

Mberengwa Rural District Council (Food Hygiene) By-laws, 2023

---

*ARRANGEMENT OF SECTIONS*

1. Title
2. Application
3. Interpretation
4. Prohibition against the sale or storage of food in unsuitable premises
5. Cleanliness of premises
6. Storage
7. Cleanliness of food handlers
8. Notification of infectious disease in food handlers
9. Powers of entry and inspection
10. Offences and penalties

*Title*

1. These By-laws may be cited as the Mberengwa Rural District Council (food hygiene by laws 2023).

*Application*

2. These by-laws shall apply within the Mberengwa Rural District Council area and any local government area the administration, control and management of which is vested in Mberengwa Rural District Council.

*Definition of Terms*

3. In these By-laws:

“Aerated water” means every kind of non-alcoholic effervescent, clear, odourless, colourless liquid intended for human consumption.

“animal feed” means food, including petfood which is intended for consumption by animals only.

“approved” means approved by the Environmental Health Officer or by the Executive Officer Housing and Community Services Officer.

“bakery product” means bread, biscuits, rolls, tarts, cakes, pies and confectionery.

“container” includes any receptacle of any kind, whether open or closed.

“cordial” includes every kind of non-alcoholic liquid whether frozen or not, which is

- (a) Intended for human consumption; and
- (b) ordinarily diluted before being consumed

“council” means Mberengwa Rural District council

“equipment” includes apparatus (mechanical or manual), furnishings, utensils and vehicles

“risk of contamination” means as determined by the Environmental Health Officer or by the Executive Officer Housing and Community Services Officer.

“Food” and “article of food” means any substance in any form state or stage of preparation which is intended or is ordinarily used for human consumption including ice, but not drugs or water.

“food room” means any room or other place in which food is prepared or sold, manufactured, kept, stored, deposited, conveyed, handled or exposed for sale.

“meat” means the flesh (including the offals, bones, blood products and fat) of animals and birds which is intended for human consumption.

“Open food” means food other than that kept in a sealed container.

“premises” means a building or part of a building or any faculty, yard or place used in any connection with any buildings.

“sanitary convenience” means a water closet, urinal or similar device approved by the Environmental Health Officer or by the Executive Officer Housing and Community Services Officer and which is intended to be used for the disposal human waste

“Soft drinks” includes every kind of non-alcoholic liquid, other than aerated water, whether frozen or not, which is –

- (a) Intended for human consumption and
- (b) whether diluted or not before being consumed.

#### *Prohibition against the sale or storage of food in unsuitable premises*

4. (1) No food shall be prepared, manufactured, stored, deposited, sold or exposed for sale in or on any premises if the condition, situation or construction of the premises is in such a way as to expose such food to the risk of contamination.  
(2) The sale, preparation, manufacture, storage and exposure for sale of food shall be done from approved premises only.

#### *Cleanliness of premises*

5. Every person who sells, prepares, manufactures, keeps, stores, deposits, conveys, handles or exposes for sale any food in or on any premises shall: -
  - (a) cause the walls, floors, doors, windows, ceilings, woodwork and all other parts of every food room to be kept clean and in good order, repair and condition so as to: -
    - (i) Enable them to be effectively cleaned and
    - (ii) Prevent any risk of contamination by rats, mice, flies or insects (vermin) cockroaches and other humans
  - (b) cause all containers, **utensils** or equipment with which food comes into contact, or liable to come into contact to be kept clean and in good repair and condition so as to: -
    - (i) Enable them to be thoroughly cleaned and
    - (ii) To prevent any contamination of food;
  - (c) Cause all working surfaces to be clean; and
  - (d) Take all such steps as may be necessary to protect the food **from** risk of contamination, and in particular: -

- (i) Before offering any food for sale, ensure that any food which is unfit for human consumption is kept apart from any other food, and
- (ii) Not place any food lower than 500 millimetres from the ground on any pavement or in or about any forecourt or yard and
- (iii) ensure that **open** food, while displayed or exposed for sale, or during delivery, is kept covered or otherwise effectively screened so as to prevent any infection or contamination thereof and;
- (iv) ensure that all food is stored in such a manner as to permit the thorough cleaning of the storage facilities and where appropriate to prevent spoilage by being stored at unapproved temperature and,
- d) Take all practical measures to maintain the premises free from flies, rodents, cockroaches and any other vermin.
- e) Ensure that insecticides and pesticides are stored and used in such a manner so as to avoid any possible contamination of any food and,
- f) Cause every sanitary convenience in the premises;
  - (i) To be provided with adequate water and to be kept clean and in efficient and proper working order-
  - (ii) To be so placed that no offensive odour from there can penetrate into any food- room and,
    - a) Cause every wash hand basin provided for the use of persons engaged in the handling of food in or about the premises to be: -
      - (I) Kept clean and in good working condition and
      - (II) Provided with adequate supply of water, soap and hot air hand-drying facilities, and
      - (III) Used for securing personal cleanliness, and not for any other purposes and
    - b) Cause every room containing a sanitary convenience to be: -
      - (i) Kept clean, and
      - (ii) Provided with a legible notice requesting any person who uses such convenience to wash his hand after using the convenience and
      - (iii) **provided with sanitary bins**
- (i) Cause all refuse to be placed in approved impervious bins with lids and not to be deposited or allowed to accumulate in the food room and
- (j) cause all persons engaged in the handling of food to be clean and dressed in clean light coloured over clothing, head gear and footwear while so employed and
- (k) Keep articles of wearing apparel only in such place as shall be approved for that purpose and,
- (l) provide a first-aid kit and adequate supply of suitable bandages, dressings (including waterproof dressings) and antiseptic for first aid treatment of persons engaged in the handling of food in or about those premises, and such first aid kit shall be kept in a place readily accessible to those persons and
- (m) Ensure that food – room contains only such articles as are necessary for the proper conduct of the activity carried on, or intended to be carried on, in the food

*Storage*

6. No person who sells, prepares, manufactures, keeps, deposits, conveys, handles or exposes for sale any food shall;
- (a) Use for wrapping or containing any open food any paper or other wrapping material which is not clean or which is liable to contaminate such food; or
  - (b) Use any printed material, other than printed material designed exclusively for wrapping or containing food, to come into contact with any food, other than uncooked vegetables or unskinned rabbits or unplucked poultry or

- (c) Use or cause or permit to be used, any crockery, utensils or vessel which is either cracked or chipped or
- (d) Use any vehicle or receptacle for conveying or delivering food unless such vehicle or receptacle: -
  - (i) Is constructed as to protect the food conveyed or delivered therein from contamination or any risk of contamination and
  - (ii) Is in a clean sanitary condition
  - (iii) Bears the name and address of the owner legibly painted on it or affixed to it in a conspicuous position.
- (e) Permit any food to be carried in a vehicle or container with any live animal or live poultry, or
- (f) Permit any food room to be used as a sleeping place or to communicate directly with a sleeping place, or
- (g) Keep in any food-room any animal feed unless it is in a sealed container, or
- (h) Permit any room which contains a sanitary convenience to be used as a food room or to communicate directly with a room used for the handling of food or,
- (i) Permit any live animal or bird to enter or remain in a food-room unless the consent of the Director of Health and Environmental services has been obtained, or
- (j) Use any cracked, chipped or dirty milk bottle, cordial bottle or soft drink container, or
- (k) Sell any food which, in the opinion of the Director of health and Environmental Services or an Environmental Health officer, is unwholesome, adulterated or diseased.

*Cleanliness of food handlers*

7. Every person who is employed in the handling of open food shall be registered by the Council Health Department and Environmental Services and while so engaged shall;

- (a) need a **valid medical certificate** from a medical practitioner before taking up employment and every six months thereafter or after having suffered enteric disorders and;
- (b) Keep clean all parts of his person which are liable to come into contact with the food and;
- (c) Keep clean all parts of his clothing or over clothing which are liable to come into contact with the food and;
- (d) Keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing and;
- (e) Refrain from spitting and;
- (f) Refrain from smoking or using tobacco or snuff while on the premises, and
- (g) Use only an approved apparatus or instrument for handling cooked meats and confectionary and,
- (h) Wear clean and washable over clothing and if employed in carrying unwrapped meat which is liable to come into contact with the head or neck, wear an approved form of clean head- and-neck covering and,
- (i) Take all such steps as may be necessary to protect the food from the risk of contamination.

*Notification of infectious disease in food handlers*

8. Immediately upon a person engaged in the handling of food becoming aware that he is suffering from or is a carrier of typhoid, paratyphoid, cholera, tuberculosis or any other salmonella infection, dysentery, infectious hepatitis or any staphylococcal infection likely to cause food poisoning, he shall **notify his** employer, who shall immediately notify the Environmental Health Officer or by the Executive Officer Housing and Community Services Officer.

Provided that where the person required to give such information is either the employer or is self-employed, he/she shall give the information immediately to the Director of Health and Environmental Services.

### *Powers of Entry and Inspection*

9 Any **authorised council official** may, at all reasonable times, and at any time when business is in progress, enter and inspect any premises and any equipment or any process being carried on therein to which these By-laws apply  
No person shall hinder, obstruct or resist any such official in the exercise of his powers of entry and inspection.

### *Offences and Penalties*

10 Any person who contravenes any provisions of these by-laws shall be guilty of an offence and be liable to a fine not exceeding level 3 or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.