



Gisborne District Food Hygiene Bylaw 2014



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1. Title

This bylaw may be cited as the Gisborne District Food Hygiene Bylaw 2014.

2. Commencement and Application

2.1 This bylaw shall come into force on the 20th day of September 2014.

2.2 This bylaw applies to the whole of the Gisborne District.

3. Repeals

3.1 The Gisborne District Food Hygiene Bylaw 2008 is hereby repealed.

4. Purpose

4.1 The purpose of this bylaw is to control and regulate food hygiene and food preparation within the District.

5. Interpretation

In this Bylaw, unless the context otherwise requires:

Act	Means the Food Act 1981.
Certificate	Means the National Certificate in Food Safety issued by the New Zealand Qualifications Authority or a certificate deemed to be equivalent by the Regulatory Services Manager.
Certificate of Registration	Means a Certificate of Registration issued under the Health (Registration of Premises) Regulations 1966 by the Council.
Council	Means the Gisborne District Council.
Enforcement Officer	Means any person appointed as an Environmental Health Officer by Council.
Exempted Food Handler	Means any person employed in any food premises who is not involved in the manufacture, preparation or packing of food but does handle already packaged foodstuffs at point of sale or in storage. Exempted Food Handlers may include:- <ul style="list-style-type: none">• Supermarket checkout operators;• Persons employed exclusively in the handling of packaged goods in storage or the carriage of goods to and from storage;• Persons employed exclusively in the delivery of packaged goods to and from food premises;• Any other person employed in a food premises or who works in connection with any food premises who in the opinion of the Chief Environmental Health Officer is an exempted food handler.
Food	Has the same meaning as Section 2 of the Act.
Food Handler	Means any person employed in or on any food premises who at any time may be involved in the manufacture, preparation or packing of food.
Food Premises	Has the same meaning as Clause 2(1) in the Regulations.
Occupier	Has the same meaning as Clause 2(1) of the Regulations.

Act	Means the Food Act 1981.
Partially exempted premises	Has the same meaning as Clause 2(1) of the Regulations.
Readily Perishable Food	Means food of a type and which contain ingredients that are capable of supporting the progressive growth of microbiological organisms that can cause food borne illness.
Regulatory Services Manager	Means any person appointed by Council to that position or any person who undertakes the duties contained in that role.
Registered Premises	Has the same meaning as Clause 2(1) of the regulations.
Regulations	Means the Food Hygiene Regulations 1974.

6. Compulsory Training for Food Handlers

- 6.1 All food premises shall have sufficiently trained food handler staff. Training shall be to the appropriate certificate levels as set out in Appendix A of this bylaw.
- 6.2 It shall be the duty of the occupier or owner of every food premises to ensure that new, temporary, or replacement staff:
- a. are already trained to the appropriate level required by Appendix A; or
 - b. in accordance with clause 6.3 gain the required certificate level within six weeks of taking up employment.
- 6.3 Every food premises shall at all times have at least one person employed in a supervisory and staff training capacity who is trained to the level required by Appendix A (Supervisor).
- 6.4 In the case of a food premises which consists of separate departments or sections, each of which functions more or less in isolation from the others, at least one person shall be appointed to act in a supervisory and staff training position within each department or section.
- 6.5 The occupier or owner of every food premises shall ensure that adequate records are kept relating to staff training under Appendix A and that copies of all certificates gained by staff are both immediately provided to Council and kept on the premises for perusal by any Enforcement Officer upon request.
- 6.6 No person shall be issued with a Certificate of Registration for any food premises unless the premises comply in all respects with this bylaw.

new staff

supervisory and staff training capacity

records of certificates

7. Requisitions

- 7.1 The owner or occupier of any food premises which by reason of their state, situation, construction or disrepair are in a condition whereby food:
- a. may be exposed to contamination; or
 - b. taint; or
 - c. may become dirtied or deteriorated
- shall, on receipt of a notice signed by the Regulatory Services Manager, comply with the directions contained within the notice to cease to use the premises for a period set out in the notice or cleanse or reconstruct or repair the premises within the time specified.
- closure notice*

8. Offences

- 8.1 Every person commits an offence against this bylaw and is liable accordingly under Section 66 of the Health Act 1956, who contravenes or fails to comply with the provisions of Clauses 6 or 7 of this bylaw.
- offences*

9. Penalty

- 9.1 The penalty for any breach of or offence against this bylaw is as set out in Section 66 of the Health Act 1956.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON 18 SEPTEMBER 2014.

_____ **MAYOR**

_____ **CHIEF EXECUTIVE**

APPENDIX A - Staff Training Requirements

FOOD HANDLED	CERTIFICATE LEVEL REQUIRED	
	FOOD HANDLERS	SUPERVISOR
Readily perishable food is prepared on the premises.	I & II	I, II & III
Readily perishable food is handled on the premises but no preparation is involved.	I	I & II
Storage only of prepacked perishable food	Nil	I
No readily perishable food is handled on the premises.	Nil	I
Partly exempted premises with readily perishable food preparation	Nil	I
Partly exempted premises with no readily perishable food preparation	Nil	Nil