

# THE PUBLIC HEALTH (SALE OF ICE AND AERATED WATERS) REGULATIONS [ARRANGEMENT OF REGULATIONS]

## Regulation

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**SECTIONS 75 AND 82-THE PUBLIC HEALTH (SALE OF ICE AND AERATED WATERS) REGULATIONS  
Regulations by the Minister**

*Government  
Notices  
2 of 1933  
12 of 1937  
327 of 1950  
134 of 1952  
171 of 1954  
291 of 1964  
Act  
51 of 1963  
13 of 1994*

1. These Regulations may be cited as the Public Health (Sale of Ice and Title

Aerated Waters) Regulations.

**2.** The Minister may, by statutory notice, declare that on and after a date to be specified in such notice the whole of these Regulations or only such provisions thereof as are mentioned in such notice shall apply to the whole of or only such part of the district of any Local Authority as shall be defined in such notice.

Application of  
Regulations

*(As amended by Act No. 291 of 1964)*

**3.** In these Regulations, unless the context otherwise requires-

Interpretation

"aerated water" includes every kind of non-alcoholic effervescent liquid prepared for human consumption and sold in bottles, syphons, casks or other vessels;

"permit" means a permit granted under these Regulations.

*(As amended by Acts No. 12 of 1937, No. 171 of 1954 and No. 51 of 1963)*

**4.** No person shall use any premises for the manufacture for sale of any aerated waters or ice unless he shall first have obtained a permit from the Local Authority authorising him to use them in such a way.

Necessary  
permit

*(No. 134 of 1952)*

**5.** A permit may be issued for a period not exceeding one calendar year, and no permit shall continue in force beyond the 31st December in the year for which it was issued.

Duration of  
permit

**6.** Any person desiring a permit shall send to the Local Authority a written application on a form to be obtained from the office of the Local Authority, and shall furnish all the information required by such form.

Application for  
permit

*(As amended by Act No. 327 of 1950)*

**7.** No permit shall be granted unless the Medical Officer of Health is satisfied that the premises in respect of which such permit is desired comply with the regulations governing such premises and are suitable for the purpose for which they are intended to be used.

Premises to be  
to the  
satisfaction of  
the Medical  
Officer of

Health

**8.** The Local Authority may refuse to grant or renew any permit, or may grant such permit on such conditions as it may lay down. A breach of any condition attached to a permit shall be deemed to be a breach of these Regulations.

Conditional permit

*(As amended by Act No. 327 of 1950)*

**9.** No permit shall be transferable from the premises in respect of which it is granted to any other premises.

Transfers

**10.** The Medical Officer of Health or any Health Inspector may at any time enter upon and inspect any premises used or suspected of being used as an aerated water or ice factory. In the course of such inspection, any such officer may examine the water supply and any utensils which may be found on the premises and the process of manufacture employed, and may take samples of any material or ingredient used in any such processes, and, for the purpose of such inspection, may make any inquiry he deems necessary. Any person who, directly or indirectly, wilfully hinders, obstructs, resists or refuses information or gives false or misleading information to any such officer in the course of such inspection shall be deemed to have contravened these Regulations.

Right of entry

**11.** Every person granted a permit shall provide for use in his factory, to the satisfaction of the Medical Officer of Health, a sufficient supply of pure water, free from risk of contamination.

Water supply

**12.** Every person granted a permit shall-

Duties of person to whom a permit is granted

(a) at all times maintain his premises in a state of thorough cleanliness and ventilation;

(b) cause all bottles, vessels and other articles and utensils used for the manufacture of or to contain aerated water or ice intended for sale or consumption to be kept thoroughly clean;

(c) provide and use apparatus for the cleansing and sterilising of bottles to the satisfaction of the Medical Officer of Health;

(d) cause all the preparation or mixing of sweet ingredients used in the manufacture of aerated water to be carried out in a room or apartment effectively screened against flies;

(e) cause all vessels containing syrups or mixtures of syrups to be

adequately protected against flies and dust;

(f) mark all bottles in which his produce is sold with a description of the contents and a clear indication of the name and address of the manufacturer.

*(As amended by Act No. 134 of 1952)*

**13.** No person engaged in the manufacture of aerated water or ice shall keep or use in connection with such manufacture any filter which is not of a type approved in writing by the Medical Officer of Health; and every filter so kept or used shall be periodically cleansed in strict accordance with the directions of the Medical Officer of Health. Any person found using a filter not satisfactorily cleansed shall be guilty of an offence.

Only approved filters to be used

**14.** No person shall allow any aerated water or ice, or any water in the process of being converted into aerated water or ice, to come in contact with any copper or lead or any other metal likely to contaminate water.

Contact with copper or lead prohibited

**15.** No person shall sell, expose for sale or cause to be exposed for sale aerated water or ice which is unfit for human consumption, or any aerated water in any dirty vessel or bottle. Any aerated water or ice so sold or exposed for sale may forthwith be seized, removed and destroyed by the Medical Officer of Health or Health Inspector or any person authorised in writing by the Medical Officer of Health. Any bottle containing aerated water which, before being charged with such water, has not been sterilised in the manner laid down under paragraph (c) of regulation 12 by the Medical Officer of Health shall be deemed to be a dirty bottle within the meaning of this regulation, and the cost of removing and destroying any such aerated water or ice may be recovered by the Medical Officer of Health from the owner thereof or the person by whom the same was sold or exposed for sale, in addition to any penalty under this regulation.

Sale of unfit or dirty ice or aerated water prohibited

**16.** No person to whom a permit has been granted shall cause or allow any person (whether himself or another) suffering from any infectious or contagious disease to be employed in or about his premises.

Infectious persons not to be employed

**17.** Every person to whom a permit has been granted in respect of any aerated water or ice factory shall inform the Medical Officer of Health without delay of the occurrence of any infectious or contagious disease

Notification of infectious disease

in such factory, and shall comply with any directions the Medical Officer of Health may give for the purpose of disinfecting such premises and preventing the spread of such disease.

**18.** If, in the opinion of the Medical Officer of Health, the consumption of aerated water or ice manufactured at any factory is likely to prove detrimental to the public health, any magistrate may, by special order, order such factory to be closed and forbid the sale of any aerated water or ice manufactured in such factory for a period to be specified in such order.

Urgent closure to protect public health

**19.** A copy of these Regulations, which may be obtained on application to the Medical Officer of Health, shall be fixed and maintained in some conspicuous place on all premises in respect of which a permit has been granted.

Exhibition of Regulations

**20.** The breach of any of these Regulations by any person upon any premises in respect of which a permit has been granted shall be deemed to be a breach by the person to whom a permit has been granted.

Person to whom permit has been granted responsible for breach of Regulations

**21.** Any person guilty of an offence against or in contravention of, or default in complying with, any of these Regulations shall be liable, on conviction, to a fine not exceeding seven hundred and fifty penalty units, and, if the offence, contravention or default is of a continuing nature, to a further fine not exceeding ninety penalty units for each day during which he shall make default:

Penalties

Provided that the court before which any such conviction may be obtained may, in addition to or in substitution for any of the aforesaid penalties, revoke or suspend any permit.

*(As amended by Act No. 13 of 1994)*