

RODNEY DISTRICT COUNCIL

RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998

CHAPTER 24

FOOD PREMISES

EXPLANATION

All premises in the District used for the sale of food or the manufacture, preparation, packing, or storage of any food for sale are required to be registered and are the subject of regular inspections to ensure a satisfactory hygiene standard is maintained.

The Council is empowered under section 145 of the Local Government Act 2002 to make bylaws to protect, promote and maintain public health and safety.

The Council is required under the Food Hygiene Regulations 1974 to enforce the provisions of the regulations within its own district and to cause regular inspections to be made of all registered premises.

The purpose of this Bylaw is to allow authorised officers of the Council to take immediate action against dirty and unhygienic food premises.

Where food premises are operated in such a way that food may be contaminated or tainted it provides for an authorised Environmental Health Officer to close the premises for cleaning or repair.

1.0 COMMENCEMENT AND APPLICATION

Comment [GW1]:

- 1.1 This bylaw applies within the Rodney District and comes into force on 1 October 2007.
- 1.2 This bylaw is made under section 145 of the Local Government Act 2002.
- 1.3 This bylaw should be read in conjunction with Chapter 1 'Administration' of the Rodney District Council General Bylaw 1998.

2.0 INTERPRETATION

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| ANNUAL REGISTRATION | Means the registration of food premises required by the Food Hygiene Regulations 1974 and the Health [Registration of Premises] Regulations 1966. |
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3.0 CLOSURE OF PREMISES

- 3.1 In addition to those provisions contained in the Health Act 1956, the Food Act 1981, the Food Hygiene Regulations 1974 and the Health [Registration of Premises] Regulations 1966 the following shall apply with regard to the sale of food in the District:
- (a) Where any food premises or part of any food premises or any appliance, fitting or fixture or other equipment on any food premises by reason of their situation, construction, disrepair, or state are in such a condition that any food in the food premises may be exposed to contamination or taint or become dirty or deteriorated an authorised Environmental Health Officer may serve a notice in writing on the occupier of the premises requiring him/her:
- (i) to cease to use the premises as food premises, or to clean or reconstruct, or to repair the premises, or part of the premises; or
- (ii) to cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those premises;
- in accordance with the requirements and within the time frame specified in the notice;
- (b) Where an occupier has been directed to cease to use any food premises the occupier shall not recommence use of those food premises until permission has been given in writing by an Environmental Health Officer of the Council;

4.0 OFFENCES

- 4.1 It shall be an offence:
- (a) To continue to use a food premise or part thereof, contrary to a notice under clause 3.1(a) of this Bylaw;
- (b) To recommence use of a food premise the subject of a notice under 3.1(a) of this Bylaw without receiving permission from an Environmental Health Officer to do so.

5.0 **PENALTIES**

5.1 Every person who fails to comply with the requirements of this bylaw commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000.

5.2 The provisions of sections 243 to 246 of the Act shall apply to an infringement offence against any regulations made under section 259(b).