

The Administrator, acting on the advice and with the consent of the Executive Committee, has been pleased, under the authority of Section 270 of the Local Authorities Ordinance 25 of 1974 (Natal), to approve of the subjoined new Bylaws relating to the Manufacture, Storage and Sale of Foodstuffs for the City of Pietermaritzburg and the repeal of the Bylaws relating to the Manufacture, Storage and Sale of Foodstuffs for the said City, published under Provincial Notice N□ 139 of 1958, as subsequently amended, all as adopted by the City Council of the said City at its meeting held on the 13 February 1973:-

CITY OF PIETERMARITZBURG

BYLAWS RELATING TO THE MANUFACTURE, STORAGE  
AND SALE OF FOODSTUFFS

PART I

GENERAL

1. (a) These bylaws shall apply to food or drink manufactured, prepared, conveyed, stored, handled, exposed for sale or sold for human consumption, but not to drugs or water, other than ice, except where these are used as ingredients in the preparation of other articles of food or drink, and any reference herein to food or drink of any kind shall, unless the context otherwise indicates, be deemed to refer to food or drink intended for human consumption.
- (b) In any criminal proceedings under these bylaws, the onus of proving that any article of food or drink, forming the subject of a charge and alleged to have been dealt with in any manner whatsoever in contravention of any provision of these bylaws, was not so dealt with or was not intended for human consumption shall be on the person charged.
2. In these bylaws, unless the context indicates otherwise -
  - (a) the words "food" and "sell" shall have the meanings assigned to them in Section 118 of the Public Health Act, N□ 36 of 1919 and any amendment thereof;
  - (b) "approved" shall mean approved by the Medical Officer of Health;
  - (c) "premises" shall mean premises as defined in the Health Act, N□ 63 of 1977, and in relation to a hawker's business shall include any vehicle used in connection therewith (PN 685/1977).
3. (a) No person shall use or cause or permit to be used in the manufacture or preparation of any article of food or drink, whether solid or liquid, any matter, substance or ingredient which is diseased, unsound, unwholesome or injurious to health.

- (b) No person shall keep, store, sell or expose for sale or introduce into the City for the purpose of sale any article of food or drink which is not clean, wholesome, sound and free from any disease, infection or contamination.
- 4.
- (a) No person shall manufacture, prepare, store, keep, handle, sell or expose for sale any article of food or drink in any room or portion of any premises used as a sleeping apartment or living room or which has any direct communication with any sleeping apartment or living room or with any sanitary convenience, or which is so situated or so constructed that any sanitary convenience, sewer or drain ventilates into it or is so used or kept as to be liable to render any such article contaminated or unwholesome or injurious or dangerous for human consumption.
  - (b) No person shall use or cause or permit to be used as a sleeping apartment, living room, cloak room or change room, any room or portion of any premises in which any article of food or drink is manufactured, prepared, stored, kept, handled, sold or exposed for sale.
  - (c) No person shall manufacture or prepare any article of food or drink for sale for human consumption in any building, unless there is provided for the purpose in such building a room or rooms not less than 15 square metres in extent, and such manufacture or preparation is carried out exclusively in such room or rooms. Such rooms shall comply with the requirements of sub-bylaw (a) of this bylaw and shall have -
    - (i) dust-proof ceilings;
    - (ii) walls tiled or plastered to a smooth finish and coated with a light-coloured impervious and washable paint or other approved impervious material; and
    - (iii) floors of concrete or other hard impermeable material, with a smooth surface capable of easy cleaning, graded and drained to a gully,and no activity other than the said manufacture or preparation shall be carried on in the said rooms except with the written authority of the Medical Officer of Health, which authority shall not be granted unless the Medical Officer of Health is satisfied that the other activity concerned will not be likely to result in the contamination of or otherwise adversely affect the food or drink being manufactured or prepared.
  - (d) For the purpose of sub-bylaw (c) of this bylaw "preparation" shall not include the cutting or slicing of bread and the like for the purpose of sale or the preparation of teas, drinks and the like, usually carried out in connection with the business of a restaurant.
5. No person shall carry on any business or occupation in which any article of food or drink is manufactured, prepared, stored, kept, handled, sold or exposed for sale in any premises which are not provided to the satisfaction of the Medical Officer of Health with -

- (a) (repealed)
- (b) a wholesome supply of running water sufficient at all times for the requirements of the business or occupation and the persons employed therein;
- (c) (repealed)
- (d) wash-hand basins, fitted with a wholesome supply of hot and cold running water and traps and waste pipes in accordance with the Drainage Bylaws;
- (e) washing facilities, fitted with a wholesome supply of hot and cold running water and traps and waste pipes in accordance with the Drainage Bylaws for the cleansing of all equipment;
- (f) change-rooms or cloakrooms to a minimum extent of 0,6 square metres per person for the use of all persons employed on the premises, separately for male and female persons; provided that the provisions of this paragraph shall not apply in any case where less than three persons are employed upon the premises and where suitable steel cupboards for the storage of their clothing has been provided;
- (g) a storeroom of sufficient size, but with a minimum floor area of 10 square metres for all articles of food and drink requiring to be stored in the course of the business or occupation;
- (h) a roofed-over area with an impervious and graded floor, kerbed and drained to a gully, of sufficient size and suitably situated for the accommodation of the number and size of refuse receptacles required to be provided on the premises in terms of the Refuse and Night Soil Removal Bylaws;

and which are not rendered and maintained rodent-proof in the manner prescribed in the regulations prescribed under the Public Health Act by Government Notice N<sup>o</sup> R1411 of the 23 September 1966, or any amendment thereof.

6. The occupier or person in charge of any premises in which any article of food or drink is manufactured, prepared, stored, kept, handled, sold or exposed for sale shall comply with the following requirements:
- (a) He shall keep such premises and all appurtenances thereto at all times in a clean and sanitary condition and free from any dust, dirt, filth, or other noxious matter or thing and free of rodents, cockroaches, bugs, flies and other vermin, and shall cause the premises to be swept daily.
  - (b) He shall cause all refuse receptacles on the premises to be kept in the area provided for them in terms of Bylaw 5 (h) at all times except where otherwise provided by the Refuse and Night Soil Removal Bylaws.
  - (c) He shall not keep or accumulate or permit or cause to be kept or accumulated upon any portion of the premises any matter or thing not required for the conduct

of his business and which is likely to become a source of dust, dirt or contamination.

- (d) He shall not at any time keep or cause or permit any live animal or bird to be kept on the premises.
- (e) He shall not cause or permit any articles of personal clothing not being worn in the conduct of the business or occupation to be kept or hung in any part of the premises other than a cloakroom or changeroom provided in terms of Bylaw 5.
- (f) He shall ensure that every utensil, receptacle, measure, implement, vehicle or other appliance or thing used therein or in connection therewith in the manufacture, preparation, storage, handling, sale, despatch or delivery of any article of food or drink is constructed of such materials and in such a manner as to be easily cleansed and kept clean and shall at all times cause every such utensil, receptacle, measure, implement, vehicle or other appliance or thing to be kept clean and free from any matter or substances which would or might contaminate or infect such food or drink.
- (g) He shall cause every table or counter-top used in connection with the manufacture, preparation or handling of food to be made of smooth non-absorbent material or to be covered with stainless steel, marble, galvanised sheet iron or other impervious and washable material.
- (h) He shall not use or cause or permit to be used any table, counter utensil, receptacle, measure, implement, vehicle or other appliance or thing which is normally used in connection with his business or occupation for any purpose which might contaminate any article of food or drink or render it unwholesome or injurious or dangerous for human consumption.
- (i) He shall not subject or cause or permit to be subjected to unnecessary handling by or contact with the body or clothing of any person any article of food or drink which may be liable to contamination thereby, and he shall provide, and ensure the use of, suitable implements for the handling thereof.
- (j) He shall cause every article of food or drink and any ingredient used in its manufacture or preparation which is of such a nature as to be liable to contamination by contact with flies, vermin, dust, dirt, filth or other noxious matter or thing to be at all times effectively and sufficiently protected from such contamination.
- (k) He shall ensure that such premises are adequately ventilated or otherwise treated at all times when in use to ensure that all noisome or offensive smells, gases, smoke, vapours, dust or other atmospheric impurities generated in the course of any activity carried on therein are as far as practicable effectively removed, destroyed or rendered harmless and inoffensive.
- (l) He shall provide a refrigerator or refrigerating plant for the purpose of preserving any perishable food stored, kept or exposed for sale on such premises.

- (m) He shall ensure that he himself and every person in his employment, while engaged in the manufacture, preparation, storage, handling, sale, despatch or delivery of any article of food or drink, shall be scrupulously clean as to his person and clothing and shall be clothed in clean overalls of approved washable material provided for the purpose.
  - (n) He shall ensure that a supply of soap and clean towels is available at every wash-hand basin.
  - (o) He shall ensure that he himself and every person employed by him in the manufacture, preparation, storage, handling, sale, despatch or delivery of any article of food or drink shall have been immunised against enteric and typhoid fever.
  - (p) He shall ensure that he himself and every person employed by him, whilst engaged in the manufacture, preparation, storage, handling, sale, delivery or despatch of any article of food or drink shall not indulge in the smoking of tobacco in any form (PN 685/1977).
7. No person shall use for the packing or wrapping of any article of food or drink 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 such article.
8. Every person who shall convey or deliver any article of food for the purposes of sale for human consumption shall cause such article to be at all times during such conveyance or delivery to be effectively and completely protected from contamination by flies, dust, dirt or any other noxious matter.

## PART II

### SPECIAL PROVISIONS IN REGARD TO SPECIFIED TRADES

#### A. Manufacture and preparation of Aerated or Mineral Waters and Other Drinks

- 1. In addition to the requirements of Part I of these bylaws, the occupier or person in charge of any premises in which any form of drink intended for sale for human consumption is manufactured or prepared shall comply with the following requirements:-
  - (a) He shall cause the floor of such premises to be washed and cleaned at least once in every day.
  - (b) He shall cause the inner surface of the ceiling of the room or rooms in which the manufacture or preparation takes place to be coated with a light colour impervious and washable paint or other approved impervious

material, and shall cause such ceiling and the walls of such room or rooms to be washed or recoated with such paint or other materials as often as may be necessary to keep them in a clean and sanitary condition.

- (c) He shall cause every bottle, utensil, vessel, implement or appliance and every cork, stopper, cover or loose part thereof used in such manufacture or preparation to be thoroughly cleansed and afterwards sterilised prior to each occasion of use.

B. Manufacture, Storage, Sale and Delivery of Bread and Bakery Products, including Confectionery

- 1. For the purpose of the Bylaws in this section, the following words or expressions shall have the meanings hereby assigned to them:-

"Baker" shall mean any person who carries on the trade or business of manufacturing, preparing or storing any bread or bakery product.

"Bakery" shall mean any premises on which any such trade or business is carried on.

"Bakehouse" shall mean any room or place on such premises in which bread or bakery products are baked or otherwise cooked.

"Bakery Products" shall mean and include bread, cakes, biscuits, pastry, rolls, tarts, pies, sweetmeats and other confectionery.

- 2. In addition to the requirements contained in Part I of these Bylaws, the occupier or person in charge of any premises used or intended to be used as a bakery shall comply with the following requirements:-

- (a) He shall provide on such premises in the bakehouse and the mixing room and, if so required by the Medical Officer of Health, in any other part of such premises, an even floor constructed of concrete or other hard, impermeable material with a smooth surface capable of being easily cleaned.

- (b) He shall cause the yard on such premises or such portion of the yard as the Medical Officer of Health may deem sufficient, to be paved with concrete, asphalt or other hard impermeable material and to be properly and sufficiently drained, so that it may at all times be kept in a clean and sanitary condition.

- (c) (repealed)

- (d) He shall cause the inner surface of the walls in the bakehouse and, if so

required by the Medical Officer of Health, the walls in any other room or place in the bakery, to be plastered with lime or cement plaster brought to a smooth surface.

3. Every person who shall construct a new bakery or a new bakehouse on any existing bakery premises after the date of the promulgation of these Bylaws shall -
  - (a) cause the opening of the oven furnace to be situated outside the bakehouse and at least two metres from the nearest point of any door or window in the bakery;
  - (b) cause the ceiling of the bakehouse and the mixing room and, if so required by the Medical Officer of Health, any other portion of the premises, to be constructed as to be dust-proof;
  - (c) cause the walls of such bakehouse to be at least three metres in height.
  
4. In addition to the requirements contained in Part I of these Bylaws, the occupier or person in charge of any bakery shall comply with the following requirements:-
  - (a) He shall cause every table used in connection with the bakery to be made of non-absorbent material and covered with marble, galvanised sheet iron or other impervious and washable material.
  - (b) He shall cause the floor of the bakehouse and mixing room and every table therein to be thoroughly cleaned after each time of use.
  - (c) He shall cause the inner surface of the ceiling of the bakehouse and mixing rooms to be coated with a light-coloured impervious and washable paint or other approved impervious material and shall cause such ceiling and the walls of the bakehouse and mixing room to be washed or recoated with such paint or other material as often as may be necessary to keep them in a clean and sanitary condition.
  - (d) He shall ensure that he himself and every person in the premises engaged in the manufacture or preparation of any bakery products shall wear a clean washable cap or other covering for the head.

C. Sale and Delivery of Meat, Fish or Poultry

1. For the purpose of the Bylaws in this section the following words shall have the meanings hereby assigned to them:-

"Butcher" means any person who carries on the trade or business of selling the flesh and offal of any animal (hereinafter described as meat) for human consumption.

"Fishmonger" means any person who carries on the trade or business of selling the flesh of any fish for human consumption.

"Poulterer" means any person who carries on the trade or business of selling the flesh of any fowl, duck, goose, turkey or any other domestic or game bird for human consumption.

"Offal" means the head, horns, feet and internal organs of any animal.

2. In addition to the requirements contained in Part I of these Bylaws, the occupier or person in charge of any premises used or intended to be used for the purpose of carrying on the trade or business of a butcher, fishmonger or poulterer shall comply with the following requirements:-

(a) He shall provide on such premises in any room or place in which any meat, fish or poultry is prepared for sale, stored, kept, handled, sold or exposed for sale a floor constructed of concrete or other hard, impermeable material graded and drained to a gulley and with a smooth surface capable of being easily cleaned.

(b) He shall cause the yard in such premises or such portion of the yard as the Medical Officer of Health may deem sufficient, to be paved with concrete, asphalt or other hard impermeable material and to be properly and sufficiently drained, so that it may at all times be kept in a clean and sanitary condition.

(c) (repealed)

(d) He shall cause the inner surface of the walls of any room or place on such premises on which any meat, fish or poultry is prepared for sale, stored, kept, handled, sold or exposed for sale to be plastered with lime or cement plaster brought to a smooth surface or covered with tiles or other approved impervious material to a height of 2,500 metres from the floor.

(e) He shall provide on such premises a yard not less than 4,500 metres in length and 4,500 metres in width to which there is direct vehicular access from an adjoining road or right-of-way on which the loading or unloading of meat, offal, poultry or fish on or from any delivery vehicle shall take place; provided that the Council may in any particular case consent to a yard of different dimensions where it is of the opinion that in the particular circumstances the proposed yard is of a size capable of being used for the above purpose.

Where such yard abuts on the road or right-of-way aforesaid, the width of such yard shall be measured along and not in a direction away from the road or right-of-way boundary of the land.

Nothing herein contained shall require structural alterations to be made to any premises lawfully used for such trade or business at the date of



promulgation of these Bylaws and continuously thereafter, for the purpose of providing such a yard, provided that if a new building is erected on the land the provisions of this Bylaw shall be complied with.

3. In addition to the requirements contained in Part I of these Bylaws, the occupier or person in charge of any premises in which meat, fish or poultry is prepared for sale, stored, kept, handled, sold or exposed for sale shall comply with the following requirements:-
  - (a) He shall cause every table or counter used in connection with such trade or business to be made of non-absorbent material and covered with marble, galvanised sheet iron or other impervious and washable material.
  - (b) He shall cause the floor of every room or place in the premises in which any meat, fish or poultry is prepared for sale, handled, stored, sold or exposed for sale to be thoroughly washed and cleansed every day, and all tables, counters and blocks to be thoroughly cleansed and washed as often as may be necessary to maintain them in a clean and sanitary condition.
  - (c) He shall cause the inner surface of the ceiling of every such room or place to be coated with a light coloured impervious and washable paint or other approved impervious material, and shall cause such ceiling and the walls of such rooms or places to be washed or recoated with such paint or other material as often as may be necessary to keep them in a clean and sanitary condition.
4. No person shall prepare for sale, store, keep, expose for sale or sell for human consumption the flesh of any animal or the carcass of any bird which has died as the result of accident or disease unless, in the case of accident, such flesh or carcass has been examined and passed by the Medical Officer of Health or any health inspector as fit for human consumption.
5. No person shall -
  - (a) in the process of loading, unloading, transporting, handling or cleaning fish, cause or permit any liquid or drippings therefrom to escape on to any road, pavement, or yard adjoining the pavement or other approaches to a fishmonger's, fish frier's shop or store;
  - (b) store on his premises any boxes for the purpose of transporting fish in such a manner as to be a nuisance or offensive or injurious to health or store, keep or accumulate in the shop, any article, thing or matter not required for the proper conduct of the business which is calculated to cause a nuisance if so stored, kept or accumulated.
6. No person shall clean, scale, fillet or debone fish in or upon any premises upon

which any other business or occupation is carried on except in an area provided solely for such purpose and having a floor area of not less than nine square metres separated by a partition of impervious material from the remainder of the premises and provided with sealing boxes made of an impervious material and a sink, with impervious draining board, fitted with hot and cold running water and properly drained, all to the satisfaction of the Medical Officer of Health.

7. No butcher or fishmonger shall cause, permit or suffer any live animal or bird to be kept in any room or place in which meat or fish is kept, sold or exposed for sale.
8. No butcher or poulterer shall sell or cause or permit to be sold any unclean intestinal offal. For the purposes of this bylaw unclean intestinal offal shall mean any intestinal offal which has not been scraped and washed (PN 685/1977).

D. Manufacture and Sale of Milk Products

1. For the purpose of the bylaws in this section "Milk Products" shall mean any product of milk and includes ice-cream and any similar substance containing milk or cream.
2. In addition to the requirements contained in Part I of these Bylaws, the occupier or person in charge of any premises used or intended to be used for the manufacture, preparation, storing, handling or sale of any milk product shall comply with the following requirements:-
  - (a) He shall provide on such premises in any room or place in which such product is manufactured, prepared, handled, stored or sold a floor constructed of concrete or other impermeable material graded and drained to a gulley and with a smooth surface capable of being easily cleaned.
  - (b) (repealed)
  - (c) He shall cause the yard on such premises or such portion of the yard as the Medical Officer of Health may deem sufficient, to be paved with concrete, asphalt or other hard impermeable material and to be properly and sufficiently drained, so that it may at all times be kept in a clean and sanitary condition.
3. In addition to the requirements contained in Part I of these Bylaws, the occupier or person in charge of any premises on which any milk product is manufactured, prepared, handled, stored, exposed for sale or sold shall comply with the following requirements:-

- (a) He shall cause all tables and benches used in connection with such trade or business to be made of non-absorbent material and covered with marble, galvanised sheet iron or other impervious and washable material.
- (b) He shall cause the floor of any room and all tables and benches used in connection with such trade or business to be cleansed of all scraps and to be thoroughly washed after each time of use.
- (c) He shall cause the inner surface of the ceiling of every portion of the premises in which milk products are manufactured or prepared to be coated with a light coloured impervious and washable paint or other approved material and shall cause such ceiling and the walls of the said portion of the premises to be washed or recoated with such paint or other material as often as may be necessary to keep them in a clean and sanitary condition.
- (d) He shall provide suitable apparatus to the satisfaction of the Medical Officer of Health for the sterilising by boiling, steaming or the use of an approved chlorine preparation of all utensils, vessels, receptacles, implements, appliances or other things used in the manufacture, preparation, handling, storing or sale of any milk product.
- (e) He shall cause every utensil, vessel, receptacle, implement, appliance or other thing used in the manufacture, preparation, handling, storing or sale of any milk product to be thoroughly cleansed and afterwards sterilised prior to each occasion of use.
- (f) He shall not use for the packing or wrapping of any milk product intended for sale any wrapper or receptacle of paper, cardboard or other material which is not clean or has previously been used.
- (g) He shall ensure that he himself and every other person engaged upon the premises in the manufacture or preparation of any milk product shall wear a clean washable cap or other covering for the head.

E. Refreshment Rooms

1. For the purpose of the Bylaws in this section "Refreshment Room" shall mean any shop or premises in which food or refreshment is supplied for consumption on or off the premises and shall include a public restaurant, tea room, café, milk bar or soda fountain, and except where the context indicates otherwise shall include an eating house for Bantu.
2. In addition to the requirements contained in Part I of these Bylaws, the occupier or person in charge of any premises used or intended to be used as a refreshment room shall comply with the following requirements:-
  - (a) He shall provide on such premises for the purposes of cooking and the preparation of food or drink an area which shall comply with the following requirements:-

- (i) It shall, except in the case of a milk bar or soda fountain or where otherwise specially authorised by the Council, be separate from the area in which the food or refreshment is supplied for consumption.
  - (ii) It shall have a floor area of not less than 20 square metres or, if food or drink is cooked or prepared for consumption off as well as on the premises, 30 square metres, or an area to be calculated as follows, whichever is the greater:-  
  
For the first 50 customers to be accommodated: 0,800 square metres per person;  
  
For the next 50 customers: 0,400 square metres per person;  
  
For any number of customers above 100: 0,200 square metres per person.
  - (iii) Except where glazed or glass bricks or glazed tiles are used, the inside walls of such room shall be plastered with cement plaster and the surface brought up to a smooth finish and coated with a light-coloured impervious washable paint or other approved material.
  - (iv) Such room shall be provided with efficient and suitably placed double compartment wash-up sinks with draining boards composed of any approved impervious material, or other wash-up facilities approved by the Medical Officer of Health, for the proper washing and cleaning of utensils and apparatus used in the conduct of the business.
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- (b) He shall provide in connection therewith a proper, sufficient and wholesome supply of hot and cold running water for culinary and dietetic purposes.
  - (c) (repealed)
  - (d) He shall ensure that no portion of such premises communicates directly by opening with any dwelling, closet or urinal.
  - (e) He shall provide an exclusive area of at least 22,5 square metres, with walls and floors of a finish approved by the Medical Officer of Health and dust-proof ceiling for the consumption of food on the premises.
  - (f) He shall keep all crockery, cutlery and linen used in connection with such refreshment room business in a thoroughly clean and hygienic condition.

- (g) He shall cause the yard in such premises or such portion of the yard as the Medical Officer of Health may deem sufficient to be paved with concrete, asphalt or other hard, impermeable material and to be properly and sufficiently drained so that it may at all times be kept in a clean and sanitary condition.
  - (h) He shall ensure that he himself and every person in his employment, while engaged in the manufacture or preparation of foodstuffs, shall wear a washable cap or other covering for the head.
- 3. No person carrying on the business of a refreshment room shall use or cause or permit to be used any crockery which is cracked or chipped.
  - 4. Every person employed in a refreshment room shall, before engaging in his work and after any break therein liable to cause contamination of his hands, wash his hands with soap and water, unless such work does not involve the handling of foodstuffs.
  - 5. (Deleted)
  - 6. No person who carries on business in any premises as a refreshment room keeper shall on the same premises carry on or conduct the trade, business or occupation of a barber and/or hairdresser unless there is no direct means of access between the portions of the premises in which the two businesses are respectively carried on.

F. Hotels, Boarding and Lodging Houses

- 1. For the purpose of the Bylaws in this section "Hotel" and "Boarding and Lodging House" shall mean any premises where boarding or lodging are provided for gain to more than three persons.
- 2. In addition to the requirements of Part I of these Bylaws, the occupier or person in charge of any premises used or intended to be used as an hotel or boarding or lodging house shall comply with the following requirements:-
  - (a) He shall provide on such premises for the purposes of cooking or the preparation of food or drink a room or area which shall comply with the following requirements:-
    - (i) It shall have an area, exclusive of the scullery, not less than 20

square metres or an area to be calculated as follows, whichever is the greater -

For the first 50 persons accommodated -  
0,8 square metres per person;

For the next 50 persons accommodated -  
0,4 square metres per person;

For any number of persons above 100 -  
0,2 square metres per person.

- (ii) It shall be provided with a scullery not less than 5 square metres in extent, including efficient and suitably placed double compartment wash-up sinks with draining boards of an impervious material or other equally efficient wash-up facilities as may be approved by the Medical Officer of Health, and with ceiling, walls and floor complying with the requirements of bylaws 4(c)(i), (ii) and (iii) of Part I of these bylaws.
- (b) He shall provide, in addition to the number of refuse receptacles required by the Refuse and Night Soil Removal Bylaws, a covered receptacle to contain refuse in the kitchen pending removal to the refuse receptacle in the yard.
- (c) He shall ensure that there is laid on a proper, sufficient and wholesome supply of hot and cold running water, free from liability to pollution, for the dietetic, culinary and lavatory requirements of residents and staff.
- (d) (repealed)
- (e) In the case of non-resident employees he shall provide separate change rooms for the different sexes and for Whites and Non-Whites, furnished with an adequate number of wash-hand basins, fitted with a proper, sufficient and wholesome supply of hot and cold running water, properly trapped and fitted with waste-pipes in accordance with the Drainage Bylaws.
- (f) (repealed)
- (g) He shall provide, in the case of premises licensed to accommodate ten or more residents, a suitable lounge additional to the dining room.
- (h) He shall cause the yard in such premises or such portion of the yard as the Medical Officer of Health may deem sufficient to be paved with concrete, asphalt or other hard, impermeable material and to be properly and sufficiently drained, so that it may at all times be kept in a clean and sanitary condition.

- (i) He shall keep and maintain the whole of the premises at all times in a thoroughly clean and sanitary condition and free from cockroaches, bugs or other vermin.
  - (j) He shall keep the furniture, linen, utensils, cutlery, crockery and all equipment in a clean state and proper condition and shall ensure a sufficient supply to meet the requirements of the business.
  - (k) He shall provide and supply only sound and wholesome food.
  - (l) He shall cause every table used in the kitchen or pantry to be made of non-absorbent material or with a top of stainless steel, marble, galvanised sheet iron or other impervious and washable material.
  - (m) (repealed)
  - (n) He shall ensure that he himself and every person employed by him on the premises while engaged in the manufacture or preparation of any foodstuff shall wear a washable cap or other covering for the head.
3. No kitchen, dining-room, breakfast-room, supper-room, store-room or eating room, shall at any time be used as a bedroom or for sleeping accommodation.
4. No person carrying on the business of an hotel keeper or boarding house and lodging house keeper shall -
- (a) use or cause or permit to be used any crockery which is cracked or chipped;
  - (b) provide or cause or permit to be provided bedding, blankets, bed linen or towels which are not clean;
  - (c) provide or cause or permit to be provided to any person, bed linen or towels which have not been thoroughly washed after use by some other person;
  - (d) have linen, towels, blankets and clothes washed or cause or permit such to be washed elsewhere than in a licensed laundry or upon his premises if facilities are provided thereon for laundry work in compliance with the requirements laid down for licensed laundries.
5. Every person employed in an hotel or boarding and lodging house, in the handling of foodstuffs or clean bedding or towels, shall, before engaging in his work and after any break therein liable to result in contamination of his hands,

thoroughly cleanse his hands with soap and water.

G. Inspection of Food and Persons handling Food and their Clothing

1. The Medical Officer of Health or any Health Inspector, or other duly authorised officer of the Council may, at any reasonable time and as often as he may deem necessary, enter any premises on which any article of food or drink is manufactured, prepared, stored, kept, handled, exposed for sale or sold for the purpose of inspecting and examining -
  - (a) any article of food or drink on such premises;
  - (b) any ingredient used on such premises in the manufacture or preparation of any article of food or drink;
  - (c) any machinery, utensil, vessel, receptacle, implement, appliance or other thing by means of or in which any food or drink intended for sale for human consumption is manufactured, prepared, stored or kept or any vehicle or the like in which any such food is conveyed or delivered;
  - (d) the premises themselves.
2. The Medical Officer of Health or any Health Inspector, or other duly authorised officer of the Council may demand, on tender of payment therefor, from the occupier or person in charge of any premises on which any article of food or drink is manufactured, prepared, stored, kept, handled, sold or exposed for sale a sample or samples of any such article of food or drink.
3. The Medical Officer of Health or any Health Inspector, or other duly authorised officer of the Council may, on making an inspection or examination of any article of food or drink on any premises, cut into or open any article, container or package of food or drink.
4. If, after inspection and examination, it appears to any such Health Inspector, or other duly authorised officer of the Council that any such article of food or drink or sample thereof is diseased, unsound, unwholesome or otherwise unfit for human consumption, he may seize and take possession of such article, and may prohibit the occupier or person in possession or in charge of such article from selling or disposing of any article of food or drink then upon his premises and of the same nature as that seized for a reasonable time to allow of the examination of such article by the Medical Officer of Health.



5. If, after examination, the Medical Officer of Health is satisfied that any such article of food or drink is so diseased or unsound or unwholesome that it is unfit for human consumption, he may order such article to be destroyed, and may order all articles of food or drink of the same nature found on such premises to be seized and examined, and if, after examination, all or any of such articles of food or drink are found to be unfit for human consumption, he may by a certificate under his hand order them to be destroyed; provided that the Medical Officer of Health may, in place of ordering any article of food or drink to be destroyed under this bylaw, permit such treatment, at the owner's risk, as may render such article fit for human consumption.
6. No person suffering from any form of venereal disease or of tuberculosis or from any infectious or contagious disease or who has been in contact with any person so suffering and has not been thoroughly disinfected thereafter, and no person having a discharging or septic ulcer, sore or wound or whose person and clothing is not in a clean condition, shall take any part or assist in any way nor shall any person who is the proprietor or person in charge of the business permit any such person to take any part or assist in any way in the manufacture, preparation, storing, keeping, handling, sale, despatch or delivery of any article of food or drink.
7. The occupier or person in charge of any premises on which any article of food or drink is manufactured, prepared, stored, kept, handled, exposed for sale or sold shall immediately report to the Medical Officer of Health or Health Inspector any case or outbreak of disease amongst his employees which he has reason to believe may be infectious or contagious.
8. The Medical Officer of Health or Health Inspector may at any reasonable time enter upon any premises on which any article of food or drink is manufactured, prepared, stored, kept, handled, exposed for sale or sold and may examine any person employed on such premises or he may require any such person to present himself for examination at a specified time and place, with a view to ascertaining whether such person is suffering from any form of disease specified in bylaw 6 of this section, and he may also, at such times and places, examine the clothing of any such person.
9. If, upon examination, the Medical Officer of Health shall find that any person employed as aforesaid is suffering from any disease specified in bylaw 6 of this section, he may prohibit such person, by written notice, from continuing in his employment for such time as may be specified in the notice.
10. If, upon examination, the Medical Officer of Health shall find that the person or clothing of any person employed as aforesaid is so unclean or verminous as to be

a source of contamination of any article of food or drink with which he is working, he may order that such person shall refrain from engaging in his duties until his person and clothing have been thoroughly cleaned and disinfected to his satisfaction.

11. No person shall -

- (a) refuse access to any premises, of which he is the occupier or in charge, by the Medical Officer of Health or any Health Inspector, or other authorised officer of the Council acting under the authority of these bylaws; or
- (b) refuse or neglect to comply with any lawful order or requirement of any such officer under these bylaws; or
- (c) refuse or neglect to give any information lawfully required by any such officer, if he is able to give it; or
- (d) wilfully give any false information in response to any such enquiry; or
- (e) refuse or neglect to submit himself or his clothing to medical examination when so required; or
- (f) refuse to sell to any authorised officer any sample required by such officer under bylaw 2 of this section.

11A. The provisions of Sections E and F of this part notwithstanding, if the Medical Officer of Health is of the opinion that the nature of any business or the range or type or volume of food to be prepared or handled or consumed are such that a lesser floor area than the minimum applicable area prescribed in these bylaws will suffice, he may in his sole discretion but subject to the provisions of the Health Act, 1977 (Act 63 of 1977) authorise in writing a reduction of such minimum floor area, subject to such conditions as he may see fit to impose for the prevention of conditions which may constitute a health hazard.

PART III

PENALTY

- 12. (1) Any person who contravenes any provision of these bylaws shall be guilty of an offence.
- (2) Any person convicted of any offence under these bylaws shall be liable to

a fine not exceeding five hundred rand in the case of a first conviction or, in the case of a second or subsequent conviction for the same offence, to a fine not exceeding one thousand rand, or, in default of payment of any fine imposed in either case, to imprisonment for a period not exceeding three months; provided that in the case of a continuing offence, a fine not exceeding fifty rand for each day upon which the contravention continued may be imposed, but no such fine shall in any one prosecution or within any one month exceed one thousand rand.