

BOROUGH OF FOLKESTONE

BYELAWS

with respect to the handling etc., of food

Town Clerk
Folkestone

BYELAWS

made under section 15 of the Food and Drugs Act 1938, by the Mayor, Aldermen and Burgesses of the Borough of Folkestone acting by the Council for securing the observance of sanitary and cleanly conditions and practices in connection with the handling, wrapping and delivery of food sold or intended for sale for human consumption, and in connection with the sale or exposure for sale in the open air of food intended for human consumption.

PART 1

INTERPRETATION

1. In these byelaws -

"cleanliness" means cleanliness having regard to the nature and packing of the food and the operation being performed and "clean" shall be construed accordingly;

"container" includes any basket, pail, box, tray or other receptacle;

"contamination" includes contamination by odour, and shall be construed as having regard to the nature of the food and any refining process to which the food is normally subjected before sale to a consumer;

"food" means any article sold or intended for sale for use as food or drink for human consumption other than cows' milk, drugs or water, and includes -

- (a) any substance which is intended for use in the composition or preparation of food;
- (b) any flavouring matter or condiment; and
- (c) any colouring matter intended for use in food;

"handling" and "wrapping" include the handling and wrapping, respectively, of food in the course of any operation, including manufacture, processing, preparation, storage, delivery, sale and exposure for sale, in which such food is handled or wrapped;

"milk" includes cream, skimmed milk and separated milk but does not include dried milk or condensed milk;

"reasonably necessary" shall be construed as having regard to the nature and packing of the food, the operation being performed, and any refining process to which the food is normally subjected before sale to a consumer;

"returnable fish container," "returnable ice cream can" and "returnable biscuit tin" mean, respectively, a container in which fish is delivered, a can in which ice cream is delivered, and a tin in which biscuits are delivered by a seller to a buyer upon the terms that the container, the can or the tin, as the case may be, is to be or may be returned to such seller;

"room" includes a shop or cellar or any other part of a building and a shed, store or outbuilding or any part thereof;

"sale and exposure for sale" includes sale as a meal or part of a meal;

"sanitary convenience" includes a watercloset, urinal, earthcloset, privy and any similar convenience;

"stall" includes any stand, mobile canteen, cart, barrow, or any other vehicle whether movable or immovable.

PART II

HANDLING, WRAPPING AND DELIVERY

2. Every person who handles, wraps or delivers any food shall observe cleanliness both in regard to himself and his clothing.
3. No person knowingly suffering from or knowingly being a carrier of any disease shall handle, wrap or deliver any food so as to give rise to any risk of the spread of the disease. A person shall be deemed to have known that he was suffering from or was a carrier of a disease if he could with ordinary care have ascertained the fact.
4. Every person who handles, wraps or delivers, or causes to be handled, wrapped or delivered any food shall -
 - (a) take all such steps as may be reasonably necessary to protect the food from dust, dirt, mud, filth, dirty water, animals, rodents, flies, insects, and other sources of contamination including contamination by other persons, and in particular shall cause the food to be so placed as to prevent risk of contamination from such sources;
 - (b) where it is reasonably necessary during delivery to protect the food from such sources of contamination as are set out in the preceding paragraph, cover and keep covered or cause to be covered and kept covered such food during transit with suitable clean material:

Provided that this paragraph of this byelaw shall not apply to meat (including bacon and ham) in course of transit to any premises from, or from any premises to, a vehicle standing immediately outside the door of the premises;
 - (c) clean or cause to be cleaned as often as may be reasonably necessary to prevent risk of contamination of the food all counters, slabs, fittings, apparatus, stoves and ranges, utensils, crockery and cutlery, and surfaces with which the food is in or is liable to come into contact;
 - (d) keep or cause to be kept clean the interior of every vehicle and every container from which the food is delivered;
 - (e) where the food is handled, wrapped or delivered in a room, in so far as it is necessary to allow any refuse or filth whether solid or liquid to be deposited or to accumulate in the room for the proper carrying on of the trade or business for which the room is used, place or cause to be placed all such refuse or filth in receptacles kept for the purpose.
5. No person who handles, wraps or delivers, or causes to be handled, wrapped or delivered any food shall -
 - (a) use or cause to be used for wrapping or containing the food any paper or other wrapping material or container which is not clean or which is liable to contaminate the food;
 - (b) return or cause to be returned any returnable fish container, returnable ice-cream can or returnable biscuit tin except in a clean condition;

- (c) deposit or cause to be deposited any refuse or filth whether solid or liquid except at a sufficient distance from any food as to prevent risk of contamination of such food;
 - (d) handle or wrap or cause to be handled or wrapped any food unless there is suitable and sufficient lighting, either natural or artificial, to enable him to ensure that these byelaws are complied with;
 - (e) carry or cause to be carried in the course of delivery any food in a vehicle or container along with any article liable to contaminate the food, or with any live animal or poultry, without taking all reasonably necessary precautions to prevent contamination.
6. Every person who carries on a trade or business in which food is handled, wrapped or delivered in a room shall -
- (a) insofar as it is necessary to allow refuse or filth whether solid or liquid to be deposited or to accumulate in the room for the proper carrying on of the trade or business for which the room is used -
 - (i) provide and maintain suitable receptacles for such refuse or filth, such receptacles (a) to be constructed of impervious materials or to be replaced as often as may be necessary to prevent the accumulation of obnoxious matter, (b) to be kept reasonably clean, and (c) where reasonably necessary to have close fitting lids;
 - (ii) cause all such refuse or filth to be permanently removed from the room at least once a day and as often as may be necessary to prevent the contamination of food in the room;
 - (b) provide and maintain in every part of the room suitable and sufficient means of lighting, either natural or artificial, to enable these byelaws to be complied with, except where such lighting is provided and maintained by some other person;
 - (c) cause all surfaces with which the food is in or is liable to come into contact, including such surfaces of counters, slabs, fittings, apparatus, stoves and ranges, utensils, crockery and cutlery, and the interior of vehicles and containers from which the food is delivered, to be of such materials and to be kept in such good order, repair and condition as to prevent as far as is reasonably necessary the absorption of any food, material or refuse which may be spilled, splashed or deposited thereon, or brought into contact therewith, and as to make it possible for such surfaces to be thoroughly cleaned;
 - (d) cause to be affixed and maintained in a prominent and suitable position near every sanitary convenience provided by him for the use of employees in that business a clearly legible notice requesting such employees to wash their hands after using the convenience.

PART III

SALE AND EXPOSURE FOR SALE IN THE OPEN AIR

7. Every person who sells or exposes or causes to be exposed for sale in the open air any food shall -

- (a) take all such steps as may be reasonably necessary to protect the food from dust, direct, mud, filth, dirty water, animals, rodents, flies, insects, and other sources of contamination including contamination by other persons, and in particular shall cause the food to be so placed as to prevent risk of contamination from such sources;
 - (b) clean or cause to be cleaned as often as may be reasonably necessary to prevent risk of contamination of the food all counters, slabs, fittings, apparatus, stoves and ranges, utensils, crockery and cutlery, and surfaces with which such food is in or is liable to come into contact.
8. No person who sells or exposes or causes to be exposed for sale in the open air and food shall -
- (a) deposit or cause to be deposited any refuse or filth whether solid or liquid except at a sufficient distance from any food as to prevent risk of contamination of such food;
 - (b) expose or cause to be exposed such food for sale unless there is suitable and sufficient lighting, either natural or artificial, to enable him to ensure that these byelaws are complied with.
9. Every person who carries on any trade or business in which food is exposed for sale from a stall or container in the open air shall -
- (a) cause every part of the stall and its fittings or the container to be kept in such good order and condition as to prevent as far as is reasonably necessary the absorption of any food, material, or refuse which may be spilled, splashed, deposited thereon or brought into contact therewith, and as to make it possible for such stall and its fittings or such container to be thoroughly cleaned;
 - (b) have his name and address legibly and conspicuously displayed on the stall or container and if he fails to comply with the requirements of this paragraph of this byelaw, shall be liable to a fine not exceeding forty shillings.
10. No person shall use any stall or container in the open air for the exposure for sale of food unless the stall or container is kept clean and in a proper state of repair.

PART IV

PENALTIES

11. Every person who shall offend against any of the foregoing byelaws shall, unless a special penalty is provided by any byelaw, be liable on summary conviction to a fine not exceeding five pounds and in the case of a continuing offence to a further fine not exceeding forty shillings for each day during which the offence continues after conviction therefor.

The Common Seal of the Mayor Alderman and Burgesses of the Borough of Folkestone in the County of Kent was hereunto affixed by order of the Council of the said Borough on the twenty-second day of December, 1949 in the presence of

CHAS. E LISTER
Mayor

C F NICHOLSON
Town Clerk

The foregoing byelaws are hereby confirmed by the Minister of Food this 13th day of February 1950, and shall come into operation on the 19th day of March, 1950. Given under the official seal of the Minister of Food, this 13th day of February 1950.

N R C DOCKERAY
Assistant Secretary