended for five minutes or more.”

(2) This regulation shall come into force on the 1st day of April 1967.

5. The principal regulations are hereby further amended by inserting, after Part XI, the following new Part:

**“PART XIa—MANUFACTURE, PREPARATION, CASKING, OR BOTTLING OF WINE FOR SALE**

“67A. No person shall after the 31st day of March 1967 use any room or place for or in connection with the manufacture, preparation, casking, or bottling of wine for sale except in accordance with the provisions of Parts III and IV of these regulations and unless such room or place is, so far as may be practicable, used only for the manufacture, preparation, storage, casking, or bottling of wine for sale:

“Provided that—

- “(a) Any room or place which is in use for any of those purposes immediately before the 1st day of April 1967 and which does not have a floor that complies with regulation 19 (1) (b) hereof may continue to be used if it otherwise complies with that regulation and if it has an approved floor constructed of flooring boards laid on a firm foundation and tightly cramped together:
- “(b) Wine contained in sealed casks, concrete vats, or other containers for maturation may be stored in any approved place which has a floor that is constructed of an impervious material and is properly graded and drained.

“67B. No person shall use or permit to be used for the manufacture, preparation, storage, casking, or bottling of wine for sale any room or place except in accordance with the following provisions:

- “(a) The premises shall not be used for the storage of any materials other than materials required for use in the manufacture, preparation, storage, casking, or bottling of wine or other liquors for sale:
- “(b) No spent marc or any other winery wastes shall be kept longer than 48 hours on any premises that are used for the manufacture of wine for sale:
- “(c) All tasting glasses or other appliances or vessels used for the sampling of wine shall, when not in use, be stored in a dust-proof cupboard and shall be thoroughly cleansed immediately before and immediately after being used.

“67c. No person engaged in the manufacture, preparation, casking, or bottling of wine for sale shall apply to his mouth any syphon tube from any storage vessel containing wine.

“67d. (1) No person shall use or permit to be used in the manufacture, preparation, storage, casking, or bottling of wine for sale, any vessel, container, or appliance which yields to its contents any poisonous or injurious substance. Any equipment may be coated with paraffin wax or other harmless substance insoluble in wine.

“(2) No person shall fill any bottle, jar, barrel, vat, or other container with wine for sale unless the said container is clean and free from foreign matter. Every empty container intended for use in the packing of any wine shall be stored until so used in such a manner as to protect it from contamination by any means whatsoever.

“67e. No person shall use any equipment or appliance for the manufacture, preparation, storage, casking, or bottling of wine for sale except in accordance with the following requirements:

- “(a) All corks, crown seals, wads, and every appliance which may come into contact with wine when used in closing or sealing any wine container shall be clean and new, and kept until so used in such a manner as to be protected from contamination:
- “(b) Jars, bottles, glasses, and other wine containers kept in straw or other material for transport or storage shall be effectively sterilised before use:
- “(c) All equipment, conveyors, storage casks, and vats shall be situated so as to provide easy access for cleaning and washing down:
- “(d) All movable storage vessels and equipment shall be supported above floor level to facilitate cleansing and keeping the floor free from damp:
- “(e) All wine hoses shall be made from high-grade rubber or other approved material, and shall be in a sound condition and no defective wine hoses shall be allowed to remain on the premises:
- “(f) All wine hoses shall be cleaned and put in a sanitary condition immediately before and immediately after use by means of a suitable detergent and bactericidal solution, followed by a rinse in clean water and, immediately after cleaning, all wine hoses shall be drained and shall not be coiled but shall be kept until they are next used in such a manner that they remain free from liquid and are protected from contamination:

- “(g) All buckets, cans, chutes, valves, fittings, pipe, tube, or other similar appliances through which wine or grape juice is passed, shall be made of stainless steel or other approved material, and all metal surfaces (other than stainless steel) of every such appliance which are brought into contact with wine or grape juice shall be properly coated with tin or other covering to the satisfaction of an Inspector:
- “(h) All valves, fittings, and pipelines through which wine or grape juice is passed shall—
- “(i) Be cleaned and put in a sanitary condition immediately before and immediately after use by means of a suitable detergent and bactericidal solution, followed by a rinse in clean water; and
  - “(ii) Be kept until they are next used in such a manner that they are protected from contamination; and
  - “(iii) Be constructed so that they can be easily taken apart and so that, when taken apart, all their surfaces are visible for inspection and cleaning:
- “(i) All such valves, fittings, and pipelines shall be taken apart for cleaning except where—
- “(i) They are so arranged that cleaning and bactericidal solutions can be circulated throughout the fixed system to contact all interior surfaces, and that system is self-draining or can otherwise be completely evacuated; and
  - “(ii) A readily accessible and easily removable section is provided in each pipeline for inspection purposes; and
  - “(iii) In the particular case, the cleaning of them without taking them apart is approved:
- “(j) Bottles intended to contain wine for sale shall be clean and shall be thoroughly inspected immediately before and immediately after filling before a viewing light so arranged to facilitate the inspection.
- “67F. No person shall use any tap or pipe for the drawing of wine for sale unless such tap or pipe is constructed:
- “(a) In such a manner as to permit the ready cleansing of all internal parts:
  - “(b) In such a manner as to be properly sealed to prevent leakage and so that it is detachable from the vessel, utensil, container, barrel, or vat to which it is attached:
  - “(c) So that the whole of the interior surface is perfectly smooth and free from undulations and irregularities, and is of wood, stainless steel, or other suitable metal coated with tin or other approved material throughout its length:
  - “(d) So that the tap-plug consists of wood or approved solid metal or material, and that every aperture through it is cut straight and free from recesses.”

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations make several amendments to the Food Hygiene Regulations 1952.

Regulation 2 revokes Part II (which deals with the registration of food premises) and substitutes a new regulation 6 (which deals with the use of premises for the manufacture, preparation, packing, storage, and handling of food for sale) in the principal regulations. This revocation and the new regulation are in part consequential on the passing of the Health (Registration of Premises) Regulations 1966 which provide a uniform procedure for the registration by local authorities of premises required to be registered by or under the Health Act 1956.

The new regulation has however been extended so that subject to certain exemptions, after 31 March 1967, all premises used for the manufacture, preparation, or packing of food for sale will need to be registered with the local authority. The Medical Officer of Health is no longer required to approve the use of any of these premises under this regulation.

Regulation 3 amends regulation 55 so that bottled milk for sale which must at present be protected from the effects of the direct rays of the sun must now be protected from exposure to daylight.

Regulation 4, which comes into force on the 1st day of April 1967, substitutes a new regulation 56 in the principal regulations. This regulation imposes certain requirements in respect of vehicles, and the use of vehicles, used for the conveyance of milk. It will now contain specific requirements as to the type of canopy required on vehicles used for the conveyance of bottled milk. Subclause (3) (a) of the new regulation confers a discretion on the Medical Officer of Health to approve other types of canopy.

Regulation 5 inserts a new Part XI A in the principal regulations. The new Part imposes requirements to be observed in the manufacture, preparation, casking, or bottling of wine for sale. The requirements in respect of wine-makers' premises contained in regulation 67A do not have effect until 1 April 1967.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 May 1966.

These regulations are administered in the Department of Health.