

# COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS NO. 56 OF 2003

## REGULATIONS

**MADE BY THE MINISTER UNDER SECTION 30 OF  
THE ENVIRONMENTAL HEALTH SERVICES  
ACT, 1997 (ACT NO. 8 OF 1997).**

(Gazetted 26<sup>th</sup> February, 2004.)

1. These Regulations may be cited as the -

Short title.

**ENVIRONMENTAL HEALTH SERVICES (RES-  
TAURANTS) REGULATIONS, 2003.**

2. In these Regulations -

Interpretation.

“CEHO” means Chief Environmental Health Officer

“employee” means a person engaged or employed in a restaurant or a temporary restaurant in the handling of food or drink or of any utensils, and includes the proprietor and any member of his family so engaged or employed;

“proprietor” means the owner or operator of a restaurant or a temporary restaurant;

“restaurant” means -

(a) premises where any food or drink whatever is sold to any person for consumption on the premises;

(b) a catering establishment where food or drink is sold for consumption elsewhere than on the premises;

“sell” means to offer or expose for sale;

“suitability lighted” when used in respect to kitchens and any rooms in which food is prepared, means an intensity of light equal to at least 20 foot candles on working surfaces, or at a distance of 30 inches from the floor, and in storage and refrigerators areas the intensity of light shall be equal to at least 5 foot candles;

“temporary restaurant” means a restaurant which operates for a period not exceeding 30 days;

“utensil” includes any kitchen ware, table ware, glass ware, cutlery, containers or other equipment with which food or drink comes in contact during storage, preparation, distribution or serving.

Prohibition regarding  
restaurants.

**3. (1) No person shall operate -**

(a) a restaurant unless he first obtains a licence from the CEHO;

(b) a temporary restaurant unless he first obtains a permit from the CEHO;

(2) A person who contravenes this regulation is guilty of an offence

Form of application for  
licence.

**4. An application to operate a restaurant or temporary restaurant under these regulations shall be in the prescribed form.**

Power to issue licence or  
permit.

**5. (1) The CEHO may issue a licence or permit under these Regulations subject to such conditions as he thinks fit.**

(2) The CEHO may before issuing a licence or permit, require the applicant to submit a plan or other particulars of the building or proposed building and of the equipment to be used therein.

(3) A licence or permit -

(a) shall be signed by the CEHO;

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- (b) shall bear on its face the date of issue, and unless cancelled or suspended shall be valid for a period of twelve months from the date of issue;
- (c) is not transfereable in respect of any premises or to any other person; and
- (d) shall be displayed on the premises in a conspicuous place.

(4) A permit issued under these Regulations shall state the period for which it is valid.

**6. (1)** The CEHO may by notice cancel a licence or permit for failure to comply with these Regulations. Power to cancel licence or permit.

(2) The notice issued shall state the reasons for such cancellation of licence or permit.

(3) Where a licence or permit has been cancelled under paragraph (1) the restaurant or temporary restaurant, as the case may be, may only be operated on the re-issue of a licence or permit and the CEHO may cause a notice to this effect to be affixed to the premises in a conspicuous position.

**7.** An Environmental Health Officer or a Medical Officer may, at any time during which such restaurant is open to business, enter and inspect any restaurant or temporary restaurant and collect samples of food or other material therefrom for the purpose of bacterial or other examination. Power to entry.

**8. (1)** No person may operate a restaurant unless - Prohibition regarding restaurants.

- (a) in rooms where food is prepared or sored or where utensils are washed, or washing utensils or toilet fixtures and coverings are located, floor and coverings are smooth, free from cracks and crevices and constructed or laid in such a manner as to facilitate cleaning.

- (b) the walls and ceilings of all such rooms are kept clean in good repair and have washable surfaces finished;
- (c) the surfaces of serving tables, counters and food cooperation tables are smooth, washable and free from cracks and crevices;
- (d) all rooms and passage-ways are suitably lighted and ventilated;
- (e) sleeping quarters do not open directly onto any room in which food is served, stored or prepared;
- (f) a separate room or compartment is provided for the wearing apparel of employees and there is a separate locker or cupboard for each employee;
- (g) suitable racks or shelves are provided for the storage of food are placed not less than 6 inches above floor level;
- (h) all food is adequately protected against contamination and is stored in such manner as to prevent transference of odours and flavours;
- (i) adequate measures shall be adopted to prevent the entry of flies, insects, rodents and vermin into restaurants and the premises free from such pests.

(2) No living animal shall be permitted in any kitchen, dining room or other room where food is prepared, stored or served.

(3) No person shall sleep in any room used for preparing, storing or cooking food, nor shall any such room be used for the storing of personal wearing apparel or toilet requisites or other articles which are not required in the preparation or cooking of food.

(4) No person shall smoke or make other use of tobacco, in any kitchen or other room where cooking is prepared.

(5) No person shall spit in any kitchen or other room where food is stored, prepared or served.

(6) Dry sweeping is prohibited, and in all cleaning operations dust arresting compounds, solutions or equipment shall be used.

9. No person may operate a temporary restaurant unless, in the opinion of the Medical Officer of Environmental Health Officer the concession, booth or structure which is being so used -

Prohibitions regarding temporary restaurant.

- (a) is maintained and operated in a clean and sanitary manner;
- (b) provides refrigeration for all perishable foods, unless a Medical Officer directs otherwise;
- (c) provides protection for all foods, cooking facilities and utensils from dust, dirt, insects and other forms of contamination; and
- (d) provides for the washing and bactericidal treatment of all utensils other than disposable utensils.

10. (1) Restaurants shall, to the satisfaction of an Environmental Health Officer or Medical Officer, be provided with -

Provision of certain facilities.

- (a) adequate toilet facilities which shall be conveniently located, accessible, sanitary and in good repair;
- (b) adequate hand washing facilities which shall include -
  - (i) wash basins;
  - (ii) running water;
  - (iii) a constant supply of soap in a suitable container or dispenser;
  - (iv) individual towels or other hand drying equipment; and

(v) a suitable receptacle for used towels and waste material;

(c) an adequate supply of potable water.

(2) Floors of all rooms in which food is stored, prepared or served shall be kept free from litter, and except in cases of emergency, shall be cleaned only in those periods when the least amount of food or drink is exposed.

(3) A Medical Officer may require restaurants to be provided with refrigerated space equipped with removable racks and trays for the safe storage of perishable food.

(4) The refrigerated space referred to in paragraph (3) shall be maintained at a temperature of not more than 15 degrees fahrenheit; except that frozen foods shall be stored at a temperature of Zero degrees fahrenheit with a tolerance of 5 degrees fahrenheit.

(5) Water or liquid refreshment kept in bulk for use or sale shall be drawn from a suitability covered container by means of a tap and the container shall be of non-corrosive material and kept at all times in a clean and sanitary condition.

(6) Covered metal refuse containers of non-corrosive or other suitable material shall be provided in adequate numbers and suitably located.

Service and storage of

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**11.** (1) Food served to a patron shall not be served or used again in the preparation of any food whatsoever for human consumption.

(2) Perishable foods shall be kept in a refrigerated space in accordance with regulation 10(3) or any other directions issued by a Medical Officer or Environmental Health Officer.

Persons employed in the  
restaurants.

**12.** (1) In every restaurant or temporary restaurant each employee shall be -

(a) neat, tidy and clean; and

(b) certified as being free from -

- (i) any disease or infection which may be spread through the medium of food; and
- (ii) any condition of the skin which may contaminate food.

(2) All persons concerned with the preparation and serving of food shall wear head coverings approved by a Medical Officer.

13. (1) All utensils and equipment shall be kept in good repair, sanitary and constructed as to facilitate cleaning.

Utensils and equipment.

(2) The use of cracked dishes, glasses or cups, or of utensils so badly worn that they cannot be properly cleaned, is prohibited.

(3) A Medical Officer or an Environmental Health Officer may order the removal of such articles for destruction.

(4) A Medical Officer or an Environmental Health Officer may require that disposal utensils be used where the water supply or washing facilities are in his opinion or in the opinion of an Environmental Health Officer unsatisfactory.

(5) A Medical Officer or an Environmental Health Officer may require all cooking units to be provided with a ventilating shaft or other suitable device to carry off smoke, steam or odours and to be so constructed and maintained as to work efficiently under all weather conditions.

14. (1) In every restaurant and temporary restaurant facilities and equipment for the cleansing and bactericidal treatment of utensils shall be provided; minimum equipment shall be either -

Facilities and equipment for bactericidal treatment of utensils.

- (a) mechanical equipment so designed and operated that all utensils are cleaned bactericidally and treated; or

(b) manual equipment consisting of -

- (i) at least one two-compartment sink or non-corrosive metal or other suitable material of sufficient size, one compartment to be used for bactericidal treatment, provided that 6 months after the coming into operation of these Regulations or after such extended period approved by the Minister, manual equipment for all new and for all converted or remodeled restaurants shall consist of at least one three-compartment sink; and
- (ii) drainage racks of non-corrosive material, except where single service utensils are used exclusively.

(2) All utensils for preparing or serving food shall, immediately before and after being so used be -

- (a) washed in a detergent solution for removing grease and food particles and which solution is maintained at a temperature of not less than 110 degrees fahrenheit; and
- (b) rinsed and bactericidally treated in accordance with these Regulations.

(3) Where manual equipment consisting of a three compartment sink is used for washing and bactericidal treatment of utensils, the utensils shall be-

- (a) washed in the first compartment of the sink which shall contain the detergent solution;
- (b) rinsed in the second compartment of the sink which shall contain clean water at a temperature of not less than 110 degrees fahrenheit; and
- (c) bactericidally treated in the third compartment of the sink in accordance with these Regulations.



(4) Where a two-compartment sink is permissible under these Regulations, the utensils shall be -

- (a) washed in the first compartment of the sink which shall contain a detergent solution; and
- (b) bactericidally treated in the second compartment of the sink

(5) After the utensils have received bactericidal treatment they shall be left or put to dry in a drainage rack; but no cloth, towel or similar article shall be used for drying.

(6) A person operating a restaurant shall provide equipment for determining the strength of bactericidal solutions.

(7) The bactericidal solution shall be changed as often as required to provide effective bactericidal treatment.

(8) When mechanical equipment is used for for cleansing and bactericidal treatment of utensils such equipment shall provide for washing, rinsing and bactericidal cycles.

(9) The Mechanical Officer shall be provided with satisfactory evidence of the effective operation of such machines.

(10) For the purposes of this regulation bactericidal treatment means -

- (a) immersion for at least 2 minutes in clean water at a temperature of not less than 180 degrees fahrenheit;
- (b) immersion for at least 2 minutes in chlorine solution containing not less than 100 parts per million available chlorine; or
- (c) other treatment approved by the Medical Officer which is equivalent to either of the methods specified in paragraph (a) or (b).

Onus of compliance.

15. Where these regulations impose a duty of prohibition the onus of seeing that such duty is complied with or prohibition observed shall lie on both the owner and the operator of the establishment and in the event of a breach of these Regulations the owner and operator is guilty of an offence.

Offence and penalty.

16. A person who contravenes any of the provisions of these Regulations commits an offence and liable on summary conviction to a fine of one thousand dollars or to a term of imprisonment for three months or to both fine and imprisonment, and, in the case of a continuing offence, to a further fine not exceeding one hundred dollars for each day or part thereof during which the offence continues after a conviction is first obtained.

Made by the Minister this 31<sup>st</sup> day of December, 2003

*Herbert Sabaroche*  
*Minister for Health*

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