

## **WESTERN PROVINCE BAKERY AND KITCHEN ORDINANCE 1990**

[Consolidation: This is a consolidation of the principal Ordinance and amendments or intended amendments as at 1 October 1995. Errors in spelling or grammar or omissions of words in the Gazetted Ordinance have been corrected in this Consolidation. This is not an authorised version of the Ordinance.

The principal Ordinance came into effect on 3/8/90 upon, Gazetted under UN 103/90.

The enactments consolidated are:

WP Bakery and Kitchen Ordinance 1990.]

**AN ORDINANCE** To regulate bakery and kitchen premises and their operation for health purposes

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## **PART I PRELIMINARY**

**1. Title and Commencement** - This Ordinance shall be cited as the Western Province Bakery and Kitchen Ordinance 1990 and shall come into effect upon receiving the approval of the Minister in accordance with Section 32 of the Provincial Government Act 1981 and upon publication in the Solomon Islands Gazette.

**2. Interpretation** - In this Ordinance except where the context requires otherwise:

Assembly' means the Western Provincial Assembly established in accordance with Section 7 of the Provincial Government Act 1981.

"Bakery" means any premises or part of premises in which any of the processes of or incidental to baking, cooking or making bakery products for sale is carried on including any premises or part of premises used for the storage of bakery products or their ingredients.

"Bakery products" means any products made, baked or cooked using flour as an ingredient including but not limited to bread, donuts, ring cakes, roti, biscuits, rolls, buns, scones, pastry, tarts, cakes, pies and confectionery.

"Executive" means the Western Provincial Executive established in accordance with Sections 21 and 22 of the Provincial Government Act 1981.

"Health Inspector" means any Health Inspector appointed in accordance with the Public Health Act or the Environmental Health Act or any Act passed in amendment or substitution thereof.

"Health Officer" includes an\ medical officer, doctor, registered nurse, nurse aid, Health Inspector and any other person the Executive appoints or authorises to administer and enforce this Ordinance

"Kitchen" means any premises or part of premises in which any food is stored or prepared or cooked for sale as cooked food.

"Person" means any person, persons, company, public body, association, co-operative and any other body of persons

"Premises" means any building or part of a building together with the land on which the same is situated and any adjoining land used in connection therewith.

"Rural areas" means any part of Western Province outside of the townships of Western Province.

"Sale" means and includes sale, barter, offer or attempt to sell or receive for sale or have in possession for sale or expose for sale or cause or suffer or allow to be sold, offered or exposed for sale.

"Township" means the area of land designated as town land by order of the Commissioner of Lands pursuant to section 125(4) of the Land and Titles Act.

## **PART II**

### **BAKERIES AND KITCHENS IN TOWNSHIPS**

3. Building standards and requirements All Bakery and Kitchen premises in townships must comply with the following standards and requirements, subject only to Section 4 hereof:

- (a) A Bakery or Kitchen must be either a separate building or part of a building which is separate from any living or sleeping accommodation.
- (b) A Bakery or Kitchen must only be used as a Bakery or Kitchen and for no other purpose.
- (c) A Bakery or Kitchen must be constructed of permanent materials.
- (d) The walls of a Bakery or Kitchen from floor to ceiling must not be less than 8 feet.

- (e) The floor of a Bakery or Kitchen must be cement, concrete, granolithic, or other similar non absorbent material or other material if adequately covered by a smooth non absorbent material.
- (f) The walls and ceilings of a Bakery or Kitchen must be painted in a light colour.
- (g) The Bakery or Kitchen must be adequately lighted and ventilated.
- (h) The windows of a Bakery or Kitchen must be fined with fly proof screens.
- (i) The doors of a Bakery or Kitchen must be self closing spring doors.
- (j) A Bakery or Kitchen must be effectively proofed against animals, rodents, cockroaches and all vermin.
- (k) Nor door or window of a Bakery or Kitchen is to open directly on to any toilet or latrine or waste disposal area or rubbish dump.
- (l) An opening to an oven furnace in a Bakery or Kitchen must be 6 feet from the nearest door or window. A furnace must be situated outside of the Bakery or Kitchen.
- (m) An oven in, a Bakery or Kitchen must be constructed of brick, metal, reinforced concrete block or other materials approved by a Health Officer.
- (n) The working surfaces and table tops in a Bakery or Kitchen must have smooth surfaces.
- (o) A Bakery or Kitchen must have a good supply of water and a sink.
- (p) A Bakery or Kitchen must have a refuse bin with a tight fitting lid.
- (q) A notice prohibiting smoking, chewing of betel nut, chewing of tobacco and chewing of chewing gum must be displayed in a Bakery or Kitchen,
- (r) A Bakery or Kitchen must provide safe and appropriate storage for all ingredients, bakery products and cooked food.
- (s) A Bakery or Kitchen must have safe and durable equipment and utensils in a good state of repair.
- (t) All soil and waste water fittings must be connected to a drainage system approved by a Health Officer.
- (u) Bakery or Kitchen premises including but not limited to floors, walls,

ceilings, windows, fly screens, doors, yards, buildings, toilets or latrines and wash places must be maintained in a good state of repair.

**4. Exemptions-** (1) A Health Inspector may in his or her absolute discretion exempt the owner or operator of a Bakery or Kitchen it, a township from one or more of the building standards and requirements listed in Section 3 if the Health Inspector is satisfied that such all exemption will not, or is not likely to, give rise to a health or safety risk.

(2) An exemption granted by a Health Inspector may be subsequently revoked by a Health Inspector if he or she in his or her absolute discretion considers that the exemption is resulting in a risk to health or safety.

(3) No compensation or damages are payable to an owner Or operator of a Bakery or Kitchen it, respect of the revocation of an exemption.

**5. Health Certificate** (1) The owner or operator of a Bakery or Kitchen In a township must obtain each year a Health Certificate certifying that the Bakery or Kitchen premises are in compliance with Section 3 and that the Rules of Hygiene set out in Part IV of this Ordinance arc being followed,

(2) A Health Certificate must be in the form annexed hereto as Schedule A.

(3) The Health Certificate must be displayed in a visible and conspicuous place in a Bakery or Kitchen.

(3) A valid Health Certificate must be in forte when an owner or operator of a Bakery or Kitchen applies for a Western Province Business Licence or renewal of a Business Licence in accordance with the Western Province Business Licence Ordinance 1989.

### **PART III BAKERIES AND KITCHENS IN RURAL AREAS**

**6. Building standards and• requirements** - All Bakery and Kitchen premises in rural areas must comply with the following building standards mid requirements

(a) A Bakery or kitchen must be either a separate building or part of a building which is separate from any living or sleeping accommodation.

(b) A Bakery or Kitchen must only he used as a Bakery or Kitchen mid for no other purpose.

(c) A Bakery or Kitchen must be at least 50 yards from any toilet or pit latrine or drain or waste disposal area or refuse dump.

(d) A Bakery or Kitchen must have safe and durable equipment and utensils in a good state of repair.

(e) A Bakery or Kitchen may be constructed either of permanent materials or local materials including but not limited to leaf.

*If a Bakery or Kitchen is constructed of permanent materials the provisions of Section 3 (d), (c), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r) and (u) apply to such Bakery or Kitchen provided that a Health Officer may exempt an owner or operator of a Bakery or Kitchen from compliance with one or more of the provisions Provided Always that the Health Officer is satisfied that such an exemption will not, or is not likely to, give rise to a health or safety risk. The provisions of Section 4(2) and 4(3) hereof apply to any such exemption.*

If a Bakery or Kitchen is constructed of local materials including but not limited to leaf then the following provisions apply:

- (i) The floor of the Bakery or Kitchen may be either of cement, concrete, granolithic or other similar non absorbent material or wooden or well compacted earth or clay covered by a layer of gravel at least 5 inches in depth.
- (ii) The Bakery or Kitchen must have sufficient ventilation.
- (iii) The oven, cooker or fire must be sited well away from the walls of the Bakery or Kitchen,
- (iv) A Bakery or Kitchen must have a door or barrier to prevent any animals or fowl from entering the Bakery or Kitchen.
- (v) A Bakery or Kitchen must have a table or work bench with a smooth surface.
- (vi) A Bakery or Kitchen must provide safe and appropriate storage for all ingredients, bakery products and cooked food including but not limited to an insect proof food safe.

#### **PART IV RULES OF HYGIENE**

**7. Personal Hygiene** - The following rules of hygiene apply to all persons working in Bakeries or Kitchens:

- (a) All persons must always wash their hands and arms with soap and water prior to handling any ingredients or commencing any food preparation or serving any food.
- (b) All persons must always wash their hands with soap and water after

visiting a water closet, pit latrine, over sea latrine, bush urinal or other similar convenience before resuming work in the Bakery or Kitchen.

(c) No person having any skin disease is permitted to work in a Bakery or Kitchen.

(d) No person suffering from venereal disease or any other contagious or infectious disease is permitted to work in a Bakery or Kitchen.

(e~ No person with infected cuts or sores on his or her hands is permitted to work in a Bakery or Kitchen.

(I) No person suffering from a nose cold or an allergy causing sneezing or suffering from a cough is permitted to work in a Bakery or Kitchen.

(g) All persons must keep their fingernails trimmed and cleaned.

(h) No person Is permitted to chew betel nut, chew tobacco, or chew chewing gum in a Bakery or Kitchen.

0) No person is permitted to discharge any nasal fluid, mucus or spit in any Bakery or Kitchen.

(j) No person is permitted to sit or lie upon any table or working surface where food is prepared or stored or from where food is served.

(l) All persons must wear clean clothes in the Bakery or Kitchen.

All persons with long or full hair must tie back or pin back the hair away from the face, neck and shoulders.

(m) No child under the age of twelve (12) years is permitted to take any part in the preparation or cooking of food in a Bakery or Kitchen.

**8. Premises hygiene and work hygiene** - The following rules of hygiene apply in respect of Bakery and Kitchen premises in addition to the requirements of Sections 3 and 6 in respect of the storage and preparation of food.

(a) All equipment, utensils and working surfaces must be washed in hot and clean water before and alter every use.

(b) The Bakery or Kitchen must be kept free from all insects, animals, rodents and vermin.

(c) No food must be kept uncovered. All food and ingredients must be stored safely and hygienically at all times, and such storage must be at least two (2) feet

above the floor of the Bakery or Kitchen.

- (d) All flour must be sifted or strained before it is used.
- (e) The floor of the Bakery or Kitchen must be swept and cleaned each day at the conclusion of food preparation and cooking.
- (f) The Bakery or Kitchen premises including but not limited to all floors, walls, ceilings, windows or louvers, screens, doors, yards, buildings, toilets or latrines and wash places must be kept in a state of thorough cleanliness at all times.
- (g) All towels, drying up cloths and all other material used in the Bakery or Kitchen must be thoroughly washed in hot soapy water every day.
- (h) The Bakery or Kitchen premises must be kept clean and tidy and free from tong grass, empty tins, cans, bottles or refuse of any kind.
- (I) An owner or operator of a Bakery or Kitchen must provide or arrange access to sanitary facilities close to the Bakery or Kitchen and soap and water and towels for persons working in the Bakery or Kitchen.

The following rules of hygiene apply to Bakeries or Kitchens in rural areas which are constructed of local materials including but not limited to leaf.

- (I) No rubbish, refuse, waste water or waste products are permitted to be kept in the Bakery or Kitchen at any time.
- (k) Rubbish, refuse and waste products must be removed immediately to the area designated or used for waste disposal or as a refuse dump in the area.
- (I) Waste water must be discharged at a place designated or used for such purpose in the area.

## **PART V**

### **ENFORCEMENT AND OFFENCES**

**11. Powers of Health Officers** - A Health Officer may at all reasonable times, with or without notice:

- (a) Enter and inspect any Bakery or Kitchen premises.
- (b) View the preparation and cooking of food.
- (c) Inspect anything in Bakery or Kitchen premises.



(d) Take samples of any ingredients or food in the course of preparation, bakery products or cooked food found in the Bakery or Kitchen Provided Always that the Health Officer must make reasonable payment for such samples if payment is demanded.

(e) Make such enquiries as the Health Officer considers necessary to ascertain whether the provisions of this Ordinance are being observed.

**10. Enforcement Notices and Orders of Closure** - (1) If Bakery or Kitchen premises are not in compliance with Parts II and III of this Ordinance or the Rules of Hygiene set out in Part IV of this Ordinance are not being observed a Health Officer may subject only to Section 10(3) hereof:

(a) Issue and deliver an Enforcement Notice in the form attached hereto as Schedule B to the owner or operator of the Bakery or Kitchen; OR

(b) Cancel the Health Certificate (if one has been issued) and issue and deliver an Order of Closure of the Bakery or Kitchen in the form attached hereto as Schedule C to the owner or operator of the Bakery or Kitchen.

(2) If the owner or operator of a Bakery or Kitchen cannot readily be found a Health Officer may secured [sic] affix an Enforcement Notice or an Order of Closure to the front of the Bakery or Kitchen premises and this affixation shall be deemed to be delivery for the purposes of Section 10(1) and 10(5) hereof.

(3) If 3 Enforcement Notices have been issued in respect of a Bakery or Kitchen during any period of 12 months, no further Enforcement Notices will be issued but any further breach of this Ordinance will result in the issue of an Order of Closure.

(4) Subject always to Section 10(3), a Health Officer may only follow the procedure set out in Section 10(1)(b) when the breach or breaches of this Ordinance are sufficiently serious to create imminent danger to the public health, safety and welfare,

(5) If an owner or operator of a Bakery or Kitchen fails to remedy the breaches specified in the Enforcement Notice within the time specified in the Enforcement Notice a Health Officer must then cancel the Health Certificate (if one has been issued) and issue and deliver an Order of Closure of the Bakery or Kitchen to the owner or operator of the Bakery or Kitchen.

(6) An owner or operator of a Bakery or Kitchen may appeal an Order of Closure by giving written notice of such appeal to the Executive within 14 days of the date of the Order. The appeal must be considered by the Executive whose decision is final. Pending the appeal the Bakery or Kitchen must remain closed.

(7) No compensation or damages are payable to the owner or operator of a Bakery or Kitchen in respect of an Order of Closure issued by a Health Officer or in respect of

cancellation of an Order of Closure following an appeal to the Executive or in respect of the cancellation of a Health Certificate.

(8) The issue of an Order of Closure entitles the Executive to cancel the Business Licence issued pursuant to the Western Province Business Licence Ordinance 1989 in respect of that Bakery or Kitchen business or in respect of a business in which the Bakery or Kitchen is an integral part.

**11. Offences** (1) Any person working in a Bakery or Kitchen knowing that he or she is suffering from, venereal or other contagious or infectious disease or having reasonable cause to believe he or she is so suffering fails to report this knowledge or belief to the owner or operator of the Bakery or Kitchen and to a Health Officer and/or continues to work in the Bakery or Kitchen is guilty of an offence and is liable to a fine of \$100.00 and in default of payment to imprisonment for 2 months.

(2) Any owner or operator of a Bakery or Kitchen who, knowing that a person working in the Bakery or Kitchen is suffering from venereal or other contagious or infectious disease or having reasonable cause to believe that that person is suffering, fails to report that knowledge or belief to a Health Officer and/or who fails to order that person to immediately leave the Bakery or Kitchen until such time as that person is no longer so suffering is guilty of an offence and liable to a fine of \$10000 and in default of payment to imprisonment for 2 months.

(3) Any person who continues to operate a Bakery or Kitchen after an Order of Closure has been made and such Order remains in force is guilty of an offence and liable to a fine of \$100.00 and in default of payment to imprisonment for 2 months.

(4) Any person who operates a Bakery or Kitchen in a township without first obtaining a Health Certificate is guilty of an offence and liable to a fine of \$100.00 and in default of payment to imprisonment for 2 months.

(5) Any person who brings any animal into a Bakery or Kitchen is guilty of an offence and liable to a fine of \$50 and in default of payment to imprisonment for 1 month.

(6) Any owner or operator of a Bakery or Kitchen in which an animal is found is guilty of an offence and liable to a fine of \$100.00 and in default of payment to imprisonment for 2 months.

(7) Any person who smokes or chews betel nut or chews tobacco or chews chewing gum in a Bakery or Kitchen is guilty of an offence and liable to a fine of \$50.00 and in default of payment to imprisonment for 1 month.

## **PART VI MISCELLANEOUS**

**12. Temporary Bakeries and Kitchens** - A building or part of a building constructed or operated as a Bakery or Kitchen on a temporary basis only for a period which does not exceed 30 days for the purpose of catering for a Provincial or community event or a Church related event or a fundraising or charitable event need not comply with the provisions of Parts I and II of this Ordinance but a Health Officer must be satisfied that the operation of the temporary Bakery or Kitchen does not create any risk to the public health, safety and welfare. The rules of hygiene set out in Sections 7 and 8 of this Ordinance apply to such a temporary Bakery or Kitchen but with such amendments as are necessary in respect of temporary premises.

**13. Offences by officers of body corporate etc** - Where a company, body corporate, association or co-operative commits an offence under this Ordinance with the consent or connivance of or because of neglect by an individual, the individual is guilty (if the same offence and liable to the same penalties as the company, body corporate, association or co-operative if at the time of the offence

(a) the individual is or was a director, manager, secretary or other senior officer of the company, body corporate, association or co-operative; or

(b) the individual is or "as purporting to or holding out that that individual is such an officer; or

(c) the individual is or was a member of a company or body corporate company, body corporate, association or co-operative which is managed by its members.

**14. Regulations** - The Executive may make rules, regulations or orders for the better carrying out of the objective and provisions of this Ordinance

**17. Transitional** - (1) *An owner or operator of a Bakery or Kitchen* in existence at the time this Ordinance comes into force must within six months of the date this Ordinance comes into force:

(a) Take such action as is necessary to bring the Bakery or Kitchen into compliance with Part II and/or Part III hereof.

(b) Obtain a Health Certificate if one is required in accordance with Section 5 hereof.

(2) No owner or operator of a Bakery or Kitchen in existence at the time this Ordinance comes into force is guilty of an offence under Section 11(4) hereof until 3 months has elapsed since this Ordinance came into force.

(3) A Health Officer may serve an Enforcement Notice upon an owner or operator of a Bakery *or* Kitchen in existence at the time this Ordinance comes into force specifying what changes are required to bring the Bakery or Kitchen into compliance with Part II

and/or Part III of this Ordinance but no Order of Closure pursuant to Section 10(5) may issue during the period of 3 months from the date this Ordinance comes into force.

### **SCHEDULE A**

#### **WESTERN PROVINCE BAKERY AND KITCHEN ORDINANCE 1990 HEALTH CERTIFICATE                      No.**

The Bakery or Kitchen premises described in the Schedule below are hereby certified to comply with the provisions of the Western Province Bakery and Kitchen ordinance 1990.

This Health Certificate expires on the.....day of .....unless earlier cancelled.

Dated: .....

Signed: .....  
Health Inspector

#### Schedule

(Description and address of premises with reference to a plan if appropriate)

### **SCHEDULE B**

#### **WESTERN PROVINCE BAKERY AND KITCHEN ORDINANCE 1990**

#### **ENFORCEMENT NOTICE                      No.**

To:

*(Name and address of owner or operator of Bakery or Kitchen)*

Notices hereby given pursuant w Section ID of the Western Province Bakery and Kitchen Ordinance 1990 that the Bakery or Kitchen, premises described in the Schedule below do not comply with the provisions of that Ordinance in the following respects:

Notice is hereby given pursuant to Section 109 of the Western Province Bakery and Kitchen Ordinance 1990 that the following Rules of Hygiene are not being observed:

### **SCHEDULE C**

#### **WESTERN PROVINCE BAKERY AND KITCHEN ORDINANCE 1990**

#### **ORDER OF CLOSURE                      No.**

Pursuant to Section 10 of the Western Province Bakery and Kitchen Ordinance 1990 I  
.....

Health Officer at..... hereby order that the Bakery or Kitchen premises described in the Schedule below closed as from the date of this order.

An appeal against this Order of Closure may be made in accordance with Section 10(6) of the said Ordinance by the owner or operator of the Bakery or Kitchen giving written Notice of Appeal and specifying the grounds of the appeal to the Western Provincial Executive within 14 days of the date of this order.

Dated: .....

Signed: .....  
Health Officer

#### Schedule

(Description and address of premises with reference to a plan if appropriate)

You are hereby required to remedy the above listed breaches of the Western Province Bakery and Kitchen Ordinance within.....days of the date of this Notice.

Failure to remedy the breaches within the time specified will have the following consequences:

1. An Order of Closure will be issued.
2. The Health Certificate in respect of the premises (if one has been issued) will be cancelled.
3. The Western Province Business Licence relating to the business of which the Bakery or Kitchen forms part will be cancelled

Date: .....

Signed: .....  
Health Officer

#### Schedule

(Description and address of premises with reference to a plan if appropriate)