

SANITATION (RESTAURANTS) REGULATIONS 1927. ⁽¹⁾

1. These Regulations may be cited as the *Sanitation (Restaurants) Regulations 1927.*⁽¹⁾ Short title.

2. In these Regulations, unless the contrary intention appears— Definitions.

“Licence” means a licence to keep a restaurant and to keep, proffer or expose for sale, or to sell, in a restaurant any prepared food;

“Licensing Officer” means the District Officer of the district in which an application for a licence is made under the provisions of these Regulations;

“Local Medical Authority” means, in the District of New Britain, the Director of Public Health, or such other officer as the Director of Public Health may, in writing, appoint to act as the local medical authority in the District of New Britain, and means, in districts other than the District of New Britain, a medical officer in any of those districts who is in the employment of the Administration, or such other medical officer as may be appointed, in writing, by the Director of Public Health to act as the local medical authority in any one of these districts:

Provided that, in the absence of a medical officer (being in the employment of the Administration) in any district, the expression “local medical authority” shall include any medical practitioner appointed, in writing, by the Director of Public Health to act as a local medical authority.

(1) The *Sanitation (Restaurants) Regulations 1927* (made under the *Administrator's Powers Ordinance 1923-1938*) comprise the original *Sanitation (Restaurants) Regulations 1927*, as amended by the other Regulation referred to in the following Table:—

REGULATIONS MADE BY THE ADMINISTRATOR.

Description.	Date on which made by Administrator.	Date on which published in <i>N.G.Gaz.</i>	Date on which took effect.
<i>Sanitation (Restaurants) Regulations 1927</i>	6.7.1927	7.7.1927	“Forthwith” ^(a) (<i>N.G. Gaz.</i> of 7.7.1927)
<i>Amending Regulation</i>	2.9.1931	15.9.1931	“Forthwith” ^(a) (<i>N.G. Gaz.</i> of 15.9.1931)

(a) Each of these sets of Regulations stated in their respective introductory parts that they were “to come into operation forthwith.” At the relevant dates in 1927-1931 Section 3 of the *Administrator's Powers Ordinance 1923-1938* (under which each of these sets of Regulations were made) provided that “all regulations made under this Ordinance shall be published in the *New Guinea Gazette* and shall take effect from the date of such publication or from a later date specified therein.” At the relevant dates in 1927-1931 there was no other Ordinance or regulation of general application providing for the publication of regulations, the date on which they were to take effect, or the meaning of “forthwith”.

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Provided further that, in the absence of a medical officer (or of a medical practitioner appointed, in writing, by the Director of Public Health to act as a local medical authority), the expression "local medical authority" shall include the District Officer;

"Prepared food" includes every article which has been cooked or otherwise prepared as, or is in course of cooking or other preparation for, food or drink by man, and includes also infant foods, flavoring matters, coloring matters, essences, condiments, spices, confectionery and all tinned, canned and bottled articles or any foods contained in any container where such container is unsealed or opened, but does not include foods or articles contained in packages or containers which are sealed or unbroken, and does not include bread or uncooked meats;

"Restaurant" means any building (or part of a building) or any other structure (whether enclosed or not) in which any prepared food is, or is intended to be, sold, or is kept, proffered or exposed for sale, and includes any part of a hotel, accommodation house, club, shop, tea house, coffee house or eating house which is used as a restaurant.

Application of Regulations.

3.—(1.) These Regulations shall apply to any place in the Territory which is a town within the meaning of the word "Town" as defined by section two of the *Town Boundaries Ordinance 1924*.⁽²⁾

(2.) The Administrator may, by notice⁽³⁾ in the *New Guinea Gazette*, declare any place in the Territory to be a place to which these Regulations shall apply.

Keeper of restaurant to obtain licence.

4. No person shall—

(a) Keep a restaurant; or

(b) Keep, proffer or expose for sale, or sell, in a restaurant any prepared food, unless he has a licence signed by a licensing officer and issued in accordance with Form 1 of Schedule to these Regulations.

Application for licence.

5. An application for a licence shall be made in writing to the licensing officer and shall be in accordance with Form 2 of the Schedule to these Regulations.

Recommendation of local medical authority to be endorsed on application.

6. A licence shall not be issued to any person, unless a written recommendation of the licence signed by a local medical authority has been endorsed on the application for the licence.

(2) Now the *Town Boundaries Ordinance 1924-1927*.

(3) No notice has been published in *N.G. Gaz.*

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7.—(1.) Notwithstanding anything contained in these Regulations, if—

- (a) a licence applied for by any person is refused by a District Officer; or
- (b) a local medical authority refuses to endorse on the application for a licence applied for by any person the written recommendation referred to in the last preceding regulation,

Administrator may review decision to refuse licence.

that person may make an application in writing to the Administrator to review the decision of the District Officer to refuse the licence, or to review the decision of the local medical authority to refuse to endorse on the application for the licence the written recommendation referred to.

(2.) On the receipt of an application in writing referred to in the last preceding sub-regulation, the Administrator may, after considering all the circumstances, refuse or grant the licence applied for.

8. In every application for a licence, the premises which the applicant desires to use as a restaurant shall be specified, and a licence shall not empower the holder of the licence to use as a restaurant any premises except the premises specified in the application for the licence.

Licence valid in respect to particular premises only.

9. Every person who obtains a licence shall, during the time in which the licence is in force, post up the licence in a conspicuous position in the restaurant in respect of which the licence has been issued.

Licence to be posted up.

10. Every licence issued under the provisions of these Regulations shall expire on the thirtieth day of June next after the date of the issue of the licence.

Duration of licence.

11. The fee for a licence issued under the provisions of these Regulations shall be Three pounds:

Fee.

Provided that the fee for a licence issued at any time during the first six months in any year shall be Thirty shillings.

11A. Notwithstanding the provisions of these Regulations, the holder of a publican's licence or a club licence under the *Liquor Ordinance* 1931⁽⁴⁾ shall be deemed to hold a licence under these Regulations for the premises in respect of which the licence under that Ordinance is in force and shall be exempt from the payment of a licence fee.

Hotels and clubs.
Ad. by Regs. gazetted on 15.9.1931, r. 1.

12. Every holder of a licence shall, to the satisfaction of a local medical authority—

Cleansing of premises used as restaurant.

- (a) every day before eleven o'clock in the forenoon, cleanse,

(4) Now the *Liquor Ordinance* 1931-1938.

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or cause to be cleansed, every room or part of any premises used as a restaurant and, when required by a local medical authority to do so, cleanse, or cause to be cleansed, with disinfectants, any room or part of any premises used as a restaurant; and

(b) in the months of May and November of every year, cause every room or part of any premises used as a restaurant to be thoroughly scraped and whitewashed, or, at least once in every year, cause every room or part of those premises to be painted or oiled.

Accommodation for employees of licensee.

13. Every holder of a licence shall, to the satisfaction of a local medical authority, provide suitable accommodation for any of his employees engaged in or upon any work in connexion with the premises used by him as a restaurant.

Restaurant not to be used as a sleeping place.

14. No part of any premises used as a restaurant shall be used as a sleeping place.

Person suffering from disease not to enter restaurant.

15. No person, who is suffering from any skin disease or infectious disorder, shall enter, work at, or be employed on any premises used as a restaurant.

Utensils in a restaurant to be kept clean.

16. All premises used as a restaurant and all the utensils and articles in the restaurant shall, to the satisfaction of a local medical authority, be kept in a clean and sanitary condition.

Animals not allowed in restaurants.

17. No dogs, poultry or other domestic animals shall be permitted to enter any restaurant.

Chewing betel nut smoking or expectorating.

18. Whilst he is engaged in the preparation or handling of any food, a person shall not, in any premises used as a restaurant—

(a) chew or have in his possession any betel nut; or

(b) smoke or expectorate.

Refuse to be kept only if in closed receptacle.

19. No waste food or refuse of any kind shall be kept or suffered to remain in or upon any premises used as a restaurant, except in a close-covered water-tight metal receptacle.

Destruction of rats.

20. The holder of a licence shall, to the satisfaction of a local medical authority, provide on the premises used by him as a restaurant, a sufficient number of rat-traps of a kind approved by the local medical authority, and shall, to the satisfaction of a local medical authority, make use of the rat-traps and use all reasonable means, including the blocking of ways of access by rats, the destruction of the harbourage of rats, the protection of food from rats, the poisoning of rats and the killing of rats by other means, in order to keep premises used by him as a restaurant free from rats.

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21. Every person who is engaged in the preparation or handling of food on any premises used as a restaurant shall, when so engaged, keep and maintain, to the satisfaction of a local medical authority, his clothes and body clean.

Person engaged in restaurant to keep clothes and body clean.

22. No person shall sell, or keep or expose for sale, any damaged, deteriorated or decomposed food.

Sale of damaged food prohibited.

23. The Director of Public Health may by order in writing require—

Examination of persons handling food or utensils containing food.

(a) any person who is employed in preparing or handling any article of food for sale;

(b) any person who is employed in preparing or handling any utensil or receptacle in which any article or food for sale is kept or served;

(c) any article of food for sale; or

(d) any utensil or receptacle in which any article or food for sale is kept or served,

to submit, or be submitted, as the case may be, to any process specified in the order or any clinical or bacteriological examination for the purpose of ascertaining if the person or thing referred to in paragraphs (a), (b), (c), or (d) of this regulation is likely to convey infection.

24. A local medical authority, or any person authorized thereto in writing by a local medical authority, may, at any reasonable time, enter upon any premises used as a restaurant, and may, at his discretion, for the purposes of these Regulations, make any examination, or remove any goods, for the purpose of examination.

Entry on premises for examination or removal of goods.

25. No person shall in any way obstruct, hinder or impede a local medical authority or any person duly authorized by him in the exercise of any of the powers conferred by the last preceding regulation.

Person not to hinder entry on premises for examination or removal of goods.

26. Any person who—

Penalties.

(a) commits a contravention of any of the provisions of these Regulations;

(b) omits to do anything which is, by any of the provisions of these Regulations, required to be done by that person; or

(c) disobeys any lawful order of a local medical authority,

shall be liable to a penalty not exceeding a fine of Fifty pounds, or imprisonment not exceeding six months, or both.

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THE SCHEDULE.

FORM 1.

Reg. 4.

TERRITORY OF NEW GUINEA.

Sanitation (Restaurants) Regulations 1927.

LICENCE TO USE PREMISES AS RESTAURANT.

(a) of (b)
is hereby licensed to use as a restaurant the premises owned by
(c) at (d)
and comprising (e)
during the year ending the thirtieth day of June 19 and subject to the
Sanitation (Restaurants) Regulations 1927.

Dated this day of 19

District Officer.

- (a) Here insert the full name of the applicant.
- (b) Here insert the address of applicant.
- (c) Here insert the full name of owner of premises.
- (d) Here insert the address of premises.
- (e) Here insert full and detailed description of premises in respect of which application is made.

FORM 2.

Reg. 5.

TERRITORY OF NEW GUINEA.

Sanitation (Restaurants) Regulations 1927.

APPLICATION FOR LICENCE TO USE PREMISES AS RESTAURANT.

Full name of applicant

Address

Occupation Nationality

Detailed description and situation of premises in respect of which application is made

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I have not been convicted of a breach of the *Sanitation (Restaurants) Regulations 1927* namely (a)

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Dated day of 19...

Signature of Applicant.

(a) Here insert details of convictions (if any).

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The District Officer

After an examination of the applicant and of the premises above referred to, I recommend that this application be not granted.

Local Medical Authority.