



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$9.00

WINDHOEK - 18 October 2006

No. 3722

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General Notices

LOCAL AUTHORITY OF REHOBOTH

No. 324 2006

EMERGENCY SERVICES TARIFFS

The Local Authority Council of Rehoboth has, under Section 30(1)(u) of the Local Authorities Act, 1992 (Act No. 23 of 1992) determined the tariffs and charges for Emergency Services as set out in the Schedule with effect from 1 July 2006.

Tariffs applicable for emergency services (fire brigade) provided within the town of Rehoboth

N\$3.50 excluding Vat	per month	Residential
N\$5.00 excluding Vat	per month	Business

Tariffs applicable for emergency services (fire brigade) provided outside the town of Rehoboth

For the first 2 hours or portion thereof	=	N\$200.00
For each subsequent hour or portion thereof	=	N\$200.00
For services of Chief Emergency Services Officer for every hour	=	N\$ 65.00
For services of every fireman or Volunteer per hour	=	N\$ 50.00

BY ORDER OF THE COUNCIL

G.P. DAX

CHAIRPERSON OF THE COUNCIL

Rehoboth, 12 September 2006

TOWN OF REHOBOTH

No. 325

2006

**REGULATIONS RELATING TO THE REGISTRATION OF BUSINESSES:
LOCAL AUTHORITIES ACT, 1992**

The Council of the Town of Rehoboth, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), after consultation with the Minister of Regional and Local Government, Housing and Rural Development, has made the regulations set out in the Schedule.

BY ORDER OF THE COUNCIL

G.P. DAX

CHAIRPERSON OF THE COUNCIL

Rehoboth, 22 September 2006

SCHEDULE

Definitions

1. In these regulations a word or expression defined in the Act has that meaning, and unless the context indicates otherwise -

“business” means any profession, occupation, trade, undertaking, service, industry or activity conducted for gain;

“business premises” includes any land, site, building, structure or any portion of land, site, building or structure and any appurtenances of such building or structure used or intended to be used for purposes of conducting a business;

“certificate of fitness” means a certificate of fitness issued by the Environmental Health Officer in terms of regulation 5;

“certificate of registration” means a valid certificate of registration issued by the Registration Officer in terms of regulation 7;

“conduct”, in relation to a business, means operating, carrying on, engaging in, doing or pursuing a business within the town area;

“Council” means the Town Council of Rehoboth;

“Environmental Health Officer” means a staff member appointed in the capacity of an environmental health officer, and includes a health practitioner appointed by the Council to act in that capacity;

“fee” means the appropriate fee determined by the Council as mentioned in regulation 19;

“holder of a certificate of fitness” means the person issued with a certificate of fitness in terms of regulation 5, or the person in whose name that certificate is transferred in terms of regulation 8;

“holder of a certificate of registration” means the person issued with a certificate of registration in terms of regulation 7, or the person in whose name that certificate is transferred in terms of regulation 8;

“inspecting officer” means a staff member authorized in writing by the Council to conduct inspections in respect of a business premises and the conducting of any work or of a business thereon;

“noxious business” means a business of a nature which may reasonably be considered to be offensive to the general public, or which is pernicious in effect to the environment, or to the health of the general public, and means further any business determined by the Council under regulation 2(4)(b) to be a noxious business;

“Registration Officer” means a staff member authorised by the Council to consider applications for, and to issue, certificates of registration;

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992); and “town area” means the area of jurisdiction of the Council.

Conducting of business

2. (1) A person may not conduct a business within the town area, unless a certificate of registration has been issued to him or her in terms of regulation 7.

(2) A person conducting a business must, throughout the validity of a certificate of registration, display that certificate, or a certified copy of that certificate, in a conspicuous place on the business premises in respect of which that certificate was issued.

(3) A person conducting a business must ensure that the business premises from which he or she conducts his or her business is at all times maintained in a state of good repair and ensure that such premises is kept clean and hygienic.

(4) The Council may, for the purpose of these regulations, determine -

(a) certain areas to be areas upon which the conducting of a business is prohibited; and

(b) certain businesses to be a noxious business.

(5) Failure by a person to comply with the provisions of subregulations (1), (2) or (3) constitutes an offence.

Application for certificate of fitness

3. (1) A person who intends to conduct a business within the town area must apply, in the manner provided for in this regulation, to the Environmental Health Officer for a certificate of fitness in respect of each business premises upon which that business is to be conducted.

- (2) An application for a certificate of fitness must -
- (a) be made on the form provided by the Council for that purpose;
 - (b) be submitted to the Environmental Health Officer for consideration;
 - (c) be accompanied by the appropriate fee;
 - (d) be accompanied by such other information as the Environmental Health Officer may consider necessary for purposes of making a decision in terms of regulation 5; and
 - (e) where an application for a certificate of fitness is made for the conducting of a noxious business, be accompanied by -
 - (i) particulars relating to the nature of the noxious business to be conducted;
 - (ii) particulars relating to the nature of materials or goods to be sold, if any;
 - (iii) particulars relating to any processing of goods or materials, which are to be conducted on the business premises;
 - (iv) particulars relating to the equipment to be installed or used on the business premises, including the number, type and capacity of each piece of equipment used in the conducting of the noxious business;
 - (v) particulars relating to the measures to be taken for purposes of minimizing public nuisance and for the disposal of waste;
 - (vi) an environmental impact assessment undertaken in relation to the noxious business to be conducted on the business premises; and
 - (vii) proof of publication of the notice referred to in regulation 4.

(3) A person who willfully furnishes incorrect or false information or particulars in terms of this regulation commits an offence.

(4) For the purposes of this regulation “waste” means any undesirable or superfluous by-product, emission or residue, regardless of its form, and which results from any process or activity in the conducting of a business.

Notice calling for objections

4. (1) A person who intends to conduct a noxious business within the town area must, in addition to the application for a certificate of fitness referred to in regulation 3, cause a notice to be published in a newspaper circulating in the town area -

- (a) stating that such application has been made to the Environmental Health Officer;
 - (b) stating the nature of the noxious business to be conducted;
 - (c) indicating the business premises from which the noxious business is to be conducted;
 - (d) stating whether any environmental impact assessment has been undertaken in relation to the noxious business to be conducted on the business premises and the outcome, if any, of the assessment;
 - (e) indicating the place at which and the times and dates during which the application and any documentation in support of the application may be inspected; and
 - (f) calling upon persons to lodge, with the Environmental Health Officer, objections to the granting of the application, which objections must be lodged by a date being not less than 14 days from the date of publication of such notice.
- (2) Where an objection is lodged in terms of subregulation (1) the Environmental Health Officer must -
- (a) within 7 days from the date referred to in paragraph (f) of that subregulation give written notice to the applicant of the objections lodged; and
 - (b) call upon the applicant, or his or her representative, to make, within 7 days from the date of the notice referred to in paragraph (a), written representation against the objections, if any, in support of the application.

Decision of the Environmental Health Officer

5. (1) The Environmental Health Officer may after receiving an application referred to in regulation 3 and after considering any objections or representations made in terms of regulation 4 -

- (a) grant the application with or without such conditions as the Environmental Health Officer may consider appropriate; or
 - (b) refuse the application.
- (2) The Environmental Health Officer must when considering an application, made under regulation 3, take into account -
- (a) whether the conducting of the type of business applied for on the business premises is in conflict with any laws relating to public health and safety or is in conflict with any town planning scheme or township condition, applicable to that premises;
 - (b) any objection raised or representation made in pursuance of a notice published under regulation 4;
 - (c) any representations made in support of the application; and

- (d) whether the provisions of regulation 3 and, where applicable, regulation 4 have been complied with.
- (3) If an application is refused the Environmental Health Officer must, within 7 days from refusing the application, provide the applicant with written reasons for such refusal.
- (4) If an application is granted under subregulation (2) the Environmental Health Officer must issue to the applicant a certificate of fitness and must endorse upon that certificate such conditions, if any, as the Environmental Health Officer considers necessary.
- (5) A certificate of fitness issued in terms of this regulation is valid for a period of one year from the date of issue or until such time that -
- (a) the premises, in respect of which the certificate of fitness is issued, undergoes any form of alteration, other than alterations approved in accordance with regulation 9 or which is necessary for the purpose of maintaining the business premises concerned; or
 - (b) the nature of the business, for which a certificate of fitness is issued, changes in any way,
- whichever occurs first.

(6) The holder of a certificate of fitness may at any time during the validity of the certificate, or within 5 days from the date of expiry thereof, apply to the Environmental Health Officer for a renewal of that certificate.

(7) A holder of a certificate of fitness who wishes to renew that certificate must apply to the Environmental Health Officer, for such renewal, in the manner provided for in regulation 4.

Application for certificate of registration

6. (1) A person may not conduct a business within the town area except pursuant to and in terms of a certificate of registration issued by the Registration Officer, in respect of each such business on each business premises, in terms of these regulations.

(2) A person may, if a certificate of fitness has been issued to him or her in terms of regulation 5, apply to the Registration Officer for a certificate of registration in the manner provided for in this regulation.

- (3) An application for a certificate of registration must -
- (a) be made on the form provided by the Council for that purpose;
 - (b) be submitted to the Registration Officer for consideration;
 - (c) be accompanied by the appropriate fee;
 - (d) be accompanied by a certified copy of a valid certificate of fitness issued in terms of regulation 5;
 - (e) be accompanied by such other information as the Registration Officer may consider necessary for purposes of making a decision in terms of regulation 7; and

- (f) where applicable, provide particulars relating to the compliance or noncompliance with any condition endorsed upon the certificate of fitness issued by the Environmental Health Officer in terms of regulation 5.

(4) A person who willfully furnishes incorrect or false information or particulars referred to in this regulation commits an offence.

Decision of the Registration Officer

7. (1) The Registration Officer must, after considering an application referred to in regulation 6 -

- (a) grant the application with or without such conditions as the Registration Officer may consider appropriate; or
- (b) refuse the application.

(2) The Registration Officer must, when considering an application for a certificate of registration -

- (a) satisfy himself or herself that the conditions imposed by the Environmental Health Officer and endorsed upon the certificate of fitness issued under regulation 5 have been complied with and where such conditions have not been complied with he or she must take into consideration any particulars submitted in terms of regulation 6(3)(f) in support of such non-compliance; and
- (b) take into consideration any objections lodged and any representations made in terms of regulation 4.

(3) Where an application is refused the Registration Officer must, within 7 days from the date of refusing the application, provide the applicant with written reasons for such refusal.

(4) The Registration Officer must, where an application is granted under subregulation (1), issue to the applicant a certificate of registration, which certificate must have such conditions endorsed thereon as the Registration Officer considers necessary.

(5) A person to whom a certificate of registration has been issued may conduct such business on such business premises for which the certificate of registration is issued.

(6) A certificate of registration issued in terms of this regulation is valid for a period of 1 year from the date of issue or until such time that -

- (a) the certificate of fitness issued, in terms of regulation 5, becomes invalid; or
- (b) the nature of the business for which a certificate of registration is issued changes in any way,

whichever occurs first.

(7) The holder of a certificate of registration may at any time during the validity of that certificate, or within 5 days from the date of expiry of that certificate, apply to the Registration Officer for a renewal of that certificate.

(8) A holder of a certificate of registration who wishes to renew that certificate must apply to the Registration Officer in the manner provided for in regulation 6.

Transferability of certificates

8. (1) A certificate of fitness or a certificate of registration, or any right granted under such certificate, may not be transferred from one business premises to another business premises or from one person to another person or from one business to another business, unless in accordance with subregulation (2).

(2) The holder of a certificate of fitness or a certificate of registration may, on the form provided by the Council for that purpose and upon payment of the appropriate fee, apply to the Environmental Health Officer or the Registration Officer, as the case may be, to have -

- (a) the certificate of fitness or certificate of registration transferred into the name of another person; or
- (b) the name of the business indicated on the applicable certificate of fitness or certificate of registration changed.

(3) Where an application referred to in subregulation (2) is approved the Environmental Health Officer or the Registration Officer, as the case may be, must cause such changes to be made on the certificate of fitness or the certificate of registration, whichever is applicable, and must indicate such changes in the business register of the Council.

Application for approval to make structural alterations

9. (1) A holder of a certificate of fitness or a certificate of registration may not effect structural alterations or cause structural alterations to be effected to the business premises for which a certificate of fitness or a certificate of registration has been issued, but such alterations may be made with the prior written approval obtained from the Environmental Health Officer.

(2) A holder of a certificate of fitness or a certificate of registration who wishes to obtain the approval referred to in subregulation (1) must apply to the Environmental Health Officer in the manner provided for in this regulation.

(3) An application referred to in subregulation (2) must be made on the form provided by the Council for that purpose and must be accompanied by -

- (a) a detailed plan of the premises, showing the existing business premises and the intended structural alterations;
- (b) particulars relating to the construction, lay-out, furnishing, fixtures, fittings, and floor coverings, as the case may be, to be undertaken or used in the intended alterations;
- (c) a certified copy of the certificate of fitness or the certificate of registration, as the case may be, of the business premises;
- (d) written representations, if any, in support of the application; and
- (e) such further particulars as the Environmental Health Officer may consider necessary for purposes of granting the approval.

(4) If the application referred to in subregulation (2) is approved the Environmental Health Officer must issue to that applicant written approval for the undertaking of the structural alterations applied for and must indicate such approval in the business register of the Council.

(5) A holder of a certificate of fitness or a certificate of registration, as the case may be, who undertakes or causes any structural alterations, other than alterations necessary for purposes of maintenance, to be made as contemplated in this regulation without having first obtained the written approval of the Environmental Health Officer commits an offence.

Appeals

10. (1) An applicant who is aggrieved by a decision made under regulations 5, 7, 8, 9 or 16 may lodge an appeal with the management committee against that decision in the manner provided for in this regulation.

(2) An appeal referred to in subregulation (1) must -

- (a) be lodged with the management committee within 30 days from the date of such decision;
- (b) be in writing;
- (c) be in the form approved by the management committee of the Council;
- (d) indicate the grounds for appeal; and
- (e) indicate the redress sought.

(3) Where an appeal is lodged with the management committee by way of electronic transmission the applicant must, within a period of 7 days from the date of the transmission, deliver or send a hard copy of the appeal together with any representations made in support thereof to that committee.

(4) The management committee must, within 30 days from the date of receipt of the appeal, consider the appeal and after hearing oral representations, if any, from the appellant, or the appellant's legal representative, either -

- (a) confirm the appeal;
- (b) refuse the appeal; or
- (c) confirm the appeal subject to such conditions as the management committee may consider appropriate.

(5) The management committee must furnish the appellant with written reasons for the decision made under subregulation (4), and must inform the Council of its decision.

(6) A person aggrieved by a decision made by the management committee under subregulation (4) may lodge an appeal with the Minister against such decision and such appeal must, with the necessary changes, be in accordance with this regulation.

Report of lost or stolen certificates and issue of duplicates

11. (1) Where a certificate of fitness or a certificate of registration is lost or stolen or is damaged beyond legibility, the person to whom such certificate of fitness or certificate of registration had been issued must, as soon as is reasonably possible after becoming aware of such loss, theft or damage -

- (a) report such loss, theft or damage to the Environmental Health Officer or the Registration Officer, whichever is applicable; and
- (b) apply to the Environmental Health Officer or the Registration Officer, whichever is applicable, for a duplicate of such certificate of fitness or certificate of registration, as the case may be.

(2) An application referred to in subregulation (1) must be made on the form provided by the Council for that purpose and be accompanied by the appropriate fee.

(3) A person who fails to report the loss or theft of or damage to a certificate of fitness or a certificate of registration commits an offence.

Cessation of business

12. (1) If the holder of a certificate of registration ceases to conduct the business for which such certificate is issued he or she must, within 30 days from the date of ceasing to conduct such business, inform the Registration Officer of such cessation and must submit the certificate of registration to the Registration Officer for cancellation.

(2) The Registration Officer must, upon being informed of the cessation referred to in subregulation (1) and upon receipt of the certificate of registration, cancel that certificate of registration and must indicate such cancellation in the business register of the Council.

Inspections

13. (1) An inspecting officer may at any reasonable time, or in the instance of an emergency at any time, enter a business premises for the purpose of inspecting such premises and any work or process carried out thereon for purposes of ensuring compliance with these regulations or any other law.

(2) An inspecting officer must carry upon his or her person an identification card issued by the Council indicating that such person is authorised to carry out inspections for the purpose of these regulations and must, when requested to do so, present for inspection that identification card to the holder of the certificate of fitness or the certificate of registration or to the person in charge of the premises, as the case may be.

(3) For the purpose of ensuring compliance with these regulations an inspecting officer may -

- (a) require a person in possession or in custody of or who has control over any documentation required for the purpose of these regulations, or which may serve as evidence of non-compliance with a provision of these regulations, to produce those documents;
- (b) inspect and remove, for the purpose of making copies or extracts, the documents, referred to in paragraph (a); and

(c) require a person, referred to in paragraph (a), to furnish his or her full name and address and to produce his or her identification document.

(4) If an inspecting officer removes any document for the purpose of subregulation (3)(b), he or she must issue out a receipt for the removed documents and must return the documents within a reasonable period.

(5) If in the opinion of the inspecting officer a contravention of these regulations is being committed he or she must report such contravention to the Council for the purpose of regulation 15.

(6) If, by reason of the fact that a business premises is locked or the entrance thereto is blocked or obstructed in any manner, it is not reasonably possible for the inspecting officer to enter upon the business premises concerned the Council may by written notice to the holder of the certificate of fitness or the certificate of registration, as the case may be, require -

(c) the unlocking of such entrance; or

(d) the removal of such obstruction,

for the purpose of restoring access to the business premises within a period specified within that notice.

(7) If, in the instance contemplated in subregulation (6), the inspecting officer is of the opinion that the gaining of access to the business premises concerned is a matter of urgency or if he or she reasonably suspects that a contravention of any provision of these regulations or any provision of a law relating to public health and safety or relating to a town planning scheme or township condition applicable to that business premises is being contravened -

(a) the inspecting officer may take or cause such steps to be taken to gain access to the business premises concerned; and

(b) the Council may recover from the holder of a certificate of fitness or a certificate of registration over that business premises the costs incurred for the purpose of gaining access.

(8) An inspecting officer may, where he or she considers it reasonably necessary, take or cause to be taken such steps as to rectify a contravention of a law relating to public health and safety with regards to the business premises concerned or the conducting of the business concerned.

(9) The Council is not liable for any damage resulting from any action taken under subregulation (7), but must restore such premises to its former condition should no breach of the provisions referred to in that subregulation be discovered.

(10) A person who fails to comply with a notice referred to in subregulation (6), commits an offence.

Fees and facilities for inspections

14. (1) The holder of a certificate of fitness or a certificate of registration must give reasonable opportunity and assistance, where applicable, to an inspecting officer to inspect the premises and any work or process carried out thereon.

(2) The Council may in terms of regulation 19 determine the amounts or tariff of fees chargeable for purposes of defraying the cost of any inspection carried out under these regulations.

Failure to pass inspection or to comply with conditions imposed

15. (1) If, after inspecting the premises or any process undertaken on such premises, the inspecting officer finds that the premises or the processes undertaken on such premises fails to comply with any provision of these regulations or is in conflict with any provision relating to public health and safety or relating to any town planning scheme or township condition applicable to that premises, such inspecting officer must -

- (a) give notice to the holder of the certificate of fitness or the certificate of registration, as the case may be, of such failure; and
- (b) call upon such holder of the certificate of fitness or certificate of registration to comply with the requirements of the notice within the period specified in such notice.

(2) After the expiry of the period of time stipulated in the notice referred to in subregulation (1), the Council may cause a further inspection to be carried out on the premises concerned.

(3) A holder of a certificate of fitness or of a certificate of registration who fails to comply with the requirements stipulated in the notice referred to in subregulation (1) commits an offence.

Withdrawal or suspension of certificate of fitness or certificate of registration

16. (1) The Council may cancel or, for such period of time as it may determine, suspend a certificate of fitness or certificate of registration if the holder of that certificate carries out or causes to carry out or permits to be carried out any unapproved alterations or does or causes anything to be done or permits anything to be done on such business premises which is in contravention of any provision of these regulations.

(2) The Council may not cancel or suspend a certificate of fitness or a certificate of registration unless the Council -

- (a) gives the holder of a certificate at least 21 days notice in writing of its proposed action and of the reasons therefore; and
- (b) in such notice, invites such person to lodge with the Council in writing any representation, which he or she wishes to make in connection with the Council's proposed action.

(3) The Council must, where a certificate of fitness or certificate of registration is cancelled or suspended, cause such cancellation or suspension to be indicated in the business register.

Notices

17. A notice required or permitted to be given in terms of these regulations must be in accordance with the provisions of section 93 of the Act.

Temporary certificates of fitness and registration

18. (1) A person who intends to conduct a business for a limited period may, on the form provided by the Council for that purpose and upon payment of the applicable fee, apply for a temporary certificate of fitness and a temporary certificate of registration in accordance with regulations 3, 4, 5, 6 and 7.

(2) If an application referred to in subregulation (1) is granted the Environmental Health Officer must issue to the applicant a temporary certificate of fitness and the Registration Officer must issue to that applicant a temporary certificate of registration.

(3) The Environmental Health Officer or the Registration Officer, whichever is applicable, must endorse upon the certificate of fitness or the certificate of registration, as the case may be, the period for which that certificate is valid.

Determination of fees

19. The fees and charges payable in terms of these regulations are as determined by the Council under section 30(1)(u) of the Act.

Business registers

20. The Council must keep a register in which it must enter particulars relating to every certificate issued in terms of these regulations.

Departure or exemption from regulations

21. If, due to exceptional circumstances, the Council considers it desirable to authorise a departure or exemption from any provision of these regulations the Council may, subject to such conditions as it may impose, authorise such departure or exemption if the departure or exemption is not in conflict with any provision of the Act.

Penalties

22. A person who is convicted of an offence under these regulations is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding 6 months or to both such fine and such imprisonment.

TOWN OF REHOBOTH

No. 326

2006

**REGULATIONS RELATING TO STANDARDS OF FOOD
PREMISES AND PROTECTION OF FOOD STUFFS:
LOCAL AUTHORITIES ACT, 1992**

The Council of the Town of Rehoboth, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), after consultation with the Minister of Regional and Local Government, Housing and Rural Development, makes the Regulations set out in the Schedule.

BY ORDER OF THE COUNCIL

G.P. DAX
CHAIRPERSON OF THE COUNCIL

Rehoboth, 22 September 2006

SCHEDULE

Definitions

1. In these regulations, a word or expression defined in the Act or the Public Health Act, 1919 (Act No. 36 of 1919) has the same meaning, and unless the context otherwise indicates -

“best available method” means a method which is practicable and necessary for the protection of food against contamination or spoilage, having due regard to local conditions and circumstances whether at or on food premises or elsewhere, the prevailing extent of established practice and the financial implications thereof;

“carrier” means a person who, though not at the time presenting the clinical symptoms of an infectious disease, has been proved or is believed on reasonable grounds and after laboratory or other investigation to be harbouring the infections of and consequently liable to cause the spread of such disease;

“closed package” means a package that is impervious to liquid and leak proof, and protects the product therein from contamination under normal conditions of storage, handling and transport;

“container” means anything in which food is handled or transported and with which food comes into direct contact;

“contaminate” means the effect exerted by an external agent on food so that it -

- (a) does not meet a standard or requirement determined by any law;
- (b) does not meet acceptable food hygiene standards or consumer norms or standards;
or
- (c) is unfit for human consumption;

“Council” means the Town Council of Rehoboth;

“disinfectant” any germicide, antiseptic, preservative, deodorant, sanitary powder, fluid or any similar material;

“disposal system” means a subterranean or ground-level tank or other vessel, sewerage system, dam or farm-land into or onto which effluent may be discharged;

“effluent” means any liquid, liquid or solid waste or liquid or solid manure;
“Environmental Health Practitioner” means a person registered as such in terms of the Allied Health Professions Act, 2004 (Act No. 7 of 2004) and employed as such by the Council and identified by name or post description;

“facility” means any apparatus, equipment, tool, utensil, storing space, working surface, place or object which is used in the handling of food;

“food additive” means any substance which is not normally consumed as a foodstuff but which is intentionally added to a foodstuff in accordance to the International Numbering;

“food handler” means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use;

“food premises” means any building, shed, stand, construction, vehicle or other such structure used in or with regard to the handling of food;

“food” means any animal product, fish, fruit, vegetables, condiments, confectionery, beverages, and any other article or thing whatsoever (other than drugs or water, including ice) in any form, state or stage of preparation, which is intended or ordinarily used for human consumption;

“good manufacturing process” means a method of manufacture or handling or a procedure employed, taking into account the principles of hygiene, so that food cannot be contaminated or spoiled during the manufacturing process;

“handle”, includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or for serving;

“hands”, includes the forearm or the part of the arm extending from the wrist to the elbow;

“health hazard” means any condition or act that may contaminate or spoil food so that its intake would probably be dangerous or detrimental to health or any other condition that can be dangerous or detrimental to health;

“hermetically sealed package” means an unopened package which cannot be opened without breaking or damaging such package or seal, adhesive label or other part of or attachment to such package and which is intended to protect its contents against the entry of micro-organisms;

“illuminated” means illuminated in accordance with the illumination values specified in Annexure F 2.(1) of the Regulations Relating to the Health and Safety of Employees at Work (Government Notice No. 156 of 1 August 1997);

“Minister” means the Minister responsible for health;

“owner or occupier” means the person who is the owner or manager of a business or other person in charge of the operation or conducting of a business, who is responsible for purposes of these regulations;

“nuisance” means any conduct which brings about a state of affairs or conditions which constitutes a source of danger to a person or the property of other or which materially interferes with their ordinary comfort, convenience, peace or quietness;

“own use” means used, or meant to be used, exclusively by the owner or possessor of foodstuff or by such person's household or employees or their households;

“perishable food” means any foodstuff which on account of its composition, ingredients, moisture content or pH value and lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes thereon or therein if the foodstuff is kept within the temperature spectrum of 4°C to 65 °C, excluding fruit and vegetables;

“Permanent Secretary” means the Permanent Secretary of the Ministry administering health affairs;

“premises” means any building, caravan or tent together with the land on which it is situated and adjoining land used in connection therewith, and any land without buildings, caravans or tents, and includes any vehicle;

“prepacked food” means food which, before it is presented for sale or for serving is packed in a dustproof and liquid proof container that protects the product therein from contamination under normal handling conditions, and is so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed and

“process” means to cut, cook, cure, smoke, salt, render, sterilize, chill, freeze, dehydrate or otherwise prepare or preserve food;

“spoil”, includes diseased, impure, unwholesome, decayed, infected, contaminated or unfit for human consumption;

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“unsound” means unwholesome sick, polluted, infected, contaminated, decayed or spoiled, or unfit for human consumption for any reason whatsoever; and

“vehicle”, includes a conveyance, push-cart, trolley, boat, ship, motorcar, bicycle or other means of transport.

Application of regulations

2. (1) These regulations do not apply to a private household that handle food for consumption by such household or any other person without compensation.

(2) Regulation 5(5) does not apply to -

(a) a private residence where food is handled and provided free of charge to a church, educational or amateur sports organization or any registered welfare or fundraising organisation for sale, provided that the owner of the household has a Temporary Registration Certificate issued under the Business Registration Regulations made under the Act; and

(b) any vehicle, except a vehicle used for the transport of perishable food, used by the person in charge of food premises for which a Registration Certificate exists to transport, display or serve prepacked food derived from such food premises.

Prohibition on the handling and transportation of food

3. (1) A provision of these regulations that is in conflict with any regulation made under the Act with regard to the handling or transport of a particular food is not valid to the extent of such conflict.

(2) A person may not handle food in any manner contrary to these regulations.

(3) A person may not use or cause or allow to be used any diseased or unsound ingredient or thing in the manufacture or preparation of any article intended as food for human consumption, and may not sell or handle any food which is diseased or unsound.

(4) If after an inspection of food premises or facility, an Environmental Health Practitioner considers that such food premises, facility or a particular activity with regard to the handling of food is being used or is taking place in a manner that constitutes a serious health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the Environmental Health Practitioner -

- (a) may summarily prohibit the use of the food premises or facility for the handling of food or any activity relating to the handling of food after he or she has served on the owner or occupier or any other person in charge of the food premises or facility a notice in which the owner or occupier or other person is informed of the prohibition; and
 - (b) must forthwith make a copy of such notice available to the Council.
- (5) A notice referred to in subregulation (4)(a) must contain -
- (a) the reason(s) for the prohibition;
 - (b) a statement that -
 - (i) written representations against the prohibition may be submitted to the Council and that, if the health hazard no longer exists, such person may apply to the Council for the withdrawal of the prohibition;
 - (ii) the prohibition comes into operation as from the date on which a notice is served in terms of subregulation (4)(a); and
 - (iii) no person may perform any act that is in conflict with the prohibition.
- (6) The Council must, within 72 hours of receipt of the representations referred to in subregulation (5)(b), consider such representations and, after consultation with a health officer, it may amend, revise or uphold a prohibition; and must forthwith, in writing, inform the person who submitted the representations of its decision.
- (7) On receipt of an application for the withdrawal of a prohibition in terms of subregulation 5(b) the Environmental Health Practitioner must, within 5 working days of the receipt, undertake an inspection of the food premises or facility and must report and recommend to the Council.
- (8) The Council must, within 72 hours of the receipt of the report and recommendations referred to in subregulation (7), notify in writing the person in charge of the food premises or facility that the prohibition has been withdrawn or upheld.
- (9) The Council, after the serving of a notice referred to in subregulation (4)(a) or subregulation (8), must forthwith dispatch a copy thereof to the Permanent Secretary.
- (10) The Permanent Secretary may direct the Council to amend or withdraw the prohibition issued in terms of subregulation (5) if he or she is of the opinion that the Council has not acted according to these regulations.

Standards and requirements to which food premises must conform

4. (1) Subject to regulation 13, a person may not handle food in or on food premises or facility that does not comply with the requirements of these regulations.
- (2) Food premises must be of such location, design, construction and finish, and must be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed -
- (a) without creating a health hazard; and

- (b) in such manner that food -
 - (i) can be handled hygienically on the food premises or with the equipment thereon; and
 - (ii) can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.
- (3) For the purposes of subregulation (2) food premises must meet the following requirements -
 - (a) all interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area must -
 - (i) have no open joints or open seams and must be made of smooth, rust-free, non-toxic, cleanable and non-absorbent material that is dust-proof and water-resistant, provided that in a food-serving or storage area -
 - (aa) face brick;
 - (bb) similar walls the joints of which are formed properly or are so formed and finished that they are easy to clean; or
 - (cc) decorative wall or ceiling finishes which are easy to clean, may be used;
 - (ii) be of such nature that they cannot contaminate or contribute to the contamination of food.
 - (b) each room of food premises must be -
 - (i) ventilated effectively by means of -
 - (aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls or roof that effective crossventilation is possible, provided that such openings have a surface area equal to at least 5% of the floor area of the room; or
 - (bb) artificial ventilation that complies with the requirements of the National Building Regulations,

to facilitate the addition of adequate fresh air and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;

- (ii) illuminated by means of
 - (aa) unobstructed transparent surfaces in the external walls or roof which admit daylight, with an area equal to at least 10% of the floor area in the room; and
 - (bb) artificial illumination which complies with the requirements of the National Building Regulations and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room;
- (c) food premises must have -
 - (i) a wash-up facility with hot and cold water for the cleaning of facilities;
 - (ii) a rodent proof in accordance with the best available method, provided that this requirement does not apply in respect of food premises on which no food is handled or kept after the trading hours of the premises;
 - (iii) effective means of preventing the access of flies or other insects to an area where food is handled;
 - (iv) a waste-water disposal system approved by the Council;
 - (v) the number of latrines, urinal stalls and hand washbasins specified in Annexure A for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises, but separate sanitary facilities for workers and customers are not required, and where there is only less than 11 persons work on food premises, separate sanitary facilities are not required for workers of different sexes;
 - (vi) hand-washing facilities which shall be provided with cold and hot water for the washing of hands by workers on the food premises and by customers to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other handcleaning facilities or hand-drying equipment for the cleansing and drying of hands by such workers and customers;
 - (vii) liquid proof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area;
 - (viii) a storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse containers on the food premises;
 - (ix) a separate changing area with storage facilities for clothes;
 - (x) an adequate supply of water;
 - (xi) suitable and adequate refrigeration facilities provided to the satisfaction of the Environmental Health Practitioner;

- (d) A room in which food is handled may not have a direct connection with any area -
 - (i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoiled;
 - (ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area;
- (e) A room in which food is handled may not be connected directly to a dwelling, house or to a room in which a latrine or urinal is situated.

Standards and requirements for facilities on food premises

5. (1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food must be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams, provided that wooden chopping blocks, cutting boards and utensils are not prohibited if they are kept in such a condition that dirt does not accumulate thereon or therein.

(2) A surface referred to in subregulation (1) and crockery, cutlery, utensils, basins or such other facilities may not be used for the handling of food if they are not clean or if they are chipped, split or cracked.

(3) Any utensil or item which is suitable for single use only -

- (a) must be stored in a dust-free container until used; and
- (b) may not be used more than once.

(4) A surface referred to in subregulation (1) and a facility referred to in subregulation (2) must be -

- (a) cleaned and washed before food come into direct contact with it for the first time during each work shift; and
- (b) cleaned and washed, as and when necessary, during or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and before food comes into direct contact with any such surface or facility, such surface or facility may not contain -
 - (i) more than 100 viable micro-organisms per cm² upon analysis, conducted in accordance with acknowledged scientific microbiological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique; and
 - (ii) remains of cleaning materials or disinfectants which may pollute the food.

(5) Every chilling and freezer facility used for the storage, display or transport of perishable food must be provided with a thermometer which at all times must -

- (a) reflect the degree of chilling of the refrigeration area of such facility; and
 - (b) be in such a condition and positioned so that an accurate reading may be taken unhampered.
- (6) Every heating apparatus or facility used for the storage, display or transport or heated perishable food must be provided with thermometer which at all times must -
- (a) reflect the degree of heating of the heating area concerned; and
 - (b) be in such a condition and positioned so that an accurate reading may be taken unhampered.

Standards and requirements for food containers

6. (1) A person may not sell canned or hermetically sealed food in a container which -
- (a) bulges when the other side is pressed;
 - (b) is in any way blown, or from which gas escapes when it is opened or punctured, unless the container contains an aerated drink, or gas has been used as a preservative;
 - (c) is so rusted or damaged that it is liable to contaminate or spoil the food or that it leaks or has become unsealed;
 - (d) had a leak which was resealed.
- (2) A container must be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.
- (3) Prepacked food, depending on the type of food, must -
- (a) be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions;
 - (b) be packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.
- (4) Perishable food, excluding the products referred to in regulation 13 and products that are not prepacked, except food for consumption as meals on food premises, must, when served to the consumer, be packed in a container that protects the food therein against contamination.

Standards and requirements for display, storage and temperature of food

7. (1) Food that is displayed or stored may not be in direct contact with a floor or any ground surface.
- (2) Any shelf or display case used for displaying or storing food or any container must be kept clean and free from dust or any other impurity.

(3) Non-prepacked, ready-to-consume food must be prepared in accordance with the best available method against droplet contamination or contamination by insects, dust or direct contact.

(4) Subject to subregulation (5), all food specified in Annexure B must, during the storage, transport or display thereof, be kept at a core temperature not exceeding the core temperature specified in Column 3 of Annexure B opposite the relevant category of food, and no food may be sold if -

- (a) in the case of frozen or chilled food products, the core temperature thereof is higher than the required core temperature or the surface temperature thereof is more than 2°C higher than the required core temperature; and
- (b) in the case of heated food products, the core temperature thereof is lower than the required core temperature or the surface temperature thereof is more than 2°C lower than the required core temperature.

(5) Subregulation (4) does not apply to -

- (a) any perishable food that is sold directly to a consumer within one hour of being processed or prepared or that is consumed on the food premises within one hour of being processed or prepared;
- (b) venison, for a period not exceeding eight hours after the animal concerned has been killed, but the surface temperature thereof may not exceed 25°C;
- (c) unprocessed raw fish, molluscs or crustaceans or raw meat or edible offal or the carcass of cattle, sheep, goat, pig, horse, mule, donkey, rabbit or ostrich while being transported for a period not exceeding one hour during delivery, but the surface temperature thereof may not exceed 25°C;
- (d) any food exposed to higher temperatures than those referred to in this regulation during a maturation period or as part of a manufacturing process, but exposure to such higher temperatures must be in accordance with good manufacturing practice.

(6) Any food that is marketed as frozen product and has thawed but the surface temperature has not exceeded 7°C may be refrozen, provided that such refrozen product must be handled in accordance with good manufacturing practice.

(7) The code of practice for measuring the temperature of food set out in Annexure C must, in so far as it is applicable, be applied to measuring the temperature of food.

Standards and requirements for protective clothing

8. (1) A person is not allowed to handle food without wearing suitable protective clothing as specified in subregulation (2).

(2) The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated must -

- (a) at all times during the handling of food, be in such a clean condition and of such design and material that it cannot contaminate the food;

- (b) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.

Duties of person in charge of food premises

9. A person in charge of food premises must ensure that -
- (a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;
 - (b) any person working on the food premises is adequately trained in food hygiene by any competent person or institution.
 - (c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an Environmental Health Practitioner requires it to be done;
 - (d) refuse is stored or disposed of in such a manner that it does not create a nuisance;
 - (e) refuse bins are -
 - (i) cleaned regularly; and
 - (ii) disinfected whenever necessary and whenever an inspector requires it to be done;
 - (f) waste water on the food premises is disposed off to the satisfaction of the Council;
 - (g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
 - (h) no person handling non-prepacked food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;
 - (i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that -
 - (i) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
 - (ii) a live animal may be killed in a separate room before the carcass is handled, subject to regulation 11(4);
 - (j) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
 - (k) these regulations are complied with at all times;
 - (l) all persons under his or her control who handle food, at all times, meet the standards and requirements and execute the duties prescribed by regulations 8 and 9, respectively;

- (m) a room or area in which food is handled is not used for -
 - (i) sleeping purposes;
 - (ii) washing, cleaning or ironing of clothing or similar laundry;
 - (iii) any other purpose or in any manner that may contaminate the food therein or thereon;
- (n) no food handler touches ready-to-consume non-prepacked food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food is handled in accordance with good manufacturing practice;
- (o) the reporting of diseases and conditions thereof are properly recorded and kept for perusal by the Environmental Health Practitioner.

Duties of food handler

- 10.** (1) A person may not handle food, a facility or a container if -
 - (a) the person's fingernails, hands or clothes are not clean;
 - (b) the person has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -
 - (i) immediately prior to the commencement of each work shift;
 - (ii) at the beginning of the day's work or after a rest period;
 - (iii) after every visit to a latrine or urinal;
 - (iv) every time he or she has blown his or her nose or after his or her hands have been in contact with perspiration or with his or her hair, nose or mouth;
 - (v) after handling a handkerchief, money or a refuse container or refuse;
 - (vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;
 - (vii) after he or she has smoked or on return to the food premises; or
 - (viii) after his or her hands have become contaminated for any other reason.
- (2) A person may not handle food, a facility or a container, if such person -
 - (a) has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of food; or
 - (b) is suffering or is suspected of suffering from or being a carrier of, a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted.

- (3) A person may not -
- (a) spit in an area where food is handled or on any facility;
 - (b) smoke or use tobacco in any other manner while he or she is handling nonprepacked food or while he or she is in an area where such food is handled;
 - (c) handle non-prepacked food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;
 - (d) lick his or her fingers when he or she is handling non-prepacked food or material for the wrapping of food;
 - (e) cough or sneeze over non-prepacked food or food containers or facilities;
 - (f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;
 - (g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;
 - (h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or
 - (i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

Standards and requirements for the handling of meat

- 11.** (1) A person may not on food premises
- (a) handle meat derived from an animal slaughtered in contravention of section 17 of the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967);
 - (b) handle the meat of an animal exempted from the application of section 25 of the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), unless a notice that is clearly visible and legible in letters at least 18 mm high, containing the following information, (*“The meat sold on these premises has been exempted from inspection in terms of section 25 of the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 196 7)”*), is displayed at the food premises.
- (2) A person may not on food premises handle meat on a carcass, unless -
- (a) the carcass has been properly bled;
 - (b) the abdominal viscera were removed within 30 minutes after the killing of the animal in such a manner that neither the stomach and intestinal content nor any other matter polluted or spoiled the meat; and

- (c) the thoracic viscera were removed within three hours after the killing of the animal.

(3) A person may not on food premises handle an unskinned carcass so that the skin thereof comes into contact with other food or that the meat of such carcass is contaminated or spoiled.

(4) A person may not on food premises kill, bleed, eviscerate, skin or dress an animal other than in a room used specifically and exclusively approved for that purpose in accordance with good manufacturing practice, provided that no further handling or processing of any such carcass may take place in that room.

Standards and requirements for the transport of food

12. (1) A person may not transport food including the products referred to in regulation 13 on or in any part of a vehicle -

- (a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;
- (b) together with -
 - (i) contaminated food or waste food;
 - (ii) poison or any harmful substance;
 - (iii) a live animal; or
 - (iv) any object that may contaminate or spoil the food.

(2) Subject to subregulations (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid proof and dustproof sealed containers -

- (a) must have an interior surface made of an easy-to-clean and smooth, rust free, non-toxic and non-absorbent material without open joints or seams and, before food is loaded into such freight compartment, no square centimetre of the said surface may upon analysis as referred to in regulation 5(4) contain more than 100 viable micro-organisms;
- (b) must be dustproof;
- (c) may not be used simultaneously for the transport of any person or any other item that may contaminate the food.

(3) A person may not transport or carry non-prepacked food -

- (a) in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or
 - (b) in such a manner that the food could be spoiled or contaminated in any way.
- (4) Subregulations (2) and (3)(a) do not apply to the transport of venison, fish, molluscs or crustaceans between the food premises and the place where the

animals are hunted or the place where the fish, molluscs or crustaceans are caught or harvested, but such transport must be of the best available method and within a suitable time limit for transport as required by circumstances.

Provisions concerning unprocessed products

13. Despite any provision to the contrary in these regulations, an Environmental Health Practitioner may, if he or she is of the opinion that conditions prevail that constitute a health hazard with regard to the packing, storage, display, sale or transport of fresh, raw and unprocessed fruit and vegetables and unprocessed maize, wheat, rye, unshelled peanuts, sugar cane, sunflower seed or other unprocessed agricultural crops -

- (a) subject to regulations made under section 115 of the Public Health Act, 1919 (Act No. 36 of 1919) relating to inspections and investigations in respect of the handling of food, order that any condition that led to or could lead to such or any other health hazard be corrected or that any provision of these regulations be complied with; or
- (b) prohibit the continued use of the facility or food premises for the packing, storage, display, sale or transport of any of the said products, and the provisions of regulation 3(4), (5), (6), (7), (8) and (9) apply with necessary changes to such prohibition.

Exemptions, additional requirements and reservations

14. (1) A person in charge of food premises may apply to the Council for exemption from any of the provisions of these regulations.

(2) Upon receipt of an application referred to in subregulation (1) the Council must, without delay, refer the application to the Environmental Health Practitioner after consultation with the Permanent Secretary.

- (3) An exemption referred to in this regulation -
 - (a) may not be granted, unless the Environmental Health Practitioner after consultation with the Permanent Secretary is satisfied that the granting of such exemption does not or will not result in conditions that constitute a health hazard;
 - (b) if granted, is subject to the conditions listed by the Environmental Health Practitioner in the Certificate of Fitness; and
 - (c) may be withdrawn by the Environmental Health Practitioner on the grounds of non compliance with the conditions listed on the Certificate of Fitness.
- (4) The Council, on the grounds of an inspection report and recommendations by an inspector -
 - (a) may set additional requirements to be met on any food premises where, despite compliance with these regulations, a health hazard exists which is not provided for in these regulations; and
 - (b) subject to the principles of the best available method and good manufacturing practice, must limit the additional requirements referred to in paragraph (a) to the minimum necessary to remove the health hazard in question.

ANNEXURE A

SANITARY CONVENIENCES
(Regulation 4(3)(c)(v))

Population: The number of staff members and the maximum number of customers for whom provision is made to consume food on any premises at any one time		Number of sanitary conveniences to be installed in relation to the population as given in the first column			
	Men			Women	
For a population up to	Latrines	Urinal stalls*	Hand washbasins	Latrines	Hand washbasins
10	1	1	1	1	1
20	1	2	2	2	2
40	2	3	2	3	3
60	3	3	2	4	4
80	4	4	3	6	5
100	4	4	3	8	6
120	5	5	4	9	7
140	5	5	4	10	8
180	5	6	5	11	8
	Add 1 latrine, 1 hand washbasin and 1 urinal for every 70 persons in excess of 180 persons		Add 1 latrine and 1 hand washbasin for every 35 persons in excess of 180 persons		

* Urinal stall: A single urinal basin or a urinal trough at least 60cm in length

ANNEXURE B

Regulation 7(4)

FOOD TEMPERATURES

Column 1 Category	Column 2 Type of food	Column 3 Required core temperature of food products that are stored, transported or displayed for sale
Frozen products	Ice cream and sorbet, excluding sorbet which is used for soft serve purposes	-18°C
	Any other food which s marketed as a frozen product	-12°C
Chilled products	Raw unpreserved fish, molluscs, crustaceans, edible offal, poultry meat and milk	+4°C
	Any other perishable food that must be kept chilled to prevent spoilage	+7°C
Heated products	Any perishable food not kept frozen or chilled	>/+65°C

ANEXURE C

(Regulation 7(7))

**CODE OF PRACTICE FOR MEASURING
TEMPERATURES OF FOOD****1. Informing the person in charge or person responsible**

The inspector must inform the person in charge, or a person supervising the operation if the person in charge is not available, that he or she wishes to measure the temperatures of the food concerned and must explain to him or her all the procedures contained in this code.

2. Precautionary measures

- (1) All procedures are carried out as far as is practicable in a manner that is aseptic and free from chemical pollutants.
- (2) In the case of prepacked food, and if it is necessary, the inspector must remove the packaging in such a manner that the minimum and only the most reasonable essential damage is caused, or the person in charge or the person supervising the operation may remove the packaging at his or her own risk.
- (3) The temperature of food is as far as practicable measured without removing the food from a chilling, freezing or heating facility.

3. Measurement of temperature prepacked food

- (1) If the food is prepacked; the estimated temperature of the food may be measured by placing the stem of a thermometer (hereinafter referred to as the "stem") between two or more food packages for at least one minute or, in the case of a single food package, on the outer surface of the package.
- (2) If the temperature reading is not in compliance with the core temperatures specified in Annexure B or if the inspector has any doubts regarding the temperature of the food inside the package, the surface of core temperature of the food may be measured to determine the actual temperature.

Core temperature

- (3) If the food product is frozen a hole must be drilled in the food up to the estimated core of the food product with a sterilised stainless steel bit with an external measurement of about 4mm. The sterilised stem must be inserted into the hole up to the estimated centre of the product and a reading is taken after two minutes. In the case of a heated, chilled or unchilled product, the sterilised stem must be inserted up to the estimated core of the food product and a reading is taken after one minute.

Surface temperature

- (4) The surface temperature is measured by placing the sterilised stem directly on the surface of the food for at least one minute or, in the case of liquid, in the liquid for at least one minute, and the reading is taken immediately thereafter.

4. Presumption in respect of representative temperature reading

The food temperature determined in accordance with this code of practice is regarded as being representative of the temperature of all food in the freezing, chilling or heating facility concerned if the inspector is satisfied that such food is in the same condition or has the same characteristics as the food the temperature of which was taken.

TOWN OF REHOBOTH

No. 327

2006

**WASTE MANAGEMENT REGULATIONS:
LOCAL AUTHORITIES ACT, 1992**

The Town Council of Rehoboth, after consultation with the Minister of Regional and Local Government, Housing and Rural Development, has under section 94(1)(c) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the regulations set out in the Schedule.

BY ORDER OF THE COUNCIL**G.P. DAX
CHAIRPERSON OF THE COUNCIL**

Rehoboth, 22 September 2006

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PART I
PRELIMINARY

Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and -

“approved” means approved by the Council;

“approved waste collector” means a person approved by the Council for the collection, removal and disposal of waste;

“builders rubble” means waste generated by the demolition of buildings and structures, excavation of land or other building activities taking place on premises;

“bulky waste” means waste, other than hazardous waste, generated on premises and which by virtue of its mass, shape, size and quantity cannot be stored in a waste container, such as tree stumps and tree branches;

“bulk waste container” means a container with a storage capacity in excess of 5 m³, which may be used for the removal of bulky waste, business waste, industrial waste, garden waste or builders rubble;

“business waste” means waste generated on premises used for business purposes, but excludes domestic waste, builders rubble, bulky waste, industrial waste, special domestic waste and garden waste;

“chief health official” means a person appointed by the Council as a chief health official, and includes a health official acting in such capacity;

“Council” means the Town Council of Rehoboth;

“domestic waste” means waste normally generated on premises used for residential purposes, including related waste from welfare organisations, churches and halls, hospitals and related facilities, but in respect of hospitals and related facilities, excludes health care risk waste;

“garden waste” means waste generated by gardening activities taking place at premises:
“nuisance” includes -

- (a) premises in a state of construction or in such a condition or so situated or so dirty to be offensive, injurious or dangerous to health or the environment; and
- (b) activities which emits waste of an objectionable standard to the nature, human and animal life;

“occupier”, in relation to any premises, means any person who is in actual occupation of that premises and if no person is in actual occupation thereof, any person who whether as owner, lessee, licensee or otherwise has, for the time being, control of that premises;

“owner” includes -

- (a) any person receiving the rent or profits of premises from any tenant or occupier, or who would receive rents or profits if the premises were let, whether on his own account or as agent for any person entitled to it or having an interest in it;
- (b) the tenant, in respect of premises which are the property of the Council; and
- (c) in respect of premises held on the sectional title register opened in terms of section 5 of the Sectional Titles Act, 1971 (Act No. 66 of 1971), the body corporate as defined in that Act.

“plastic liner” means a plastic bag approved by the Council for the storage of waste;

“premises” means any building or other structure together with the land on which it is situated, and includes any land without any buildings or other structures;

“public disposal facility” means a site approved for the disposal and temporary storage of, builders rubble, bulky waste, domestic waste and garden waste, but not business, industrial, special industrial and hazardous waste;

“sanitary landfill site” means an area or site approved for the disposal of waste;

“tariff” means a tariff -

- (a) for collection, removal and disposal of waste and other related services; and
- (b) determined by the Council by notice in the *Gazette* in terms of section 30(1)(u) of the Act;

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“town area” means the area of the town of Rehoboth;

“waste container” means a waste container or plastic liner approved for the storage of waste;

“waste” includes anything which is discarded or otherwise dealt with as if it were a waste and includes any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled.

PART II SERVICE OF COUNCIL

Service of Council

2. (1) For the purpose of this regulation “town planning scheme” means the Rehoboth town planning scheme prepared in terms of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954).

(2) The Council provides, in the town area, a service for the collection, removal and disposal of domestic and business waste.

(3) The owner or occupier of premises on which domestic and business waste is generated must use the service of the Council, unless the Council otherwise approves.

(4) The owner or occupier of premises on which domestic and business waste is generated is liable to the Council for the payment of the tariff.

(5) The Council provides, at places within areas defined by their respective zoning in the town planning scheme or at other public places, containers for the disposal of waste.

(6) Small volumes of garden waste and bulky waste and other waste which the Council notifies, may be disposed of in the containers contemplated in subregulation (5), but domestic, business or industrial waste may not be disposed of in such containers, unless the Council otherwise directs.

(7) Waste containers contemplated in subregulation (5), or its contents may not be vandalized or tampered with.

(8) The Council is responsible for the environmentally safe site identification, design, registration or permitting, construction, operation and monitoring of an appropriate sanitary, landfill site for the disposal of waste generated in the town area in accordance with the law relating to the environment.

Notice to Council

3. The owner or occupier of premises which have not been provided with a waste container, and on whose premises domestic or business waste is generated, must notify, the Council, within seven days after the commencement of the generation of the waste -

- (a) that the premises are occupied, and
- (b) of the type of waste generated on the premises.

Delivery of waste containers

4. (1) On receipt of notice in terms of regulation 3, the Council determines the number and type of waste containers required on the premises, and -

- (a) the owner or occupier of the premises must ensure that the premises have the sufficient number and type of waste containers required by the Council; and
- (b) the Council may, on the request of the owner or occupier, and on the payment of a tariff, provide the required number and type of waste containers.

(2) This regulation applies, with necessary changes, to an owner or occupier who makes use of the services of an authorised waste collector for the collection, removal and disposal of domestic or business waste.

(3) The Council may at any time after the delivery of waste containers in terms of subregulation (1), remove any waste container or deliver additional waste containers, if the Council is satisfied that a greater or lesser number of containers are required on the premises.

(4) The owner or occupier of the premises contemplated in subregulation (3), must pay to the Council the tariff for the removal or the provision of waste containers.

(5) The Council may provide certain premises with bulk waste containers, depending on the quantity of waste generated on the premises, having regard to -

- (a) the suitability of waste being stored in containers used for the storage of domestic waste;
- (b) the accessibility and adequacy of the space provided by the owner or occupier of the premises in terms of regulation 5; and
- (c) the appropriateness of bulk waste containers as compared to waste containers used for the storage of domestic waste.

(6) Subregulations (1), (3) and (4) apply, with necessary changes, in respect of bulk waste containers delivered in terms of subregulation (5).

(7) The owner or occupier of premises must keep the contents of the waste containers delivered in terms of this regulation covered at all times, except when waste is deposited in, or discharged from, the container.

(8) The Council is the owner of waste containers delivered by it in terms of subregulations (1), (3) and (5).

Placing of waste containers

5. (1) The owner or occupier of premises must provide on the premises, a space of sufficient size and am other facilities, which the chief health official may consider necessary, for the placing of waste containers

(2) The space provided in terms of subregulation (1), must allow for convenient access to, and collection of, waste containers.

(3) The owner or occupier of the premises must -

(a) where domestic waste is generated on the premises, before 7:00 am on the day notified by the Council as the waste collection day, place the waste containers or plastic liners containing domestic waste outside the fence or boundary of the premises on the nearest street boundary or on any other place which the Council notifies; and

(b) where business waste is generated on the premises, place the waste containers or plastic liners containing business waste, at a space that allows for convenient access to, and collection of, the waste containers.

(4) Where the staff members responsible for the collection of waste in the town area, are unable to collect waste from the space contemplated in subregulation (1) and (3)(b), the Council may, having regard to the avoidance of nuisance and the convenience of collecting of waste indicate a position within or outside the premises where the waste container must be placed for collection.

(5) The owner or occupier of premises must at all times place the waste container at the space or position contemplated in subregulation (1) or (14), unless the Council otherwise directs.

Waste container liners

6. (1) In order to facilitate the collection and removal of waste which may cause nuisance by nature of its odours, dust, attraction of vermin or disease vectors, the Council may require that the waste be containerised in liners of 85-litre size.

(2) The owner or occupier of premises must place the waste contemplated in subregulation (1), in the container liner and the container liner must then be placed in the waste container.

Use and care of waste containers

7. (1) The owner or occupier of premises, to which the Council has delivered waste containers in terms of regulation 4, or where waste containers are provided by an authorised waste collector, must ensure that -

- (a) waste generated on the premises is at all times stored in the required waste container, but the owner or occupier who has obtained the approval of the Council, may sell or otherwise dispose of any corrugated cardboard, paper, glass, cans or other material for recycling in a manufacturing process;
- (b) no burning material, hot ash, unwrapped glass and sharp objects or other waste, that may damage the waste containers or that may injure the staff members responsible for the collection of waste, is placed in waste containers, unless it is wrapped in suitable materials or placed in a hard container to avoid such damage or injury;
- (c) no material, including any liquid which by reason of its mass or other characteristics is likely to result in spillage or is likely to damage the container, is placed in the waste containers;
- (d) each waste container on the premises is covered with a suitable lid, except when waste is being deposited in, or discharged from it; and
- (e) waste containers are kept in a clean and hygienic condition.

(2) Waste containers delivered in terms of regulation 4, may not be used for any purpose other than for storage of waste, and no fire may be lit in the waste container.

(3) Where bulk waste containers have been delivered to the premises in terms of regulation 4(5), the owner or occupier of the premises must inform the Council at least 24 hours before the container is filled to capacity.

(4) The owner or occupier of premises to which waste containers have been delivered in terms of regulation 4, are liable to the Council for the loss of, or damage to, the waste containers.

PART III

GARDEN, SPECIAL DOMESTIC AND BULKY WASTE

Removal and disposal of garden, special domestic and bulky waste

8. (1) For the purpose of this Part -

- (a) “animal” means a dog, cat, cattle, poultry and other domestic or wild animals;
- (b) “special domestic waste” means waste such as a carcass of a dead animal, and animal waste that comprises mainly of solid manure and other waste generated by animals.

(2) The owner or occupier of premises on which garden, special domestic or bulky waste is generated must ensure that such waste is disposed of within 72 hours after it is generated.

(3) Garden waste, domestic waste and special domestic waste, may be retained on the premises in an approved manner for the making of compost.

(4) The Council may, for the purpose of making compost, allow the owner or occupier of premises to retain garden waste, domestic waste or special domestic waste on the premises or to transfer it to other premises, if -

- (a) the owner or the occupier has obtained approval from the Council to do so; and
- (b) the waste is protected from fly, odour and other nuisances with a soil layer of a minimum of 50-mm thickness.

(5) The owner of a dead animal or if the owner is not known, the owner or occupier of the premises on which the animal is found dead, must, within 12 hours after such animal is found dead, properly bury or otherwise dispose of the carcass at a sanitary landfill site.

(6) If the requirements referred to in subregulation (5) cannot be satisfied, the owner or occupier of premises must within the 12 hours contemplated in that subregulation, notify the staff members responsible for the collection of waste to remove the carcass.

(7) The owner or occupier contemplated in subregulation (5) must pay the tariff for any action taken in terms of that subregulation.

(8) A person who fails to comply with subregulation (5) or (6), commits an offence and is on conviction liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding 6 months.

Special service by Council

9. The Council may, at the request of the owner or occupier of premises, and on payment of a tariff, provide certain premises with bulk waste containers for the storage of garden waste, special domestic waste, bulky waste and builders rubble.

PART IV BUILDERS RUBBLE

Responsibility for builders rubble

10. The owner or occupier of premises on which builders rubble is generated must ensure that -

- (a) the builders rubble is disposed of in accordance with regulation 12, within 72 hours after it is generated; and
- (b) until such time that builders rubble is disposed of, that the rubble and bulk waste containers used for the storing of the rubble are kept on the premises on which the rubble is generated.

Containers for builders rubble

11. (1) Bulk waste containers may be placed in an approved area outside the premises for the period specified and subject to conditions determined by the Council.

- (2) Each bulk waste container used for the storage of builders rubble must -
 - (a) have clearly marked on it the name and address and telephone number of the person in control of such bulk waste container;
 - (b) be fitted with reflecting chevrons or reflectors which must outline the front and the back of the container; and

- (c) be covered at all times during storage or transport so that its contents may not be displayed.

Disposal of builders rubble

12. (1) For the purpose of this regulation “land reclamation” means the process of controlled dumping and levelling of soil or builders rubble for purposes of creating an area of land for development or for the construction of a building.

(2) Builders rubble must unless the Council otherwise directs, be deposited at a sanitary landfill site.

(3) A person may retain builders rubble on the premises for the purpose of land reclamation, but the person must obtain the approval of the Council to do so.

(4) An approval given in terms of subregulation (3), may be subject to the payment of a tariff and such conditions as the Council may determine.

PART V INDUSTRIAL WASTE

Application of regulations 2 to 7 to industrial waste

13. (1) For the purpose of this Part “Industrial waste” means waste generated by industrial activities taking place at premises.

(2) Unless the context of this Part otherwise indicates, regulations 2,3,4,5,6 and 7, apply with necessary changes to industrial waste generated on premises.

Collection, removal and disposal of industrial waste by authorised waste collectors

14. (1) A person who wishes to make use of the service of an authorised waste collector for the collection, removal and disposal of industrial waste, must obtain the approval of the Council to do so.

(2) The Council may in respect of an approval contemplated in subregulation (1), impose conditions which the Council considers necessary.

(3) In determining conditions under subregulation (2), the Council must -

(a) ensure that -

(i) the waste container used for the storage and removal of industrial waste is not kept in a public place, unless otherwise authorised;

(ii) industrial waste is deposited at a sanitary landfill site; and

(b) consider -

(i) the type of service rendered by the authorised waste collector;

(ii) the equipment which is intended to be used for the storage and disposal of industrial waste;

(iii) the containment of the industrial waste in transit; and

- (iv) the composition and quantity of industrial waste generated and disposed of

(4) The Council may cancel an approval given under subregulation (1), if the person authorised in terms of that subregulation fails to comply with a condition specified in the approval.

(5) The owner or occupier of premises, who use the service of an authorised waste collector, must ensure that the industrial waste generated on the premises, is stored and disposed of, within a reasonable time, in accordance with regulation 15.

Storage and disposal of industrial waste

15. (1) The owner or occupier of premises on which industrial waste is generated, must ensure -

- (a) that the waste is at all times stored in an approved waste container, until it is removed from the premises on which it is generated; and
- (b) that nuisance does not take place on the premises.

(2) An authorised waste collector must deposit the industrial waste at a site approved for the disposal of industrial waste.

PART VI

ADMINISTRATIVE MATTERS IN RESPECT OF SPECIAL INDUSTRIAL, HAZARDOUS, HEALTH CARE RISK AND INFECTIOUS WASTE

Generation of special industrial, hazardous and health care risk waste

16. (1) For the purpose of this Part -

- (a) “bio-hazardous waste symbol” refers to the labelling required for “intermediate bulk containers for hazardous substances” SABS 0233/2001 published by the South African Bureau of Standards (SABS), including any amendments thereof;
- (b) “health care risk waste” means waste, such as human or animal tissue, hypodermic needles, contaminated gloves, bandages or linen and infectious waste, and which normally originates in hospitals, clinics, consulting rooms, veterinary hospitals and other related facilities;
- (c) “health care risk waste sharps” means discharged sharps objects such as hypodermic needles, syringes, broken glass, scalpel blades, that have come into contact with infectious substances during use in patient care or in medical research or industrial laboratories;
- (d) “hazardous waste” “hazardous waste” means substances of domestic or industrial origin which, in terms of the law relating to the environment, may only be disposed of at a hazardous sanitary landfill site, and for the purpose of this Part includes waste containing or contaminated by poison, a corrosive agent, a flammable substance having an open flash-point of less than 90 °C, an explosive, radioactive material, and a chemical or other substance, which, in the opinion of the chief health staff member, is likely to endanger human health;

- (e) “infectious waste” means waste which can cause an infectious disease;
- (f) “special industrial waste” means waste that consist or liquid or sludge produced by manufacturing process or the pre-treatment for disposal purposes of any industrial waste, as defined in regulation 13, and which may not be discharged into a drain or sewer.

(2) A person who, in the town area, carries out an activity which generates special industrial, hazardous or health care risk waste must, within seven days of its generation -

- (a) notify the Council; and
- (b) provide the Council with a statement of -
 - (i) the type of waste generated on the premises;
 - (ii) the composition of the waste;
 - (iii) the quantity of waste generated on the premises;
 - (iv) the method of storage of the waste generated on the premises;
 - (v) the proposed duration of storage of the waste generated on the premises; and
- (iv) the manner of collection, removal and disposal of the waste.

(3) The statement contemplated in subregulation (3), must, if the Council so requires, be substantiated by an analysis certified by a person suitable qualified to give such an analysis.

(4) The person contemplated in subregulation (2) must notify the Council of changes in the composition and quantity of the special industrial, hazardous or health care risk waste.

Storing of special industrial, hazardous and health care risk waste

17. (1) The person referred to in regulation 16(2) must ensure that the special industrial, hazardous or health care risk waste generated on the premises is kept and stored on the premises until it is collected, removed and disposed of, in accordance with regulation 18.

(2) Special industrial, hazardous or health care risk waste stored on premises must not cause nuisance.

(3) Where special industrial, hazardous or health care risk waste is stored in contravention of subregulation (2), the Council may give notice to the owner or the occupier of the premises to remove such waste within 48 hours.

(4) Where, the notice given in terms of subregulation (3), is not complied with, the Council or any person authorised by the Council may remove the waste contemplated in that subregulation.

(5) The owner or occupier of premises must pay the tariff for removal contemplated in subregulation (4).

(6) Special industrial, hazardous or health care risk waste must be stored in a container approved by the chief health official and the container must be kept in an approved storage area for a period determined by the chief health official, before removal in accordance with regulation 18.

(7) Containers for health care risk waste must comply with the following requirements:

- (a) all infectious waste must be placed at the point of generation in an approved container;
- (b) the container used for the storage of health care risk waste sharps must be constructed of such a material that the object cannot pierce the container, and the container must be fitted with a safe and hygienic lid which must be sealed after use;
- (c) the container used for the removal of other contagious materials must be manufactured from a material which will prevent the contents from leaking out, and the container has to be equipped with a safe and hygienic lid, and be sealed after utilisation; and
- (d) all containers must be clearly marked with the bio-hazardous waste symbol.

Removal of special industrial, hazardous and health care risk waste

18. (1) Special industrial, hazardous or health care risk waste may only be removed from the premises on which it is generated, with the Council's written authorisation.

(2) Special industrial, hazardous or health care risk waste must be transported in accordance with the law relating to the transportation of such waste.

(3) The person referred to in regulation 16(2), must inform the Council at periods as the Council determines, of the removal of special industrial, hazardous or health care risk waste, the identity of the person removing the waste, the date of such removal, the quantity and the composition of the special industrial, hazardous or health care risk waste removed.

(4) Where a person wishes to dispose of health care risk waste by incinerating it, the person must obtain written approval from the chief health official to do so.

(5) Where waste is stored, collected or disposed of in contravention of this regulation, the Council may require the responsible person to dispose of the waste as the Council directs, or the Council may instruct any person to dispose of such waste, and recover the costs for any action so taken from the responsible person.

(6) Notwithstanding this regulation and regulations 16 and 17, a person generating special industrial, hazardous or health care risk waste, must comply with the law relating to the notification, storage, collection, removal and disposal of such waste.

PART VII
SANITARY LANDFILL SITES AND PUBLIC DISPOSAL FACILITIES

Sanitary landfill sites and public disposal facilities

19. (1) Any person who for the purpose of disposing of waste enters a sanitary landfill site or public disposal facility controlled by the Council, must -

- (a) enter the sanitary landfill site or public disposal facility at an authorised access point;
- (b) give the Council all the particulars required with regard to the composition of the waste; and
- (c) follow all instructions given to the person with regard to access to the actual disposal point, the place where and the manner in which the waste must be deposited.

(2) A person may not bring any liquor to a sanitary landfill site or public disposal facility controlled by the Council.

(3) A person may not enter a sanitary landfill site or public disposal facility controlled by the Council for any purpose other than for the disposal of waste, and entry is allowed only at times and hours as the Council may from time to time determine and display at authorised access point to the sanitary landfill site or public disposal facility.

Responsibility of Council at sanitary landfill sites

20. The Council is responsible for the effective design, construction, operation, management and monitoring of a sanitary landfill site, in accordance with law relating to the environment, by enforcing -

- (a) the controlled entry of both vehicles and persons to the sanitary landfill site and the prevention of illegal activities such as scavenging, cultivation on drainage structures and illegal burning of waste, taking place on the landfill site;
- (b) the control and monitoring of environmental pollution due to illegal burning of waste, ground water pollution, leachate, windblown waste, dust emission and other parameters as may emanate from the operation of such sanitary landfill site;
- (c) that the access road to the sanitary landfill site is at all times in an acceptable condition to allow for the free flow of traffic; and
- (d) that only waste approved for disposal in accordance with waste and landfill classification is disposed of at a particular sanitary landfill site.

Ownership of waste on sanitary landfill sites and public disposal facilities

21. Waste deposited at a sanitary landfill sites or a public disposal facilities controlled by the Council is the property of the Council, and a person may not remove or interfere with such waste, unless authorised by the Council.

**PART VIII
LITTERING AND DUMPING**

Littering

- 22.** A person may not -
- (a) throw, let fall, deposit, spill or in any other way discard, any waste in or on any public area, vacant erf, farm portion, stream or watercourse, other than into a waste container provided for that purpose, or onto a sanitary landfill site or public disposal facility controlled by the Council;
 - (b) sweep any waste into a gutter, on a road reserve or any other public area; and
 - (c) allow any person under his or her control to carry out any of the acts referred to in paragraphs (a) and (b).

Dumping and powers of the Council

23. (1) Where a person unlawfully deposits waste at a place, other than a waste disposal site, a staff member authorised in terms of section 91 of the Act, may -

- (a) request the responsible person to remove the waste unlawfully deposited by the person within such time as may be determined by the staff member;
- (b) remove the waste and recover from the responsible person the tariff for the removal.

(2) Subregulation (1), does not apply to a vehicle deemed to have been abandoned in terms of regulation 355 of the Road Traffic and Transport Regulations promulgated under Government Notice No. 53 of 30 March 2001.

- (3) For the purpose of subregulation (1), the “responsible person” is -
- (a) the owner of the deposited thing, and includes any person who is entitled to be in possession of the thing at the time it was deposited, unless the person proves that the person was not concerned with and did not know that the thing was deposited at that place;
 - (b) any person who deposited the thing at the place referred to in that subregulation; or
 - (c) any person who knowingly caused the depositing of the thing at the place referred to in that subregulation.

**PART IX
GENERAL PROVISIONS**

Access to premises

24. In order to enforce these regulations staff member authorised by the Council may in accordance with section 91 of the Act enter premises.

Notices, documents and orders

25. Any notice, order or document to be given by the Council in terms of these regulations must be given in accordance with section 93 of the Act.

Tariff

26. (1) Unless, otherwise provided in these regulations, a person to whom any service mentioned in these regulations provided by the Council is liable to the Council for the payment of a tariff.

(2) The Council may vary its service in respect of which a tariff is determined, if -

- (a) the Council establishes that an increase or decrease in such service is Justified; or
- (b) on the receipt of a written notification from the owner or the occupier of the premises to which the services are provided, that the generation of waste on the premises has ceased or reduced in volume, and the Council is satisfied that a change in the service is justified.

(3) The tariff is due and payable on the same date as the general assessment rates, water and sewer tariffs are due or as the Council may from time to time determine.

Offences and penalties

27. Any person who fails to comply with any of these regulations commits an offence and is on conviction liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.
