

eThekweni, South Africa

Food

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eThekweni South Africa

Food By-law, 1950

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*[The area of application of this by-law was extended to the whole area of jurisdiction of the eThekweni Municipality by
MN 20 of 2012.]*

1. Definitions

In these By-laws, unless inconsistent with the context—

“**Business**” means any business, undertaking or calling whether required to be licensed or not and whether or not licensed although required by any law to be so licensed and includes any organisation or association of persons engaged in the supply of food to members, employees or the public or any special class thereof for any consideration whatsoever;

[Definition of “Business” inserted by r. 1 (a) of PN 203 of 1969.]

“**City**” means the City of Durban;

“**Communicable Disease**” means any of the diseases mentioned in Schedule B;

“**Council**” means the City Council of Durban;

“**Detergent**” means a substance or compound soluble in water which at a temperature of 50o C will provide complete removal of all types of characteristic soiling materials in a short period of time, will produce a free-rinsing surface, will reduce to a minimum the formation of a film of precipitated mineral

salts and similar substances on the washed surface and will function effectively in waters of varying hardness;

[Definition of “Detergent” amended by r. 1 of [PN 713 of 1970](#).]

“**Dwelling**” means a building or part of a building used or constructed or designed or adapted to be used for residential purposes together with such outbuildings as are ordinarily used therewith;

[Definition of “Dwelling” inserted by r. 1 of [MN 217 of 1993](#).]

“**Food**” means any substance (other than drugs or water but including ice) which is intended or ordinarily used for human consumption, or which enters into, or is used in the composition or preparation of, articles for human consumption;

[Definition of “Food” substituted by [PN 446 of 1959](#).]

“**Food Shop**” means a building or portion of a building used or constructed or adapted to be used for the sale and display of goods in conjunction with a food business, excluding any part thereof used or intended to be used as a food preparation area, scullery, storage area, or changeroom;

[Definition of “Food Shop” inserted by r. 1 of [PN 499 of 1981](#).]

“**Medical Officer of Health**” means the duly appointed Medical Officer of Health of the City and shall include any duly appointed Assistant Medical Officer of Health for the City and any other person from time to time lawfully acting in either such capacities;

“**Owner**” and “**Occupier**” shall have the meanings assigned to them in the Public Health By-laws for the City of Durban, promulgated under [Provincial Notice No. 225 of 1911](#) (as amended);

[Definition of “Owner” and “Occupier” substituted by [PN 255 of 1973](#).]

“**Perishable Food**” means and includes milk, dairy products, meat, dressed poultry, fish and any other article of food which is of such a nature or is in such form or is so packed as to be liable to decomposition or deterioration at ordinary temperatures;

“**Premises**” means any manufactory, shop, store or other building, tent or temporary structure or vehicle and the land upon which the same is situated or which is used in connection with the business carried on therein and includes premises situate outside the City;

[Definition of “Premises” amended by r. 1 (b) of [PN 203 of 1969](#).]

“**Sell**” means sell by wholesale, retail or through the medium of a machine and, in addition to its ordinary meaning, includes offer, advertise, keep, expose, transmit, consign, convey or deliver for sale or authorise, direct or allow a sale or prepare or possess for purposes of sale, and further includes barter or exchange or supply or disposal for any consideration, direct or indirect;

[Definition of “Sell” amended by r. (i) of [PN 29 of 1965](#).]

“**Steriliser**” means a substance soluble or miscible in water which has a germicidal effect;

“**Veterinary Officer**” means a veterinary surgeon in the employ of the Council or any qualified veterinary surgeon acting under the instruction of the Medical Officer of Health;

General

1A. Nondiscrimination

- (1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.
- (2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of these Bylaws which prescribes the wearing

of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and changeroom facilities or prescribes different standards for such facilities.

[R. 1A inserted by r. 7 of [MN 43 of 1992](#).]

2. Authorised officers

The under-mentioned persons are hereby constituted duly authorised officers for the purpose of these By-laws—

The Medical Officer of Health

Any veterinary officer

Any Health Inspector in the employ of the Council

Any other persons specially authorised by resolution of Council to perform the functions of a duly authorised officer under these By-laws.

3. Powers of entry, inspection and examination

Any duly authorised officer may at all reasonable times inspect and examine any food and any premises, plant, machinery, utensils, vessels, receptacles, vehicles and the like from, in or by which food is produced, manufactured, prepared, stored, kept or conveyed and no person shall—

- (i) refuse or without lawful reason fail to give access to any such officer if he requests entrance to or upon any premises; or
- (ii) refuse or without lawful reason fail to give any information lawfully required by such officer; or
- (iii) obstruct or hinder such officer in the execution of any of his duties or the exercise of any of his powers under these By-laws.

4. Compulsory sale of food samples

Any duly authorised officer may require any person to sell to him any sample of food required by such officer for any purpose authorised by these By-laws and any person who shall refuse or without lawful reason fail to sell any such sample to such officer at a reasonable price shall be guilty of an offence.

5. Inspecting and examining depots

The Medical Officer of Health or any authorised office may require, by notice under his hand, any person to bring or deliver any specified article, container or package of food for inspection or examination to a depot established for the purpose and any authorised officer shall have the power to cut into or open any article, container or package of food in connection with such inspection or examination.

6. Detention, seizing and destruction of food

Any authorised officer may restrict or prohibit the sale of and may detain or seize any food or food wrappings or packaging which, in his opinion, is diseased, unsound, unwholesome, contaminated or otherwise unfit for human consumption or use for such time as may be reasonably necessary to obtain the certificate of the Medical Officer of Health thereanent and may authorise the destruction of any such food upon the certificate of the Medical Officer of Health.

[R. 6 substituted by r. 2 of [PN 203 of 1969](#).]

7. Owner's risk

The Medical Officer of Health may, at the owner's risk, permit such treatment as may render the food or food wrappings or packaging referred to in section 6 above fit for human consumption.

[R. 7 substituted by r. 3 of PN 203 of 1969.]

8. Prohibiting sale or supply of food

The Medical Officer of Health shall have power to prohibit, for such period or periods as he may think necessary, the sale or supply of any food—

- (a) from any premises whereon a case of communicable disease has occurred;
- (b) from any source wherefrom food previously supplied is suspected to have been the cause of any case or cases of communicable disease;
- (c) from any vehicle (other than a bicycle) or through the medium of a machine which is not registered or approved in terms of these By-laws, or the use of which has been prohibited in terms of these By-laws or which is in such a condition that the conveyance or storage of food therein or the sale of food therefrom is, in the opinion of the Medical Officer of Health, likely to endanger public health;

[Para. (c) inserted by r. (ii) of PN 29 of 1965.]

- (d) if he is of the opinion that consumption thereof is likely to cause sickness or disease;

[Para. (d) inserted by r. 4 of PN 203 of 1969.]

- (e) if it does not meet with the standards of these By-laws;

[Para. (e) inserted by r. 4 of PN 203 of 1969.]

- (f) at or from any premises whereon the buildings or other circumstances do not meet with the requirements of these By-laws.

[Para. (f) inserted by r. 4 of PN 203 of 1969.]

8bis. Restricting or prohibiting a food business

- (1) Where any person who carries on a business involving the manufacture, preparation, storing, handling, sale or distribution of food, whether required to be licensed or not, has failed to observe the requirements of these By-laws, the Medical Officer of Health may serve notice upon such person requiring him within the time specified therein to discontinue the introduction into or the sale or disposal of food within the City.
- (2) Any person who fails to comply with a notice served on him in terms of subsection (1) hereof shall be guilty of an offence.

[R. 8 bis inserted by r. 5 of PN 203 of 1969.]

9. Offences and penalties

- (1) Any person who—
 - (a) contravenes any provision of these By-laws; or
 - (b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these By-laws; or
 - (c) fails to comply with the terms of any notice served upon him in terms of these By-laws,shall be guilty of an offence and liable, upon conviction, to the maximum penalty prescribed for the offence by section 266 (7) (a) of the Local Authorities Ordinance, No. 25 of 1974.

- (2) Failure to comply with the terms of any condition or notice referred to in subsection (1) (b) or (c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

[R. 9 substituted by [PN 342 of 1966](#) and by [PN 366 of 1983](#).]

10. Repeal of by-laws

- (a) These By-laws shall come into force upon the expiration of thirty days after the date of their promulgation.
- (b) The following By-laws are repealed, with effect as from the date upon which these By-laws shall come into force, namely — Public Health By-laws relating to the Manufacture, Storage and Sale of Food for the Borough of Durban (Provincial Notices Nos. 71 of 1928 and 83 of 1929).

Structure of premises

11. Structure of premises

No person shall carry on business which involves the manufacture, preparation, storing, handling, sale or distribution of food in or upon any premises which do not comply with the following provisions, namely—

- (a) Walls: Materials.—Walls shall be constructed of brick, concrete, or other approved material and the internal surface of such walls shall be well and smoothly finished; provided that in respect of any portion or portions of the premises where food is manufactured or prepared, the internal walls shall, in addition, be suitably covered with tiles or other approved impervious material to a height of not less than 2 m measured from the floor.

[Para. (a) amended by r. 2 (i) of [PN 713 of 1970](#) and by r. 1 (i) of [PN 405 of 1972](#) and by r. (1) of [PN 294 of 1984](#).]

- (b) Floors.—The floor of any portion of the premises used or intended to be used for the manufacture, preparation, storage, handling, sale or distribution of food shall be constructed of concrete or other similar solid and impervious rat-proof material.
- (c) Ceilings.—Ceilings shall be provided of approved material covered with lime or cement plaster or other suitable impervious material finished to a smooth surface and rendered dust-proof.

[Para. (c) substituted by r. 6 (a) of [PN 203 of 1969](#) and amended by r. 1 (ii) of [PN 405 of 1972](#).]

- (d) Lighting and Ventilation.—There shall be provided adequate natural or artificial means of lighting and ventilation in conformity with the requirements of the City Building By-laws and the Factories, Machinery and Building Work Act, 1941.

- (e) Kitchen and Scullery Facilities.

- (i) There shall be provided in connection with every refreshment room, restaurant, eating house or other establishment where food is prepared for consumption on the premises adequate kitchen and scullery facilities. *[Sub-para. (i) amended by r. 1 (iii) of [PN 405 of 1972](#).]*

- (ii) The floor of such kitchen, exclusive of the scullery, shall be calculated on the following basis —

For the first 50 persons accommodated: 0,75 m² per person.

For the next 50 persons accommodated: 0,4 m² per person.

For the next 100 or more persons accommodated: 0,2 m² per person

[Sub-para. (ii) amended by r. 2 (ii) of [PN 713 of 1970](#).]

Provided that subject to the provisions of sub-paragraph (v) hereunder the minimum floor area of any kitchen of an establishment where residential accommodation is provided in connection with the business shall be 27,75 m², and of any other establishment shall be 18,5 m².

[Proviso substituted by r. 6 (b) of [PN 203 of 1969](#) and amended by r. 2 (ii) of [PN 713 of 1970](#).]

- (iii) There shall be provided in connection with every establishment where food is manufactured or prepared for consumption off the premises adequate kitchen and scullery facilities. The minimum floor area, exclusive of the scullery, shall be 37 m² in respect of any baker, pastry cook or confectioner and shall be 18,5 m² in respect of any other establishment.

[Sub-para. (iii) inserted by r. 6 (c) of [PN 203 of 1969](#) and amended by r. 2 (iii) of [PN 713 of 1970](#).]

- (iiibis) The floor area of the scullery, exclusive of the kitchen, shall be not less than one quarter of the floor area of the kitchen.

[Sub-para. (iii) bis. inserted by r. 1 (iv) of [PN 405 of 1972](#).]

- (iv) For the purposes of this By-law where a room or rooms, separate from the kitchen, are provided solely for the manufacture, preparation or handling of food in or upon the premises or upon such other premises within the City which are used in connection with such business, such room or rooms may be regarded as forming part of the kitchen.

[Sub-para. (iv) inserted by r. 6 (c) of [PN 203 of 1969](#).]

- (v) Where the Medical Officer of Health is of the opinion that the nature of the business or the range of type of food to be prepared or handled are such that a lesser floor area will suffice, he may in his sole discretion authorise in writing a reduction of the minimum floor area required by this By-law subject to such conditions as he may deem fit to impose.

[Sub-para. (v) inserted by r. 6 (c) of [PN 203 of 1969](#).]

- (vi) Every kitchen required in terms of this By-law shall have a minimum width of 2,15 m.

[Sub-para. (vi) inserted by r. 1 of [PN 259 of 1976](#).]

- (f) Vermin Proofing.—The premises shall be so constructed as to be fully vermin-proof and, in all respects, in conformity with the standards prescribed in the Regulations regarding the prevention of rodent infestation promulgated under Government Notice No. R.1411 of 1966 or any amendment thereof.

[Para. (f) substituted by r. 1 (v) of [PN 405 of 1972](#).]

- (g) Water Supply.—A pure, ample and convenient water supply shall be laid on to all points requisite for the proper functioning of hygiene and sanitary amenities which supply in respect of premises within the City shall be obtained only from the Council in terms of the Waterworks By-laws.

[Para. (g) amended by r. (d) of [PN 203 of 1969](#).]

- (h) Drain Disconnection.—There shall be no opening or inlet into any drain from any portion of the premises used for the manufacture, preparation, storage, handling, sale or distribution of food and no water closet, privy, urinal or stable shall directly communicate with such portions of the premises.

- (i) Soil and Wastepipes.—No soil pipe shall be conducted through that portion of a building used for the manufacture, preparation, storage, handling, sale or distribution of food otherwise than in accordance with the provisions of the Sewerage By-laws.

[Para. (i) substituted by [PN 237 of 1962](#) and by [PN 200 of 1978](#).]

- (j) Yard Space.—There shall be provided, an adequate yard space, for the storage of refuse receptacles, with access thereto other than through the shop or manufactory.

[Para. (j) substituted by r. 1 (vi) of PN 405 of 1972.]

- (k) Waste and Stormwater Disposal.—There shall be provided effective means of draining and disposal of waste liquids and stormwater.

11A. Food shop

No person shall carry on a business which involves the sale and display of foodstuffs, whether for on consumption or otherwise, within a food shop which has a lesser floor area than 28 m², or a ceiling height less than 2,6 m, or a width less than 3,8 m.

[R. 11A inserted by r. 2 of PN 499 of 1981 and amended by r. (2) of PN 294 of 1984.]

11B. Food kiosk

- (1) No person shall carry on a business which involves the storing or handling in or sale and distribution of foodstuffs from any kiosk, unless—
- (i) such kiosk is situated in a position approved by the City Engineer;
 - (ii) such kiosk has a minimum floor area of 10 m², a minimum height of 2,6 m, and a minimum width of 2,15 m;
 - (iii) sales from such kiosk are restricted to the sale of factory wrapped sweets and ice-cream and factory-prepared liquid refreshments contained in sealed bottles, cans, tins or cartons, or liquid refreshments dispensed in non-returnable single-use containers from factory-filled dispensers, and factory pre-packed cakes, pastries, biscuits, savoury snacks, popcorn and peanuts, or any other articles of food or goods as the Medical Officer of Health may approve in writing where he is of the opinion that no nuisance or danger to health will be created by the sale of such articles or goods, which approval may at any time be withdrawn.
- (2) For the purpose of this section, kiosk shall mean self-contained retail premises from which the vendee is excluded.
- (3) No food kiosk shall be used for the preparation or cooking of food.

[R. 11B inserted by r. 2 of PN 499 of 1981.]

11C.

No person who carries on a business which involves the manufacture, preparation, storing, handling, sale or distribution of food within a food shop, shall keep or cause or permit any mechanical, electronic or electrical contrivance, instrument, apparatus or device as contemplated in Schedule 1, item 1.P.8 (i) of the Licences and Business Hours Ordinance, No. 11 of 1973, to be kept or operated within a food shop or any portion of the premises used for the purpose of such shop unless the following requirements are complied with—

- (a) such contrivances, instruments, apparatus or devices shall be kept and operated solely in a room or area exclusively reserved for that purpose;
- (b) any separate room referred to in sub-by-law (a) above shall comply with the minimum dimensions of a room, and such requirements as to light and ventilation as are prescribed by the Building By-laws;
- (c) any separate area referred to in sub-by-law (a) above shall be physically separated from the remainder of the food shop by means of a wall, constructed in accordance with the provisions of By-law 11 (a), to a height of 1,5m;

- (d) accessible toilet accommodation for patrons as prescribed by By-law 254 of the Building By-laws shall be provided; provided that the Medical Officer of Health may dispense with the requirements of separate urinals for males when considered reasonable in the circumstances, having regard to the health requirements of a particular case;

provided that the floor area of any room or area referred to in (a) above shall be in addition to the minimum floor area required for the food shop in terms of section 11A of these By-laws.

[R. 11C inserted by [PN 67 of 1982](#).]

12. Repair and maintenance of buildings, drains, etc.

The owner shall maintain all buildings, hardened areas, drains, drainage connections and other appurtenances in good order and condition.

13. Painting, etc., of premises

- (a) The owner shall paint, colour-wash, limewash or otherwise suitably renovate any exterior part of the premises owned by him when so required by the Medical Officer of Health.
- (b) The occupier shall paint or otherwise suitably renovate any internal part of the premises occupied by him at least once in every year and at such other times as may be required by the Medical Officer of Health.

[Para. (b) amended by r. (3) of [PN 294 of 1984](#).]

13bis Powers of medical officer of health to relax requirements

- (a) The Medical Officer of Health may in his sole discretion permit any person to carry on business involving the storage, handling, sale or distribution of food, for such period or periods as he may deem necessary, in or upon premises which do not comply in whole or in part with the requirements of sections 11 to 13 inclusive of these By-laws.

[Para. (a) amended by r. (4) of [PN 294 of 1984](#).]

- (b) Any person desirous of obtaining permission in terms of this By-law shall apply in writing to the Medical Officer of Health who may grant, subject to such conditions or restrictions as he may determine, or refuse such permission.

[R. 13 bis inserted by r. 7 of [PN 203 of 1969](#).]

Manufacturing equipment, furniture, fittings and fixtures

14. Manufacturing equipment, furniture, fittings and fixtures

No person shall carry on any business which involves the manufacture, preparation, storing, handling, sale or distribution of food in or upon any premises which do not comply with the following provisions, namely —

- (a) Utensil Sanitation.—Suitable and adequate washing, rinsing and sterilising facilities, which shall comprise sinks, together with the necessary draining board or boards, and be composed of stainless steel or other approved hard, non-absorbent material, shall be installed. The bowl of each of such sinks shall be of a minimum capacity of 0,07 m³ and, when so required by the Medical Officer of Health, there shall also be provided a deep trough or troughs of a minimum capacity of 0,15 m³

[Para. (a) amended by r. 8 (a) of [PN 203 of 1969](#) and by r. 3 of [PN 713 of 1970](#).]

- (b) Hot Water Supply.—A constant and adequate supply of hot water shall be laid on to sink installations and such other points as the Medical Officer of Health may prescribe.

- (c) Furnishings, Fittings and Fixtures.—Furnishing, fixtures and fittings shall be of good sound materials and construction, without crevices or interspaces likely to collect dust or dirt or to favour harbourage or development of rodents, cockroaches or other vermin.
- (d) Refrigeration.—There shall be provided on every premises where perishable foodstuffs are manufactured, prepared, stored, handled, sold or distributed suitable and adequate refrigerated storage accommodation.
- (e) Means for Removal of Fumes.—Suitable and efficient means for the collection, filtration, treatment, conveyance and disposal of fumes resulting from cooking or other process of manufacture or preparation shall be provided in any premises when deemed necessary by the Medical Officer of Health.

[Para. (e) amended by r. 8 (b) of [PN 203 of 1969](#).]

15. Bakers, etc.: mechanical mixing of dough, etc.

No baker, pastry cook or confectioner or other person preparing or making any bread, cakes, biscuits or pastry of whatsoever nature or kind for the purposes of sale shall mix all dough, batter or paste to be used in the preparation or making of such bread, cakes, biscuits or pastry in or by means of proper mixing machines, suitable and adapted for the purpose.

16. Hand-mixing of cream-substitute

No baker, pastry cook or confectioner shall engage or require or allow any other person to be engaged in the manufacture, preparation or handling of cream-substitute unless he or such other person, as the case may be, wears sterilised and protective rubber gloves whilst so engaged.

Food protection, storage and distribution

17. Food protection, storage and distribution

Every person who carries on any business involving the manufacture, preparation, storage, handling, sale or distribution of food shall ensure that in connection with such business—

- (a) Maintenance of Cleanliness.—The premises used for the purposes of such business, including the furnishings, fittings and fixtures, the yard area and outbuildings shall at all times be maintained thoroughly clean and tidy and, as far as practicable, free from rodents, cockroaches and other vermin.
- (b) Cleansing of Utensils, Crockery, etc.—all utensils, crockery or other article used in connection with the manufacture, preparation, handling, cooking, eating and drinking of any food or beverage shall, after each occasion of use, be thoroughly cleansed by means of hot water and detergent and thereafter sterilised in hot water at a temperature of not less than 77°C or, alternatively, in hot water to which an approved chemical steriliser has been added.

[Para. (b) amended by r. 4 (i) of [PN 713 of 1970](#).]

- (c) Cleansing and Sterilising of Containers.—every bottle, jar, tin or other such like container for the packing of any article of food or drink and every cork, stopper or cover in connection therewith is thoroughly cleansed by means of hot water and detergent and thereafter sterilised in hot water at a temperature of not less than 77°C.

[Para. (c) amended by r. 4 (i) of [PN 713 of 1970](#).]

- (d) Condition of Plant, Utensils and Crockery.—all plant, equipment, cooking, eating and other utensils, including crockery, shall be maintained at all times in a sound and hygienic condition, and free of dirt, grime, dust or any extraneous or unclean substance.

[Para. (d) amended by r. 2 of [PN 405 of 1972](#).]

- (e) Diseased Flesh and Carcases of Birds.—no flesh of any animal or the carcase of any bird which has died as the result of accident or disease shall be prepared for sale, stored, kept, exposed for sale or sold for human consumption unless, in the case of an animal or bird which has died as a result of an accident, such flesh or carcase has been examined and passed by the Director, Municipal Abattoir, and Chief Veterinary Officer.
- (f) Storing, etc., of Food.—in respect of the storing, keeping, wrapping and delivery of food—
- (i) there is provided on the premises in which the business is conducted, or elsewhere with the approval of the Medical Officer of Health, a separate storeroom which shall be of a minimum floor area of 16,75 m²; provided that, where the Medical Officer of Health is of the opinion that a lesser floor area will suffice, he may in writing authorise the use of a storeroom of a lesser floor area or such alternate storage facilities;
- [Sub-para. (i) amended by r. 4 (ii) of PN 713 of 1970 and substituted by r. 2 of PN 259 of 1976 and by MN 302 of 1989 and corrected by MN 323 of 1989.]*
- (ii) there are provided proper and sufficient facilities for the keeping or containing of food stored or exposed for sale, or delivered to the business when it is closed, such that the food is thereby—
- (a) rendered inaccessible to cockroaches, rodents and canines, and
- (b) protected from rust or flies or contamination from any other cause;
- [Para. (b) corrected by PN 230 of 1969.]*
- (iii) that at all times all milk, dairy products, meat, dressed poultry, fish, or any other article of food whether frozen, cooked or otherwise, which is of such a nature or in such a form as to be liable to decomposition or deterioration at ordinary temperatures shall be kept either under refrigeration at a temperature not exceeding 7°C or at a temperature not less than 63°C as the case may be.
- [Para. (f) substituted by r. 9 (a) of PN 203 of 1969 and amended by r. 4 (iii) of PN 713 of 1970.]*
- (g) Sawdust, etc., on Floors.—no sawdust or similar material shall be deposited on the floor or any part of the premises.
- [Para. (g) inserted by r. 9 (b) of PN 203 of 1969.]*

17bis.Unsuitable equipment

Any authorised officer may forbid the use of any vessel, utensil, machine, equipment or apparatus used for the manufacture, preparation, storage, handling, sale or distribution of food which, in his opinion, is unsuitable, worn out, rusted, defective, not functioning properly, in such condition that it cannot be rendered clean and sterile or is in such condition that food contained therein is not protected from contamination by dust, vermin or other cause and no person shall thereafter use such vessel, utensil, machine, equipment or apparatus for such purpose without the written authority of the Medical Officer of Health.

[R. 17 bis inserted by r. (iii) of PN 29 of 1965.]

17ter.Unsuitable Containers and Methods.

Any authorised officer may forbid the use of any type or class of bottle, jar, tin, carton, plastic tube or other container for the packing of any article of food or drink, any cork, stopper or cover in connection therewith and any process or method of packing food which, in his opinion, is such that food contained therein or thereby is not protected from contamination by any cause or may be adversely affected thereby

and no person shall thereafter use such container, cover, process or method or type or class thereof for the purpose without the written authority of the Medical Officer of Health.

[R. 17 ter inserted by r. 10 of [PN 203 of 1969](#).]

18.

No person who carries on any business involving the manufacture, preparation, storage, handling or distribution of food shall in connection with such business—

- (a) Protection against Dirt, etc.—handle, convey, transmit, deliver, store or deposit any food or cause or permit any food to be handled, conveyed, transmitted, delivered, stored or deposited unless such food is effectively protected against contamination where there is a reasonable possibility of it becoming contaminated by flies, dirt, dust or any other cause;

[Para. (a) substituted by r. (i) of [PN 663 of 1967](#).]

- (b) Use of Unsound Substances Prohibited.—cause or permit any matter, substance or ingredient which is diseased, unsound, unwholesome or injurious to health to be used in the manufacture or preparation of any article intended for human consumption as food or drink, whether solid or liquid;
- (c) Introduction, etc., of Unsound Food Prohibited.—cause or permit any article of food or drink which is not clean, wholesome, sound and free from any foreign object, disease, infection or contamination to be kept, stored, sold or exposed for sale or introduced into the City for purposes of sale;

[Para. (c) substituted by r. 3 of [PN 499 of 1981](#).]

- (d) Packings and Wrappings to be Clean.—cause or permit any bottle, jar, tin or other container or any paper, cardboard or other material which is not clean and free from any matter or substance which might contaminate or infect food or drink to be used for the packing and wrapping of any article of food or drink;
- (e) Compatible Use.—cause or permit any—
- (i) person to sleep in a food room or a food room to be used as a living or sleeping apartment or to communicate directly or indirectly by door, passage, window or otherwise with any living room or sleeping apartment;

[Sub-para. (i) substituted by r. 3 (i) of [PN 405 of 1972](#).]

- (ii) food to be manufactured, prepared, stored, handled, sold or exposed for sale in a dwelling or other premises (as defined in the Local Authorities [Ordinance No. 25 of 1974](#)) that are not designed, constructed or approved for the manufacture, preparation, storage or exposure of food for sale, without the prior written permission of the Medical Officer of Health;

[Sub-para. (ii) amended by r. 11 (a) of [PN 203 of 1969](#) and substituted by r. (2) of [MN 217 of 1993](#).]

- (iii) food room to be used for any purpose incompatible with the business carried on therein;
- (iv) articles not required in the process of manufacture, preparation, storage, handling or sale of food to be kept or stored in any food room; and
- (v) Live Birds and Animals Prohibited.—live bird or animal to be kept in or adjoining a food room.

[Sub-para. (v) substituted by r. 11 (b) of [PN 203 of 1969](#).]

For the purpose of this By-law, the expression “food room” shall include any room in which food is manufactured, prepared, stored, sold or offered or exposed for sale and any vehicle in which food is conveyed;

- (f) Handling of Foodstuffs.—cause or permit any confectionery, cut cooked meats or other unwrapped ready-to-eat foodstuffs to be handled other than by use of some suitable apparatus or instrument;
- (g) Hanging of Wearing Apparel.—cause or permit any article of wearing apparel to be hung or kept inside any portion of the premises used for manufacturing, preparing, storing, keeping, handling, or exposing food, otherwise than in suitable lockers.

[Para. (g) amended by r. 3 (ii) of [PN 405 of 1972](#).]

18A. Sale in unapproved premises prohibited

[R. 18A inserted by r. 3 of [PN 259 of 1976](#) and deleted by r. (3) of [MN 217 of 1993](#).]

19. Spitting and use of tobacco forbidden

No person shall spit in any premises used for the manufacture, preparation, storage, handling, sale or distribution of food and no person shall, whilst actively engaged in the manufacture, preparation, storage, handling, sale or distribution of food, use tobacco in any form whatsoever.

20. Meat, poultry or fish: vans or vehicles

- (a) Any person conveying or causing to be conveyed any flesh, meat, poultry or fish within the City shall convey or cause to be conveyed such meat, poultry, or fish in a purpose-designed van, vehicle or carrier which shall be constructed of non-absorbent material, be easily cleansed and furnish efficient protection from contamination by dust, flies or any other cause; provided that this section shall not preclude the conveyance of meat, poultry or fish by mode of hand.
- (b) No van, vehicle or carrier aforesaid shall be used for other than the intended purpose and no person shall sit, stand or recline upon any meat, poultry or fish, and the driver of any van or vehicle shall not permit any person to sit, stand or recline upon any meat, poultry or fish being so conveyed.
- (c) No butcher, poulterer or fishmonger shall convey for delivery to or deliver to the purchaser thereof any flesh, meat, dressed poultry or fish unless the first wrapping thereof be of clean grease-proof paper.
- (d) Every van, vehicle or carrier used for the purpose of conveying meat to any butchery or market or any place where the meat is to be stored or to be sold, exposed or offered to the public for sale shall be so designed that all carcasses or parts thereof shall hang from a beam with stainless steel hooks fitted at such a height that, if such carcasses or parts thereof are suspended therefrom, they do not touch the floor of the van, vehicle or carrier; provided that this provision shall not apply to a van, vehicle or carrier which is in use for the aforesaid purpose at the date of promulgation hereof until the 1st October 1972, or until a modification is effected to its body, whichever is the sooner.

[Para. (d) inserted by [PN 599 of 1968](#).]

- (e) Any person conveying or causing to be conveyed any meat in the form of head, trotters, plucks, entrails, offal or the like shall convey or cause to be conveyed such meat in a movable container constructed of impervious material which shall be fitted with a tight fitting lid or be otherwise effectively sealed.

[Para. (e) inserted by r. 12 of [PN 203 of 1969](#).]

20bis Sale of food from a vehicle

- (1) No person shall use any vehicle (other than a bicycle) for the sale of food therefrom except under the written permission of the Medical Officer of Health, which permission the Medical Officer of Health may grant (subject to such conditions or restrictions as he may determine) or refuse; provided that any vehicle which was, prior to the date of promulgation of this section,

duly registered by the Licensing Officer, shall be deemed to have been registered in terms of the provisions of this section.

[Sub-r. (1) amended by para. (a) (i) of PN 268 of 1967 and substituted by r. 4 (i) of PN 405 of 1972.]

- (2) Application for the permission required in terms of sub-section (1) hereof, shall be made to the Medical Officer of Health, on a form obtainable from the Office of the Medical Officer of Health.
- (3) Upon the grant of any such application, the Medical Officer of Health shall issue to the applicant, a certificate of registration which shall be valid—
 - (i) until the 31st December of the year of issue, if the vehicle to which it relates is used or intended to be used for the conveyance of perishable food;
 - (ii) in the case of any other vehicle, until revoked by the Medical Officer of Health in terms of sub-section (10) hereof, unless—
 - (a) a change of ownership in the vehicle to which the certificate of registration relates occurs during the currency thereof in which event the new owner shall apply to the Medical Officer of Health for a new certificate or registration within one month from the date of transfer of such vehicle to him;
 - (b) the vehicle is destroyed or the use thereof for the conveyance of food is discontinued during the currency of the certificate of registration, in which event the certificate of registration shall lapse.
- (4) Applications for the renewal of a certificate of registration to which the provisions of paragraph (i) of sub-section (3) apply, shall be made to the Medical Officer of Health on or before the 15th day of December each year.
- (5) *[Sub-r. (5) deleted by para. (a) (ii) of PN 268 of 1967.]*
- (6) Every vehicle intended for the conveyance of perishable food for sale shall—
 - (i) be designed for the purpose for which it is to be used;
 - (ii) be constructed of non-absorbent material;
 - (iii) have the name and address of the owner of the vehicle and the name of the perishable food contained therein and the address of the premises at which the perishable food conveyed in such vehicle is stored or prepared marked on the vehicle in the manner described in sub-section (8) hereof;
[Sub-para. (iii) amended by r. 4 (ii) of PN 405 of 1972.]
 - (iv) be so constructed that it can be easily cleansed;
 - (v) be provided to the satisfaction of the Medical Officer of Health with protection from contamination by dust, vermin or other cause.
[Sub-r. (6) amended by r. 4 (ii) of PN 405 of 1972.]
- (7) Except with the written consent of the Medical Officer of Health every vehicle intended for the conveyance of perishable food for sale shall—
 - (i) be entirely enclosed;
 - (ii) be lighted by natural means to the satisfaction of the Medical Officer of Health;
 - (iii) be equipped to the satisfaction of the Medical Officer of Health with mechanical air-conditioning; provided that the Medical Officer of Health may waive this requirement if he is satisfied that the vehicle is adequately insulated from the heat of the sun and is provided with sufficient and adequate mechanical fans to cool the interior;

- (iv) be provided with a clean water tank and washing facilities, a water heating unit, a waste water storage tank and such refrigeration and other equipment as the Medical Officer of Health may require;
- (v) be of a size which in the opinion of the Medical Officer of Health is sufficient to accommodate all machinery, equipment, stocks and personnel.

For the purposes of this section perishable food shall be packed in a sealed wrapping or container at the premises referred to in subsection (9) of this By-law, or be sold only through the medium of a fully enclosed, automatic dispensing machine.

[Sub-r. (7) amended by r. 4 (iii) and r. 4 (iv) of [PN 405 of 1972](#).]

- (8) The information required in terms of paragraph (iii) of sub-section (6) hereof shall be conspicuously marked on both sides of the vehicle in a position in which they will not be obstructed from view, in letters at least 50 mm in depth with no stroke less than 5 mm in width of a colour clearly distinguishable from their background, and shall be maintained at all times in a clearly legible condition.

[Sub-r. (8) corrected by [PN 211 of 1965](#) and amended by r. 5 of [PN 713 of 1970](#).]

- (9) The Medical Officer of Health shall in each certificate of registration issued in respect of a vehicle intended for the conveyance of perishable food, specify—
 - (i) the place at which such vehicle is to be kept when not in use, and
 - (ii) the premises at which the perishable food conveyed in and sold from such vehicle is to be prepared.

No vehicle shall, when not in use be kept at a place other than the place so specified and no perishable food shall be conveyed in or sold from the vehicle unless it is prepared at the premises so specified.

- (10) Whenever, in the opinion of the Medical Officer of Health, any vehicle in respect of which a certificate of registration has been issued, ceases to conform to the requirements of this section, or whenever the holder of a certificate fails to comply with the requirements of these By-laws or any conditions or restrictions imposed by the Medical Officer of Health in regard to such vehicle or the sale of food therefrom, the Medical Officer of Health may, after notice to the holder of the certificate of registration, revoke such certificate.

[R. 20 bis inserted by r. (iv) of [PN 29 of 1965](#).]

20ter. Sale of perishable food through the medium of a machine.

- (1) No person shall sell any perishable food through the medium of a machine (hereinafter referred to as a food vending machine)—
 - (i) unless such food vending machine is of a type approved by the Medical Officer of Health and the written authority of the Medical Officer of Health for the installation and use of such food vending machine has been obtained in the manner hereinafter set out;
 - (ii) otherwise than in accordance with the provisions of this section and any condition or restriction imposed by the Medical Officer of Health in approving a food vending machine or its installation and use.
- (2) Application for the approval of a food vending machine shall be made to the Medical Officer of Health and the applicant for such approval shall—
 - (i) furnish the Medical Officer of Health with a description and diagrams of the food vending machine and its component parts and such other information in regard thereto as the Medical Officer of Health may require;

- (ii) state the nature of the perishable food which will be sold through the medium of the food vending machine;
 - (iii) at his cost, carry out such tests as the Medical Officer of Health may require in order to satisfy himself that such food vending machine is suitable of the purpose for which it is intended to be used and is capable of being operated and used without danger to public health.
- (3) Every food vending machine shall—
- (i) be constructed of non-absorbent material;
 - (ii) be so designed that it can be at all times easily cleansed;
 - (iii) have a refrigeration or heating unit, as the case may be, capable of maintaining the temperature specified in section 17 (f) (iii) of these Bylaws and be so designed that if the temperature at any time exceeds or falls short of such temperature, as the case may be, the food vending machine will automatically become inoperative;
- [Sub-para. (iii) amended by r. 6 of PN 713 of 1970 and substituted by r. 5 of PN 405 of 1972.]*
- (iv) be inscribed with an identifying serial number.
- (4) The Medical Officer of Health may grant any application made to him for the approval of a food vending machine, unconditionally or subject to such conditions as he may determine, or he may refuse such application.
- (5) Application for authority to install and use a food vending machine for the sale of perishable food shall be made to the Medical Officer of Health, who may grant such application unconditionally or subject to such conditions as he may determine or refuse such application.
- (6) Where authority for the installation and use of a food vending machine is granted by the Medical Officer of Health, he shall issue to the applicant a written permit which shall contain—
- (i) the name and address of the applicant;
 - (ii) the address of the premises in which the food vending machine is to be installed;
 - (iii) the address of the premises at which the perishable food to be stored in and sold through the medium of the food vending machine is to be prepared;
 - (iv) the conditions, if any, imposed by the Medical Officer of Health in approving the food vending machine or its installation and use.
- (7) Every person to whom a permit is issued in terms of subsection (6) shall have the information referred to in paragraphs (i) and (ii) of the said subsection marked on the food vending machine in the manner described in sub-section (8) of section 20 bis of these By-laws.
- (8) Every permit issued in terms of sub-section (6) of this section shall, unless revoked in terms of sub-section (9) of this section, be valid until the 31st December of the year of issue.
- Applications for the renewal of any such permit shall be made to the Medical Officer of Health on or before the 15th day of December each year.
- (9) Whenever, in the opinion of the Medical Officer of Health, any food vending machine in respect of which a permit has been issued, ceases to conform to the requirements of this section or whenever the holder of such permit fails to comply with the requirements of these By-laws or any conditions or restrictions imposed by the Medical Officer of Health in regard to such food vending machine or its installation and use, the Medical Officer of Health may, after due notice to the holder of such permit, revoke such permit.

[R. 20 ter inserted by r. (iv) of PN 29 of 1965.]

21. Conveyance of foodstuffs on beaches, etc.

Every person who carries on any business involving the manufacture, preparation, storage, handling, sale or distribution of food shall ensure that any food or drink for human consumption conveyed in connection with such business from any premises to or over any beach or other place of public resort shall be covered or otherwise effectively protected against contamination by dust, flies or any other cause whatsoever.

[R. 21 substituted by para. (b) of [PN 268 of 1967](#).]

22. Carcasses on shoulders

Every person who carries or conveys any carcase of meat intended for sale for human consumption shall, whilst so engaged, wear a clean, washable overall, together with a rubberised hood and apron.

23. Bread, cakes, etc.: vans or vehicles

- (a) Any person conveying or causing to be conveyed in the course of business, other than by mode of hand, any food consisting of bread, cakes, pies or biscuits within the City shall convey or cause such food to be conveyed in a van, vehicle or carrier designed for that purpose and so as to ensure that where such conveyance is designed to be loaded and unloaded from an internal passage, any food contained therein is not exposed to contamination by any person entering therein. Such conveyance shall be constructed of non-absorbent material, be easily cleansed and furnish efficient protection from contamination by dust, flies or other cause.
- (b) No person shall enter or be within any portion of any van or vehicle aforesaid other than the driver's cab (which shall include any other portion specially set aside or designed for the seating of persons), except for the purpose of cleansing and repair, unless it is provided with an internal passage which is not used or intended or designed to be used for storing food conveyed in the van.
- (c) It shall be an offence to store or convey food in that portion of the van or vehicle designed, set aside or intended to be used as a loading passage or as a driver's cab as hereinbefore defined.
- (d) The driver shall not permit any person to and no person shall sit, stand or recline upon any food being conveyed therein nor upon any portion of the van or vehicle other than the driver's cab as hereinbefore defined or the internal passage if any, referred to in paragraph (b) hereon.

[R. 23 substituted by [PN 298 of 1954](#) and amended by r. (ii) of [PN 663 of 1967](#).]

24. Vans, etc.: cleanliness and good order

Every person who manufacturers or prepares or conveys food for sale for human consumption shall ensure that every van, vehicle, carrier or thing used in connection with the conveyance of any such food shall be kept thoroughly clean and in good order, repair and appearance and shall not be used for any purpose which may favour contamination or infection of such food.

The Medical Officer of Health may forbid the use of any particular vehicle or carrier which, in his opinion, is unsuitable for the conveyance and delivery of food, and no person shall thereafter use such vehicle or carrier for such purpose without the written authority of the Medical Officer of Health.

25. Personal hygiene facilities: provision and use of

- (1) Every person who carries on any business which involves the manufacture, preparation, storing, handling, sale or distribution of food shall, upon the premises upon which such business is conducted, provide—
 - (a) Facilities for Personnel.—adequate seating accommodation for the use of employees, suitable lockers for the keeping of their clothes and personal effects, reasonably accessible washhand basins connected with a constant and adequate hot and cold water supply in the proportion of at least one washhand basin to each fifteen or part of each fifteen persons of each sex

employed or engaged in such business and an approved change area, separate for the sexes, to the extent of 1 m² of unobstructed floor area for each employee;

[Para. (a) amended by r. 7 of [PN 713 of 1970](#) and substituted by r. 6 of [PN 405 of 1972](#) and substituted by r. (5) of [PN 294 of 1984](#).]

- (b) Wash-hand Basins.—Such additional washhand basins as he may be required by the Medical Officer of Health to provide in positions readily accessible to personnel whilst they are actively engaged in such business;

[Para. (b) previously sub-para. (iii) amended by para. (c) of [PN 499 of 1955](#) and substituted by r. 6 of [PN 405 of 1972](#).]

[(Editorial Note: Wording as per original Provincial Gazette. It is suggested that the word “artively” is intended to be “actively”.)]

- (c) Towels, Soap and Nail Brushes, etc.—an adequate supply of clean towels, nail brushes and soap in conjunction with wash-hand basins; the use of roller towels is prohibited;

[Para. (c) previously sub-para. (iv) amended by para. (c) of [PN 499 of 1955](#).]

- (d) an adequate supply of toilet paper in conjunction with water closets or privies.

[Para. (d) previously sub-para. (v) amended by para. (c) of [PN 499 of 1955](#).]

[Sub-r. (1) previously r. 25 amended by para. (a) of [PN 499 of 1955](#).]

- (2) Overalls and Caps.—Every person who carries on any business of the kind referred to in sub-section (1) shall provide clean and sound overalls or uniforms and caps of light-coloured, washable material for the use of employees, and shall ensure that all employees engaged in the handling of food wear such overalls or uniforms and caps at all times whilst so engaged, and shall maintain such overalls, uniforms and caps in a clean and sound condition.

[Sub-r. (2) inserted by para. (d) of [PN 499 of 1955](#).]

26. Cleanliness of person and wearing apparel

Every person who engages or is engaged in the handling of food shall—

- (a) be clean as to his person and clothing and shall wear clean overalls and a clean cap whilst so engaged and shall wash his hands with soap and shall rinse them with clean water before commencing to handle any food;
- (b) maintain scrupulous cleanliness of hands with finger nails properly trimmed or cut short;
- (c) remove his overall and cap, if any, before entering any water closet or privy; and
- (d) thoroughly wash and scrub his hands with soap and water immediately after each occasion of visiting the toilet;

provided always that for the purposes of this By-law the expression “food” shall not include any food contained in a hermetically sealed container so long as it is so contained.

27. Unclean or verminous persons

If, upon examination, the Medical Officer of Health or any Health Inspector shall find the person or clothing of any person employed in connection with the manufacture, preparation, storage, handling, sale or distribution of food is so unclean or verminous as to be a source of contamination of any food or drink with which he is working, he may order such person and his clothing to be thoroughly cleansed and disinfected and such person shall refrain from engaging in his duties prior to the completion of such cleansing and disinfection.

Housing facilities

28. Housing facilities

Every person who carries on any business involving the manufacture, preparation, storage, handling, sale or distribution of food and who provides housing accommodation for his non-European employees on his premises shall ensure in connection with such housing accommodation facilities such that there is available—

- (a) Sleeping Accommodation.—a dormitory affording not less than 3,7 m² of floor space and 11,3 m³ of air space per person, a bedstead for each person employed, capable of being readily deverminised, a solidly constructed shelf above each bedstead, such shelf being not less than 1,85 m above the floor and such that a space of not less than 75 mm intervenes between the shelf and the wall surface or, alternatively, such that the shelf is fixed into the wall without interspace, and a horizontal metal rail to be fixed not less than 225 mm from the wall surface and not more than 1,2 m above floor level; the use of bunks in tiers shall not be permitted;

[Para.(a) amended by r. 8 of PN 713 of 1970.]

- (b) Mess Room and Kitchen.—where ten or more persons are employed, a mess room and kitchen, having facilities for the storage of food and food utensils and for food utensil sanitation as may be required by the Medical Officer of Health;
- (c) Ablution and Change Rooms.—an ablution room having—
- (i) a constant and adequate hot and cold water supply and drainage; and
 - (ii) suitable facilities for the laundering and storage of clothing.

29. Vermin control, cleansing and occupation

Every person carrying on any business aforesaid shall ensure that all sleeping accommodation used by his non-European employees is kept, as far as possible, free from bugs, cockroaches, rodents and other vermin, is thoroughly cleansed and limewashed at least four times in each year and at such other times as may be required by the Medical Officer of Health, and is used for the accommodation of bona fide employees only or, where married quarters are provided, for the accommodation of the wives or husbands and children of such employees.

Sanitation

30. Sanitation

Every person who carries on any business which involves the manufacture, preparation, storing, handling, sale or distribution of food shall, upon the premises upon which such business is conducted, provide—

- (a) Toilet Facilities.—water closet accommodation for all persons employed therein, in accordance with the requirements of the Building By-laws, or privy accommodation, in accordance with the scale set out in paragraph (b) hereof;

[Para. (a) substituted by r. 7 (i) of PN 405 of 1972.]

- (b) where any employee or employees is or are housed, toilet facilities in accordance with the following scale—

Number of Employees	Bathrooms or Showers	Water Closets or Privies
Not Exceeding 8	1	1
Not Exceeding 17	2	2
Not Exceeding 26	3	3
Not Exceeding 35	4	4
Not Exceeding 45	5	5
Not Exceeding 55	6	6
Not Exceeding 65	7	7
Not Exceeding 80	8	8
Not Exceeding 100	9	9
Not Exceeding 125	10	10

Exceeding 125, one bathroom or shower and one water closet or privy for each 25 employees so employed or housed in excess of 125;

provided always that

- (i) where any persons are employed or housed in premises having more than one floor and the Council's waterborne sewerage system is available thereto, toilet facilities shall be provided on each floor sufficient for the number of persons employed or housed thereon and in accordance with the foregoing requirements, provided further that the provision of toilets on every floor may be waived by the Medical Officer of Health if such facilities are considered by him to be accessible with reasonable convenience;
- (ii) no door or any privy as defined in the Public Health By-laws shall be within 3 m of any door or window of any room in which food for human consumption is manufactured, prepared, stored or handled.

[Proviso substituted by r. 13 (a) of [PN 203 of 1969](#) and amended by r. 9 (i) of [PN 713 of 1970](#) and substituted by r. 7 (ii) of [PN 405 of 1972](#).]

- (c) in respect of premises in which food is consumed on the premises, water closet accommodation and wash-hand basins properly connected with a constant and adequate cold water supply and drainage for the use of patrons, which accommodation and basins shall be situated with reasonable convenience for and readily identifiable by the said patrons, to the satisfaction of the Medical Officer of Health and be provided separately for the sexes on the following scale—
 - (i) Water closets and wash-hand basins for Females: For the first 200 patrons, 1 for every 40 or part thereof; thereafter 1 for every 100 or part thereof;

- (ii) Water closets and wash-hand basins for Males: For the first 250 patrons, 1 for every 125 or part thereof; thereafter 1 for every 250 or part thereof;
- (iii) Urinals: 1 for each 50 males;

[Para. (c) inserted by r. 13 (c) of PN 203 of 1969 and amended by r. 4 of PN 259 of 1976.]

- (d) Refuse Storage.—bins or a bin, constructed of durable non-absorbent material, designed to facilitate easy cleansing, equipped with handles and a close-fitting cover or covers and sufficient for the purpose of storing all refuse pending removal or disposal; the use of non-portable refuse receptacles shall not be permitted;

[Para. (d) previously para. (c) amended by r. 13 (b) of PN 203 of 1969.]

- (e) *[Para. (e) previously para. (d) amended by r. 13 (b) of PN 203 of 1969 and by r. 9 (ii) of PN 713 of 1970 and deleted by r. 7 (iii) of PN 405 of 1972.]*

Health of employees

31. Labour and health record of employees

Any person trading in the sale of food shall—

- (a) keep a correct and up-to-date labour and health record of each of his employees whilst in his employ which shall be in the form set out in Schedule A hereto; such record shall be produced on demand for inspection by the Medical Officer of Health or any authorised officer;
- (b) Sick Employers to be Examined.—forthwith, on becoming aware that any of his employees has suffered from persistent headache for a period of not less than three consecutive days, cause such employee to be examined by a competent medical authority and a diagnosis of his illness, if any, to be made; no such employer shall discharge any such employee until such diagnosis has been made;
- (c) Health Record to be Sent to Registration Office on Discharge.—upon any Native employ leaving his service, forthwith send the health record of such employee kept by him in terms of paragraph (a) hereof to the Registration Office whereat such discharge is registered;
- (d) Communicable Diseases Amongst Employees.—on becoming aware of the occurrence of any communicable disease amongst any of the persons residing or employed at the premises used by him for his business, forthwith notify the Medical Officer of Health and shall comply with the said officer's requirements for preventing the spread of the disease.

32. Medical examination of persons by medical officer of health

The Medical Officer of Health may examine any person resident on any premises used for or any person employed in or about the premises used for the preparation or sale of food for the purpose of ascertaining whether such person is suffering from any communicable disease.

33. Food-handlers suffering from communicable disease

No person trading in the preparation or sale of food shall knowingly allow any person suffering from any communicable disease in any way to take part in the preparation or distribution of food.

34. Food-handlers' obligation to be tested for disease or infection

Any person engaged in any occupation in which in the ordinary course of his duties he handles or comes into contact with food intended for sale and/or human consumption shall, whenever called upon to do so by the Medical Officer of Health or other authorised officer, afford to such officer every facility for

obtaining specimens of his blood, excreta, discharges or other materials as may be necessary for detecting the presence of communicable disease or infection by means of the following tests—

- (a) The Widal and/or urine and/or stool examination test for enteric or typhoid fever.
- (b) The vi-agglutination test for the enteric or typhoid “carrier” state.
- (c) The X-ray and/or sputum examination test for tuberculosis.
- (d) Wasserman test for syphilis.
- (e) Stool examination test for dysentery.
- (f) Swab examination tests for diphtheria, scarlet fever and septic sore throat.

35. Notice to infected persons.

Whenever a written notice in the form prescribed in Schedule C hereto, signed by the Medical Officer of Health, is served upon any person engaged in any occupation of the kind referred to in section [34](#) hereof, notifying him that the Medical Officer of Health believes or suspects that such person is harbouring or excreting or is capable of harbouring or excreting or spreading any infection referred to in section [34](#) hereof, such person shall forthwith cease to engage in any occupation of the kind referred to in section [34](#) hereof, notwithstanding the terms of any contract of employment by which he may be bound, and shall not re-engage in any such occupation until the Medical Officer of Health issues to him a certificate on the form prescribed in Schedule D hereto that it no longer is believed or suspected that he is harbouring or excreting or is capable of harbouring or excreting or spreading such infection.

36. Notice of employers

Copies of the notices and certificates referred to in section [35](#) above shall be delivered to the employer of the person to whom they are addressed, and during such time as any such notice is operative such employer shall not cause or permit him to engage in any occupation of the kind referred to in section [34](#) hereof.

37. Clearance certificate to employee: persons who have suffered from certain diseases

No person who has suffered from enteric or typhoid fever, diphtheria, tuberculosis, venereal disease, scarlet fever, septic sore throat or dysentery shall be employed or re-employed in any occupation involving the handling or preparation of food intended for sale or for human consumption, notwithstanding the terms of any contract of employment by which he may be bound, unless and until he shall have received from the Medical Officer of Health a certificate in the form prescribed in Schedule D hereto.

38. Clearance certificate to employer

No person shall employ or re-employ in any occupation involving the handling or preparation of food intended for sale or for human consumption, notwithstanding the terms of any contract of employment by which such person may be bound, any person who has suffered from any of the diseases mentioned in section [37](#) above, unless and until he shall have received from the Medical Officer of Health a copy of the certificate referred to in section [37](#) above.

39. Food-handlers' immunisation

Every person shall, whenever called upon to do so by the Medical Officer of Health, employ or continue to employ in the production or distribution of food, notwithstanding any contract of employment by which each such person may be bound, only such persons as have been immunised against enteric or typhoid fever and diphtheria and shall produce a current certificate in the form prescribed in Schedule E hereto.

Food standards

40. Quality of food

No person who carries on any business which involves the manufacture, preparation, storage, handling or distribution of food shall in connection with such business convey, transmit, deliver, store or deposit for sale or distribute or cause or permit to be conveyed, transmitted, delivered, stored or deposited for sale or distribution, and no person shall sell, any food which does not conform with the standards prescribed in these By-laws.

[R. 40 inserted by r. 14 of [PN 203 of 1969](#).]

41. Temperature: provision of equipment

Every person who carries on a business which involves the manufacture, storage, handling, sale or distribution of perishable food, whether frozen, cooked or otherwise, shall provide, maintain in good order and use a maximum and minimum thermometer and such other instrument or equipment as may be necessary for determining the efficiency or otherwise of means for ensuring that food is preserved at all times in conformity with the temperatures prescribed in these By-laws.

[R. 41 inserted by r. 14 of [PN 203 of 1969](#).]

42. Prohibition of use or sale of articles likely to contaminate food

No person shall use any device, equipment, container or other article in direct or indirect contact with food for purposes contrary to any provision or object of these By-laws or which could cause such food to become unclean, unwholesome, contaminated or otherwise unfit for human consumption, and no person shall sell any such article in contravention of any notice served on him by an authorised officer.

[R. 42 inserted by r. 14 of [PN 203 of 1969](#).]

43. Standards of prepared food

In the case of manufactured, processed, precooked, prepared or ready-to-consume food—

- (a) no decomposition shall have occurred;
- (b) antibiotics shall not be present; or
- (c) organisms of the genera *Salmonella* and *Shigella*, the species *Vibrio cholerae*, coagulase-positive *Staphylococcus aureus*, any other pathogen and *Escherichia coli* type I shall not be present.

[R. 43 inserted by r. 14 of [PN 203 of 1969](#).]

44. Bacterial standards of water and ice

In the case of water which enters into, or is used in the composition or preparation of food or in the form of frozen confections or other water products, or water to be used for the washing of food containers, or in the case of ice—

- (a) the count of presumptive coliform organisms shall not exceed 2 per 100 millilitres;
- (b) no typical faecal coli shall be present; or
- (c) when tested at 37 degrees Centigrade the total count of viable organisms shall not exceed 100 colonies per millilitre.

[R. 44 inserted by r. 14 of [PN 203 of 1969](#).]

Schedule A**City of Durban****Labour and health record**

Name _____ Employer _____

Address _____ Engaged _____ 19__

as _____ Discharged _____ 19__

Additional information required in respect of Natives.

Surname (Isibongo) _____ Father's Name _____

Service Contract No. _____ Tax Receipt No. _____

Important

This record card, in the event of a Native employee leaving his service, shall be returned by the employer to the Registration Office whereat the discharge is effected.

*Persistent headache for more than three days is to be regarded as suspicious of Enteric or Typhoid Fever such that a doctor must be called in or the patient taken to hospital in order to establish the diagnosis. *Under no circumstances must the employee be discharged before a diagnosis has been established.*

Examination Tests				Sickness Record			
No.	Date	Type	Result	Sickened: Date	Doctor or Hospital	Diagnosis	Date Resumed Work
1.	---	---	---	---	---	---	---
2.	---	---	---	---	---	---	---
3.	---	---	---	---	---	---	---
4.	---	---	---	---	---	---	---
5.	---	---	---	---	---	---	---
6.	---	---	---	---	---	---	---
7.	---	---	---	---	---	---	---
8.	---	---	---	---	---	---	---
9.	---	---	---	---	---	---	---
10.	---	---	---	---	---	---	---
11.	---	---	---	---	---	---	---
12.	---	---	---	---	---	---	---
13.	---	---	---	---	---	---	---
14.	---	---	---	---	---	---	---
15.	---	---	---	---	---	---	---
16.	---	---	---	---	---	---	---

Schedule B

City of Durban

List of communicable diseases

Enteric Fever
Paratyphoid A
Paratyphoid B
Dysentery
Enteritis
Diphtheria
Scarlet Fever
Septic Sore
Throat Venereal
Disease Undulant Fever
Boils

Schedule C

City of Durban

Control of food-handlers

Restriction of employment – food-handlers

To _____

You are hereby notified, in terms of Section No. 35 of the Food By-laws of the City of Durban, that I believe or suspect you to be harbouring or excreting or capable of harbouring or excreting or spreading the infection of _____

I therefore hereby require you forthwith, notwithstanding the terms of any contract of employment by which you may be bound, to cease engaging in any occupation in the ordinary course of which you will handle or come into contact with food intended for sale and/or for human consumption until such time as you have received from me a clearance certificate in the prescribed form.

Date _____

City Medical Officer of Health

Schedule D

City of Durban

Control of food-handlers**Removal of restriction of employment**

To _____

You are hereby notified that you are now no longer believed or suspected to be harbouring or excreting or to be capable of harbouring or excreting or spreading the infection of _____

You are therefore entitled to engage or re-engage in any occupation involving the handling or coming into contact with food.

The certificate No. _____ re Restriction of Employment, Food-handlers, issued to you under date _____ is hereby cancelled and withdrawn.

Date _____

City Medical Officer of Health

Schedule E**City of Durban****Immunisation of food-handlers**

This is to certify that _____ has been immunised against Enteric or Typhoid Fever and Diphtheria.

This certificate will cease to be valid on _____

Date of Immunisation _____

Date _____

City Medical Officer of Health