GOVERNMENT NOTICE NO. 97

LOCAL GOVERNMENT ACT

(CAP. 22:01)

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS, 2018

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IN EXERCISE of the powers conferred by section 103 of the Local Government Act, the Lilongwe City Council make the following By-laws—

PART 1—PRELIMINARY

Citation

1. These By-laws may be cited as the Local Government (Lilongwe City Council) (Food) By-laws, 2018.

Interpretation

2.—(1) In these By-laws, unless the context otherwise requires—

"authorized officer" means any person authorized by the Council to inspect premises, examine food, take samples of food, examine any person engaged in the handling of food or do any other act under the statutory powers of the Council;

"contamination" means the infection, pollution or adulteration of food by extraneous matter, whether or not injurious or dangerous to health, and includes contamination by odour, liquid gases or radioactive particles;

"Council" means the Lilongwe City Council;

"equipment" includes apparatus, furnishings and utensils;

"fish" means vertebrate fish or aquatic crustacean, mollusc or other shell fish, or any other normally edible cold blooded aquatic animal, whether alive or dead and includes the eggs and any edible part thereof, but does not include any reptile;

"food" means anything taken by mouth other than drugs and water but includes ice and any article which ordinarily enters into or is used in the processing or preparation of human food and includes flavouring matters and condiments, and "foodstuffs" has a corresponding meaning;

"food business" includes grocery shop, milk shop, hotel, restaurant or eating house, canteen, bar, refreshment or entertainment room, coffee room, and includes any food manufacturing, preparation, packing or repacking premises, ice cream bar, fish and chips shops and any food premises used or proposed for use for the purpose of carrying on any food business or trade;

"food premises" means any premises on or from which food business is carried on;

"food room" means any room in which food is handled for the purpose of food business;

"handling of food" means the carrying out or assisting in carrying out any process or operation of food for the purpose of food business or the transportation, storage, packaging, wrapping, exposure for sale or for service or delivery of food and includes the cleaning of articles or equipment with which food comes into contact;

"Health Officer" means a medical officer, an environmental health officer or any other officer duly authorized in writing by the Council;

"meat" means the carcass or offal or any part of the carcass or offal or any other product of the carcass or offal of any animal and includes poultry;

"occupier" means a person in actual occupation of land or premises without regard to title under which he occupies the land or premises;

"open food" means food not wrapped in a container or not so closed as to exclude the risk of contamination;

"other qualified person" means any person certified by the Central Government and any officer designated by the Council to be qualified in the examination of meat or other food; and

"owner" as regards immovable property includes a person receiving rent or profits of any land or premises from a tenants or occupier thereof.

(2) In determining whether any matter involves a risk of contamination to any food, regard shall be given to—

(*a*) the nature of the food;

(*b*) the manner in which the food is packed; or

(*c*) any process to which the food is or is to be subjected to before sale to consumers.

Application

3. These By-laws shall apply within the area of jurisdiction of the Lilongwe City Council.

PART II—GENERAL PROVISIONS RELATING TO FOOD LICENCES

Business premises and food licences GN ...2018

4.—(1) A person shall not establish or carry on a food business, unless he is the holder of a valid business premises licence issued under the Local Government (Lilongwe City Council) (Business Premises Licensing) By-laws, 2018 and a food licence issued under these By-laws.

(2) An application for a food licence or for a renewal of a food licence shall be in the form prescribed in Form I of the First Schedule.

(3) An application under the foregoing paragraph shall be accompanied by a fee set out in the Second Schedule.

(4) A food licence shall not be issued to a foreigner unless he has a valid Business Residence Permit under the Immigration Act to conduct business in Malawi.

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(5) Any fee payable to the Council under these By-laws shall be non-refundable.

Refusal, etc of a food licence

5. The Council may refuse to grant a food licence, suspend or withdraw a food licence, as the case may be, if it is satisfied that the premises concerned are not fit to be used for the purpose of a food business, or that the owner or any person employed or proposed to be employed by him for the purposes of the food business is suffering from an infectious or contagious disease or is an illegal immigrant under the Immigration Act or has had a deportation order made against him under the Immigration Act.

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Food licence conditions and expiry date

6.—(1) A licence issued under these By-laws shall be in accordance with Form II of the First Schedule.

(2) The Council may impose conditions on a licence issued under paragraph (1).

(3) A licence issued under these By-laws shall expire on the last day of the financial year in which it was issued.

Certification of meat

7.—(1) A person shall not sell or display for sale any meat intended for human consumption, unless such meat has been certified fit for human consumption by a Health Officer or other authorized officer.

(2) Where meat is imported from a source outside Malawi and such meat has not been condemned, it shall be deemed to have been inspected and approved as fit for human consumption if it has, in relation to it, a certificate issued by a competent authority approved by the Council.

(3) A person shall not sell or display for sale meat in any place other than in a market place or other premises authorized in writing by the Council and such meat shall, while exposed for sale or in transit, be covered or protected from contamination to the satisfaction of the Council and shall not be transported concurrently with other goods, materials or passengers in a vehicle.

(4) A person shall not sell or display for sale any meat intended for human consumption, unless the animal or bird is slaughtered in an abattoir or slaughter house licensed by the Council and where the meat is imported from a source outside Malawi, the provisions of this by-law shall apply *mutatis mutandis*.

(5) A person shall not sell or display for sale any fish intended for human consumption at any place other than in a market place or other premises, authorized in writing by the Council and the fish shall, while so exposed for sale or in transit, be covered or protected from contamination.

Inspection and power of Officers

8.—(1) A Health Officer or other authorized officer may, at all reasonable times, enter any food premises and examine or inspect any food, meat or person involved in food business or food handling or handling of equipment connected with the food business.

(2) Where upon such examination or inspection, the officer is of the opinion that the food or meat is not fit for human consumption or that the continued presence of a person or equipment on the food premises is likely to be injurious to human health, he may, in the case of food or meat, issue a certificate of unfitness in the form prescribed in the Third Schedule to the owner, occupier, proprietor, employee or any person at that moment in possession of such food and cause the same to be destroyed and, in the case of a person or equipment, give such direction in writing as he deems fit:

Provided that—

(*a*) any Health Officer or authorized officer may, upon payment of a reasonable price for any food, take samples of the same for the purpose of analysis and, if upon such analysis the report discloses that such food

is unfit for human consumption issue a certificate of unfitness for the same and cause such food or meat to be destroyed; and

(*b*) where a Health Officer or other authorized officer has taken samples of such food, the food shall continue to be sold or displayed for sale for the purposes of human consumption, until—

(i) the report of such analysis shows that the food is unfit for human consumption; or

(ii) the Health Officer or other authorized officer directs that the food is unfit for human consumption.

(3) Where a sample is taken for bacteriological test under this by-law, the sample shall be taken in accordance with the procedure specified in the Fourth Schedule, but other samples for chemical or other tests shall be taken in the manner or form as the Health Officer or other authorized officer may consider appropriate.

(4) The power of a Health Officer or other authorized officer under this by-law shall apply, mutatis mutandis, to those food premises outside the City of Lilongwe from which food prepared or processed therein is found to be contaminated when offered for sale within the City of Lilongwe.

(5) A Health Officer or any other authorized officer who intends to exercise any of the powers conferred by, or under, this by-law shall, if so required, produce a duly authenticated document showing his authority to exercise such power.

(6) A person who—

(*a*) refuses admission to a Health Officer or other authorized officer; or

(*b*) obstructs the exercise of any power conferred by or under this by-law,

commits an offence.

Unwholesome food

9.—(1) Any person who—

(*a*) sells, offers for sale or has in his possession for the purpose of sale;

(*b*) deposits with, or consigns to, any person for the purpose of sale; or

(*c*) manufactures, stores, packs, prepares or processes, food intended for human consumption which is unfit for that purpose, commits an offence and the food shall be condemned and confiscated, and the provisions of paragraph (2) shall apply in addition to the penalty prescribed under by-law 24 herein.

(2) Any food confiscated in accordance with paragraph (1), shall be destroyed by the Council.

PART III—PROVISIONS RELATING TO FOOD PREMISES

Food premises

10.—(1) A person shall not establish or carry on a food business in any

premises which, for reason of its condition, construction, situation or insanitary nature, is unfit for such purpose or is likely to expose food to the risk of contamination.

(2) Unless otherwise approved in writing by the Council, every food premises shall include a food store with an internal superficial floor area of not less than 10 square metres.

(3) A person shall not use or permit another person to use a food room or food store as a sleeping or living place and such food room or food store shall not have direct connection with any sleeping or living place.

(4) The floor, walls, doors, windows, ceiling, woodwork, wood surface or other parts of a food store or premises shall be made or constructed of such materials as shall be approved by the Council and shall be so maintained as to—

(*a*) be in a clean state at all times;

(*b*) render them rodent free; and

(*c*) prevent any risk of infestation by insects or vermin.

(5) Notwithstanding the generality of the foregoing paragraph, the walls immediately adjacent to or adjoining a cooker, sink, wash hand basin or any surface on which food is prepared shall either be tiled to a height of not less than 2 metres from the floor or be treated or coated with a material of non- absorbent material.

Ventilation and lighting

11.—(1) A food room or kitchen shall be exposed to, or provided with, ventilation either by means of windows opening into the external air and equal to not less than one tenth of the floor area of such room or kitchen, or means of both such windows and extract fan of the type approved by the Council.

(2) Unless the construction of a food premises is such that this by-law will not apply in so far as it concerns hoods and flues, every cooking stove or oven shall have constructed immediately over it a hood of such size and height as to permit easy preparation or service of food and a chimney with flue of not less than 30 centimetres in diameter and exhausting or discharging smoke fume to the outer atmosphere at such height and in such position and manner as to prevent pollution, odour, nuisance or annoyance to the neighbourhood.

(3) A food premises, food room or kitchen shall be exposed to sufficient natural light either by means of window opening into the external air and shall be equal to or not less than one tenth of the floor area of the food premises, room or kitchen to which it relates or by means of both such window and electric or other lighting approved by the Council.

Water, sink and wash hand basin

12.—(1) A food premises shall be provided with adequate supply of clean potable water at all times.

(2) A food premises shall be provided with a sink for washing cooking pans, equipment and food and there shall be connected to such sink, a continuous source of supply of hot and cold water together with trapped drainage for the discharge of used or waste water.

(3) A food premises shall be provided with suitable supplies of soap or detergent for the washing of cooking pans, plates, equipment, cloth and other materials connected with the preparation of food.

(4) A food premises shall have adequate provision of towels and flannels for wiping or cleaning purposes and shall be provided with fitments for the storage of such towels and flannels.

(5) A food premises shall be provided with a hand wash basin for use by persons engaged in the handling of food and such hand wash basin shall be connected with hot and cold water together with trapped drainage and be supplied with soap, towels and fitments in the manner required in paragraphs (2) and (3).

Sanitary accommodation G.N... of 2018

13.—(1) Subject to the Local Government (Lilongwe City Council) (Sanitary Arrangements) By-laws, 2018 every sanitary accommodation on the food premises shall be—

(*a*) kept clean and, in the case of a water closet, flushed without overflow of water; and

(*b*) sited so as to prevent odour from affecting or penetrating any food room.

(2) Sanitary accommodation shall not be used for the storage, preparation, manufacture or sale of food.

(3) Sanitary accommodation shall not have an entrance or door which directly opens into, or directly communicates with, a food room.

(4) Every food premises shall have a fixed hand wash basin in a prominent position nearest to the sanitary accommodation for users thereof to wash their hands after such use.

Change rooms

14.—(1) Every food premises shall be provided with two separate change rooms, one for each gender, fitted with cupboards or lockers for the storage of clothes, footwear, handbags and other personal items not being used during working hours by persons engaged in the food business.

(2) A person who—

(*a*) fails to provide;

(*b*) fails to use; or

(*c*) prevents another person from using,

the change room, cupboards or lockers provided under paragraph (1), commits an offence.

(3) For the purpose of this by-law, a "change room" shall mean a room that contains at least a cupboard, toilet, shower, locker, sitting bench and other such facilities.

Refuse bins

15.—(1) Every food premises shall be provided with such number of regulation type refuse bins as would be sufficient to contain the quantity of refuse accumulated each day in such premises and the spilling over of refuse from such bins is evidence that the number of refuse bins provided is insufficient.

(2) For the avoidance of doubt, a standard refuse bin is a cylindrical receptacle of galvanized iron or PVC plastic about 450 mm in diameter at the top, 350 mm in diameter at the bottom and 750 mm in height and has an effective capacity of about 0.40 cubic metres and it has a tight fitting lid which is capable of keeping out rain and preventing the escape of offensive odour.

First Aid Box

16. Every food premises shall be provided with a first aid box in a place readily accessible to persons engaged in the food business and such box shall contain necessary appliances and medicine for first aid.

PART IV—PROVISIONS RELATING TO FOOD HANDLING

Personal cleanliness

17.—(1) A person shall not engage in handling or preparation of food or meat, while knowing that he is suffering from typhoid fever, paratyphoid fever, dysentery, venereal disease or any other disease which is contagious or likely to result in food poisoning.

(2) The owner, or proprietor of a food business or premises shall, upon knowledge that any person engaged in food handling or processing is suffering from any of the diseases in the foregoing paragraph, notify a Medical Officer or Environment Health Officer forthwith describing the nature of the disease and the name and address of the person suffering from the same and provide any other information that may be required by the Medical Officer or Environment Health Officer.

(3) A person engaged in the handling or preparation of food or meat shall, while so engaged—

(*a*) undergo medical examination every six months;

(*b*) not place or expose food to the risk of contamination;

(*c*) wear clean and washable head and neck covering and washable over clothing;

(*d*) keep any open cut, abrasion or wound covered with water proof dressing;

(*e*) not smoke, sniff or chew tobacco;

(*f*) refrain from spitting; and

(*g*) not keep long nails or apply nail polish.

(4) An owner of a food business shall cause all persons handling food on the premises to undergo periodic hygiene and food handling skills training offered by the Council or any other institution approved by the Council.

Wrapped and unwrapped bakery products, etc

18.—(1) A person shall not sell, display, deliver or distribute for sale any bread, bun, scorn, cake, doughnut or other similar bakery product, unless it is wrapped in a transparent grease proof bread wrapping material or other material approved by the Council.

(2) Subject to paragraph (3), a person shall not sell, display, deliver or distribute for sale any sweet, biscuit, chocolate or similar confectionery product unless it is wrapped in a grease proof wrapping material or other material approved by the Council.

(3) A person may be allowed to sell or expose for sale food stuffs referred to in paragraph (2) without any wrapping, if he—

(*a*) stores the food stuffs in a suitable covered storage container; and

(*b*) provides a suitable handling equipment such as food clipping spoon, fork or stick:

Provided that no such equipment shall be exposed to the risk of contamination or be used for tasting or eating the foodstuff.

(4) Every wrapped bread shall bear on the wrapping—

(*a*) a labelling of distinguishing marks of "White Bread" or "Brown Bread", as the case may be, printed in English and Chichewa in letters each of which shall be of not less than one-quarter of 25.4 mm;

(*b*) the ingredients and nutritional contents of the bread;

(*c*) the name, address and telephone numbers of the manufacturer; and

(*d*) manufacturing date and expiry date.

(5) Every processed or wrapped food shall bear, on the wrapper—

(*a*) the ingredients and nutritional contents of the food stuff;

(*b*) the name, address and telephone numbers of the manufacturer; and

(*c*) manufacturing date and expiry date.

Cleanliness and protection of food

19.—(1) Every container, counter, shelf, tray, display cabinet, refrigerator and other equipment with which food or meat comes into contact during preparation or manufacture of such food or meat or during sale or display for sale of the same shall be kept clean and in a good state of repair.

(2) A person shall not, when storing food stuffs—

(*a*) mix fresh and cooked foods; or

(*b*) subject the food stuffs to inappropriate temperatures.

Prohibition of immediate slaughter of animal.

20.—(1) A person shall not bring to an abattoir or a slaughter house, for immediate slaughter, any animal, other than a fowl, duck or other pheasant meat.

(2) For the purposes of this by-law, "pheasant meat" includes rabbit and wild duck.

Transportation of meat

21.—The Council may, from time to time, by notice published in a newspaper circulating within the City of Lilongwe, prescribe the type, design and content of vehicle which may be used to transport meat within the City of Lilongwe.

Lighting of fire and preparation of food

22. A person shall not light fire or prepare food on any street or on any open land or plot whether public or private.

Closure of food premises

23. Where there is an outbreak of a contagious disease or a nuisance occurs in a food premises or the premises pose a health risk to consumers, a Health Officer or Environmental Health Officer may order that all or any food premises in the area or any part thereof be closed until further notice or for such a period as is specified in such order or the nuisance or condition that rendered the premises hazardous to human health has been addressed to the satisfaction of the Council.

PART V—OFFENCES AND PENALTIES

Offences and penalties

24.—(1) A person who contravenes a provision of these By-laws or fails to comply with terms of any notice served upon him by the Council or fails to comply with any condition imposed by the Council under these By-laws commits an offence and shall be liable to the following penalties—

(*a*) a fine of K2,000.00, payable to the Council, upon being notified of the contravention for the first time by an Official of the Council;

(*b*) where the contravention continues, to a further penalty of K200.00 for each day during which the offence continues or a term of imprisonment of six months or both such fine and imprisonment; and

(*c*) notwithstanding the penalties provided under paragraphs (*a*) and (*b*), the Council may—

(i) confiscate and dispose of the food or meat which is the subject of the contravention in a manner the council shall deem fit; or

(ii) suspend the food licence, on such conditions as the Council may consider appropriate, or revoke the licence and close the premises forthwith.

(2) The Council may, in addition to the penalties in paragraph (1) suspend or revoke the licence of the premises and in so doing the provisions of the Local Government (Lilongwe City Council) (Business Premises) By-laws, 2018 shall apply.

(3) No part of the fees paid for a licence shall be refunded on the suspension or revocation of the licence.

(4) The Council shall recover from the licensee the cost of enforcing its decision or rectifying the damage caused by the contravention, and such cost shall, where the Council uses its own resources, conform to prevailing market rates.

FIRST SCHEDULE (by-law 4(2)

FORM—I

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

APPLICATION FOR ISSUE/RENEWAL OF FOOD LICENCE

A. DETAILS OF OWNER OF BUSINESS

(1) Name of applicant: .....

(2) Nationality: .....

(3) Name of business: .....

(4) Area: ..... Plot No.: ..... Street: .....

(5) Address .....

Telephone: ..... Cell.: .....

E-mail: .....

(6) Nature of business: .....

(7) If for renewal, insert old licence No.: .....

(8) Premises licence No.: ..... (*attach copy*)

(9) Declaration

I declare that the information above is true to the best of my knowledge and I am aware that failure to disclose relevant information or provision of false information shall result in refusal of the licence or, if issued, immediate revocation thereof

Signature of owner of business: ..... Date: .....

(10)Amount paid: ..... Receipt No.: .....

(11)Name of Cashier: ..... Signature: .....

B. FOR OFFICIAL USE ONLY

(1) Date of inspection: .....

(2) Comments/Remarks: .....

.....

.....

.....

(3) Name of Official: .....

Signature: .....

Designation: ..... Date: .....

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

FORM II—FOOD LICENCE

This Food Licence is hereby granted to: .....

(Name of licensee) of: ..... situated on
(*Name of Business and Address*)

Plot No.: ..... Area: .....

..... within the jurisdiction of the City of Lilongwe

This licence is valid until 30th June 20..... and is subject to the provisions of the Local Government (Lilongwe City Council) (Food Licensing) By-laws, 2018.

Fee Paid: ..... Receipt No.: .....

Dated this: ..... day of ..... 20.....

NOTE.

1. This licence must be displayed in a prominent place on the business premises and it is not transferable.
2. Application for renewal of the licence to be presented to the Council at least two (2) months before its expiry.

SECOND SCHEDULE (by-law 4(3)

LILONGWE CITY COUNCIL

LICENCE FEES

1.	Wholesalers	K50,000.00
2.	Tuck-shop, hawker, Food Canteen or Fresh food shop	K15,000.00
3.	Groceries—	
	(*a*) central business district and low density areas	K25,000.00
	(*b*) local townships	K15,000.00
4.	Bars	
	(*a*) premier	K50,000.00
	(*b*) platinum	K25,000.00
	(*c*) gold	K20,000.00
	(*d*) silver	K15,000.00
5.	Bottle store	K20,000.00
6.	Butcheries—	
	(*a*) central business district and	

	Low & Medium Density Areas	K25,000.00
	(*b*) local townships	K15,000.00
7.	Bakeries outlets	K20,000.00
8.	Take away and coffee shops—	
	(*a*) central business district and Low & Medium Density Areas	K25,000.00
	(*b*) local townships	K20,000.00
9.	Restaurant—	
	(1) Central Business District and Low & Medium Density Areas—	
	(*a*) premier	K30,000.00
	(*b*) standard	K25,000.00
	(2) Local Townships Restaurant	K15,000.00
10.	Hotels—	
	(*a*) 5-star	K75,000.00
	(*b*) 4-3 star	K50,000.00
	(*c*) 2-1 star	K25,000.00
	(*d*) uncategorized	K15,000.00
11.	Lodges, Inns, Motels & Guest houses—	
	(*a*) Central Business District and Low & Medium Density Areas	K25,000.00
	(*b*) Local Township	K15,000.00
12.	Clubs	K50,000.00
13.	Superette	K25,000.00
14.	Supermarkets	K50,000.00
15.	Food Manufacturing & Processing—	
	(*a*) dairies	K25,000.00
	(*b*) bakeries	K25,000.00
	(*c*) milling companies.	K20,000.00 per motor
	(*d*) refiners	K50,000.00
	(*e*) breweries/distilleries	K25,000.00
	(*f*) bottled water	K25,000.00
	(*g*) any other food product	K25,000.00
	(*h*) small scale confectionery	K15,000.00
17.	Unprocessed milk	K10,000.00
18.	Replacement of licence	K10,000.00

THIRD SCHEDULE (by-law 8(2)

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

FOOD CONDEMNATION FORM

TO: .....

Address: .....

.....

.....

CONDEMNATION AND CONFISCATION OF FOOD

This is to certify that today: .....

I have examined the under listed item(s) and found it/them unfit for human consumption

Signed: ..... Position held: .....

QUANTITY	DESCRIPTION OF ITEM	UNIT PRICE	REASON FOR CONDEMNATION

I do hereby certify that the above item(s) has/have been examined in my presence and found unfit for human consumption. I, therefore, wilfully surrender the same for destruction.

NAME ..... SIGNATURE .....

FOURTH SCHEDULE (by-law 12(3)

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

PART I—PROCEDURE FOR BACTERIOLOGICAL SAMPLING

1. Any Health Officer or environmental health officer may, for the purposes of bacteriological tests, take samples from any knife, fork, spoon, plate, dish, cup, saucer, glass or other implement or utensil on food premises or from any cloth or any water contained in a sink or other receptacle which cloth or any water has been or is at the time being used in the drying or washing as the case may be, of any such articles as foresaid or from any receptacle in which food is stored or kept.

2. The average plate count for every utensil or any surface thereof sampled shall not exceed 100 bacteria and where the said count is exceeded the owner or the person at the material time in control of the premises from which the article sampled was taken commits an offence.

3 The procedure for taking samples for bacteriological test is as follows—

(*a*) a sample shall be taken from a group of four articles of the same kind, and it shall not include a sample taken from any article of any other kind:

Provided that—

(i) if the number on the premises of an article of one kind sampled is less than four the sample shall be taken from such lesser number; and

(ii) this procedure shall not apply to the taking of samples from water or cloth used for washing or drying;

(*b*) the sample shall be taken with a sterile swab which shall immediately thereafter be placed in a sterilized swab-container containing 2 ml of sterile saline of a strength of 0.85 percent and a sample or liquid shall at once be placed in any other form of suitable sterilized container;

(*c*) a container in which a swab or other sample is placed bear its own number clearly marked on it or on adhesive label firmly attached to it;

(*d*) before a sample is removed from the premises the owner or person for the time being in control of the premises shall be invited and the person taking the sample shall be obliged to append his signature to a document in duplicate in the form set out in Part1 of this Schedule to these By-laws and one of the two documents shall be left at the premises and the other retained by the Health Officer;

(*e*) if the owner or person for the time being in control of the premises refuses to sign the document aforesaid the Health Officer shall complete and sign the document in duplicate in the form set out in Part II of this Schedule ;

(*f*) where the Health Officer completes and signs the document pursuant to subparagraph (e), he shall leave one copy of the said document at a conspicuous place on the premises;

(g) in the event of a refusal to sign the aforesaid document, it shall, unless the contrary is proved, be presumed that a sample labelled and numbered in accordance with subparagraph (c) is the sample to which the said document refers;

(*h*) as soon as possible, after taking a sample, the person taking it shall hand it for investigation to a person qualified for that purpose by technical training, having competent knowledge, skill and experience for the proper discharge of his duties; and

(*i*) the person carrying out the said investigation shall submit a report thereon to the Health Officer in the form set out in Part III to this Schedule therein.

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

PART II—FORM TO BE COMPLETED AND SIGNED IN PURSUANCE OF PARAGRAPH 4 OF THE THIRD SCHEDULE

FORM FOR BACTERIOLOGICAL SAMPLES

Sample No.: .....

This sample was taken from: ..... (state article(s)) on ..... date at ..... (time) at the premises known as .....

In the presence of .....

Who stated that he was the (owner/person for the time being in in charge in connection of the said premises in his capacity as .....

Signature: .....
Health Officer

Designation: .....

The sample referred to above was taken and given the above mentioned number in my presence

Signature: ..... Capacity: .....

(state whether owner or person for the time being in charge of the premises)

PART III

LILONGWE CITY COUNCIL

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

FORM TO BE COMPLETED AND SIGNED BY THE PERSON TAKING A SAMPLE WHERE THE OWNER OR PERSON FOR THE TIME BEING IN CONTROL OF PREMISES REFUSES TO SIGN THE DOCUMENT IN PART 1 TO THE THIRD SCHEDULE

Sample No.: .....

This sample was taken by me ..... in my capacity as..... from .....(state article) on ..... (date at) ..... (time) at the premises known as..... in the presence of .....
(state name and capacity of witness)

I certify that the form set out in Part I of the Third Schedule to these By-laws was presented for signature to and refused by the person named therein.

Signature: ..... Designation: .....
Health Officer

PART IV

LOCAL GOVERNMENT (LILONGWE CITY COUNCIL) (FOOD) BY-LAWS

BACTERIOLOGIST'S REPORT SUBMITTED IN TERMS OF BY-LAW 7(3)

On ..... I, the undersigned examined the under mentioned samples submitted to me by—

.....

My examination of the said samples yielded the plate count specified opposite to each of them respectively.

Sample No.: ..... Plate Count: .....

.....
Signature and Qualifications of Examiner

The method of taking samples for bacteriological tests is as follows—

(*a*) in the case of cups, glasses and other drinking utensils the sample shall be taken from the exterior and interior surface to a depth of at least 1.3cm from the top of the rim;

(*b*) in the case of spoons and ice- cream scoops the sample shall be taken from the entire inner and outer surface of their bowls; in the case of plates, saucers, bowls and the like over an area of (as nearly as possible) 25.81 cm2 of the surface which come into contact with food; and in case of all other articles and eating utensils except forks from all parts of the surface likely to come into contact with food;

(*c*) for the purpose of taking samples of articles mentioned in (*a*) and (*b*) above use shall be made of moist sterile swabs kept in 2 ml of sterile saline solution of a strength of 0.85 percent;

(*d*) the swab shall be carefully removed from the aforesaid sterile saline and rubbed three times slowly and firmly over the surface of every article being tested;

(*e*) forks shall be in groups of four and shall be so placed in a container holding 50ml of sterile saline as aforesaid that their prongs are completely immersed and shall be left therein for one hour with the opening of the vessel so covered as to avoid contamination after which they shall be withdrawn and the container be immediately resealed;

(*f*) for the purpose of calculating the bacteria present on any utensil of a type required under this Schedule to be sampled in groups of four, the total number of bacteria determined by the plate count present in 50ml of solution as above prescribed shall be divided by four;

(*g*) immediately after each article of a group as mentioned in this Schedule has been swabbed the swab shall be replaced in its container and be rotated in 2ml of sterile

water and the excess of such water shall be pressed out on the swab against the side of the container before the swab is used to swab the next article of the group; and

(*h*) immediately after the swabbing of any utensil or group of utensils or the taking in any other manner of any sample as prescribed in this Schedule the swab shall be replaced in its container and the container or other sample be delivered to a bacteriologist for examination within four hours of the taking of the sample:

Provided that if there is reason to suppose that it will not be possible to deliver the sample to a bacteriologist within the said four hours the container containing the sample shall be placed in ice immediately after it has been taken.

Made this 13th day of July, 2018.

M. M. ZELEZA
Chief Executive Officer

COUNCILLOR D. BIKOKO (PhD)
Mayor

Approved this 10th day of December, 2018.

K. NANKHUMWA
Minister of Local Government and Rural Development