



**GISBORNE
DISTRICT COUNCIL**

**Gisborne District
Food Hygiene Bylaw 2008**

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THAT In pursuance and exercise of the powers and authorities vested in it by the Health Act 1956, and each and every other power and authority thereunto enabling it, the Gisborne District Council doth hereby by way of Special Order make this bylaw which shall be called "The Gisborne District Food Hygiene Bylaw 2008".

1. Title

This bylaw may be cited as the Gisborne District Food Hygiene Bylaw 2008.

2. Commencement/Repeals

2.1 This bylaw shall come into force on the 15th day of February 2008 and shall apply to the whole district of Gisborne.

2.2 The following Bylaws are hereby repealed:

Gisborne District Food Premises Bylaw 1990;

The Gisborne District Food Hygiene Bylaw 1996.

3. Application

If this bylaw is applied to any matter which is the subject of express statutory enactment then this bylaw shall not require anything be done which is contrary to:-

- That enactment; or
- Any regulations made under that enactment; or
- Any requirement lawfully made under that enactment.

Provided always that compliance with any such enactment, regulations or requirement is not a defence to any breach of the provisions of this bylaw.

4. Interpretation

In this Bylaw, unless the context otherwise requires:

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| Certificate | Means the National Certificate in Food Safety issued by the New Zealand Qualifications Authority or a certificate deemed to be equivalent by the Chief Environmental Health Officer. |
| Certificate of Registration | Means a Certificate of Registration issued under the Health (Registration of Premises) Regulations 1966 by the Council. |

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| Chief Environmental Health Officer | Means any person appointed by the Council to that position. |
| Council | Means the Gisborne District Council. |
| Environmental Health Officer | Means any person appointed by Council to that position. |
| Exempted Food Handler | <p>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:-</p> <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 | Means any substance which is used in or for food or drink by human beings, and includes flavouring matters and condiments. |
| 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 | <p>Means any premises on or at which food is manufactured, prepared, packed, stored, or handled, or on or from which food is sold or provided together with accommodation or a service, or any stall or mobile shop but excluding:-</p> <ul style="list-style-type: none"> • Any part of a private dwelling house in which food is manufactured, prepared, packed, stored or handled for the purpose of consumption by its residents or their guests and not for the purpose of resale to members of the public. The sale of food from any ship, aircraft or railway train. • The sale of fruit, vegetables or eggs that are produced either on the land on which those premises stand or on land adjacent to the land on which the premises stand or from any occasional flea market. • The occasional sale of food by charitable organisations. • The preparation or handling of food for sale or for the sale of food on a special occasion. • The manufacture or sale of liquor. |

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| Occupier | Means the owner of the food premises or any person or persons, occupying the premises and includes any supervisor, foodhandler, manager or agent acting or apparently acting in the general operation or control of the food premises. |
| Partly exempted premises | Means food premises upon which the only food handling consists of:- <ul style="list-style-type: none"> • The preparation or sale of food incidental to the rendering of any service in consideration of an inclusive charge. The preparation or sale of food, together with accommodation. • The preparation or sale of food only to persons who live, study, work in or attend a hospital, boarding house, residential home or educational or charitable institution or to visitors of those persons. • The sale of food otherwise than for profit from a hospital or charitable institution to persons who are not living, studying, working or attending that institution. • Operation of an eating house not open to the public. |
| 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. |
| Registered Food Premises | Means any food premises that are registered under the Health (Registration of Premises) Regulations 1966 pursuant to Regulation 4 of the Food Hygiene Regulations 1974. |

5. Compulsory Training for Food Handlers

- 5.1 All food premises shall have a complement of food handler staff trained to the appropriate certificate levels as set out in Appendix A of this bylaw.
- 5.2 It shall be the duty of the occupier or owner of every food premises to ensure that new, temporary, or replacement staff are already trained to the appropriate level required by Appendix A or else except as provided for in clause 5.3 gain the required certificate level within six weeks of taking up employment. *new staff*
- 5.3 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). *supervisory and staff training capacity*

- 5.4 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.
- 5.5 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 Environmental Health Officer upon request.
- 5.6 No person shall be issued with a Certificate of Registration for any food premises unless the premises comply in all respects with this bylaw.

records of certificates

6. Requisitions

The owner or occupier of any food premises which by reason of their state, situation, construction or disrepair are in a condition whereby food may be exposed to contamination or taint or may become dirtied or deteriorated shall, on receipt of a notice signed by the Chief Environmental Health Officer requiring him or her so to do, cease to use the premises for a period not exceeding 24 hours at any one time, or cleanse or reconstruct or repair the premises as directed within the time specified in such notice.

closure notice

7. Offences

Every person commits an offence against this bylaw and is liable accordingly under Sections 66 and 137 of the Health Act 1956, who contravenes or fails to comply with the provisions of clauses 5 or 6 of this bylaw.

offences

8. Penalty

The penalty for any breach of or offence against this bylaw 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 24th OF JANUARY 2008.

----- 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 |