

FOOD ACT 1983
FOOD HYGIENE REGULATIONS
2009

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FOOD ACT 1983

Food Hygiene Regulations 2009

in exercise of the powers conferred by section 34 of the Food Act 1983 [*Act 281*], the Minister makes the following regulations:

PART I PRELIMINARY

Citation

1. These regulations may be cited as the **Food Hygiene Regulations 2009**.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“potable water” means any water that complies with the standard prescribed in the Food Regulations 1985 [*P.U. (A) 437/1985*];

“microbiological contaminant” includes viruses, bacteria, fungi and their toxins but does not include microorganisms which are permitted to be added into food under the Food Regulations 1985;

“sealed containers” includes all forms of hermetically sealed containers or packages;

“clean” means a condition or such circumstances which shall not lead to, or cause any contamination to food with filth or other objectionable matter such as food residue, soil, dirt or grease;

“meat” means meat or meat product as specified in the Food Regulations 1985;

“fish” means fish and fish product as specified in the Food Regulations 1985;

“perishable food” means any food that is liable to perish or spoil rapidly;

“high risk food” means all prepared or cooked foods which are capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms;

“water vending machine” means any self-service machine that upon insertion of a coin, token or by any other means automatically dispenses unit volume of water for drinking or other purposes involving a likelihood of the water being consumed by human;

“food vending machine” means any self-service machine that upon the insertion of a coin, token or by any other means automatically dispenses unit food or drink in units either in bulk or in packaged form;

“owner” means any person for the time being receiving a rent of any food premises, whether on his own account or as agent or trustee or as receiver, or who would receive the rent if the land or house comprised in the premises is let to a tenant;

“food handler” includes any person who—

(a) is directly involve in the preparation of food;

(b) comes into contact with food or food contact surfaces; and

(c) handles packaged or unpackaged food, or appliances, in any food premises;

“disposable appliances” means any utensil, instrument, apparatus or any other article that is intended to be used once in the preparation, storage, display, consumption or sale of any food;

“food contact surfaces” means surfaces of equipment which food normally comes into contact;

“pest” means any animal capable of directly or indirectly contaminating food;

“food premises” has the same meaning under the Act;

“food safety assurance programme” means a planned and documented system of practice which provides assurance that any particular type of food will not cause harm to a consumer when it is consumed;

“defective” means being in a condition to render it unsuitable for use, and includes defect, broken, chipped, cracked, or rusty appliances;

“sanitary” means free from any condition or circumstances affecting health, and includes such conditions or circumstances which may lead to, or cause contamination of food with microbiological contaminants or toxic substances which can render the food hazardous to health;

“milk” means milk or milk product as specified in the Food Regulations 1985;

“proprietor” means any person who owns or operates food business, or if that person cannot be identified, a person in charge of the food business.

Part II

REGISTRATION OF FOOD PREMISES

Food premises to be registered

3. (1) No person shall use any food premises specified in the First Schedule for the purposes of, or in connection with the preparation, preservation, packaging, storage, conveyance, distribution or sale of any food or the relabelling, reprocessing or reconditioning of any food except the premises is registered under these Regulations.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Application for registration

4. (1) An application for registration of food premises shall be made to the Director in such form and manner and be accompanied with such information and particulars, as the Director may specify.

(2) The Director may, orally or in writing at any time after receiving the application, require the applicant to submit additional documents, information or particular as he considers necessary for the purpose of the registration.

Certificate of registration

5. The Director may, after considering an application under subregulation 4(1) and on being satisfied with the information and particulars submitted, issue a certificate of registration for food premises as prescribed in the Second Schedule.

Validity of certificate

6. A certificate of registration for food premises shall be valid for a period not exceeding three years from the date of its issuance.

Application for renewal of certificate

7. (1) An application for renewal of a certificate of registration for food premises shall be made at least thirty days before its expiry date and such application shall be made in accordance with regulation 4.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Part III

CONDUCT AND MAINTENANCE OF FOOD PREMISES

Chapter 1—Duty of proprietor, owner or occupier of food premises

Display of certificate of registration, notices, etc., in food premises

8. (1) A proprietor, owner or occupier of food premises shall—

- (a) conspicuously display a certificate of registration of food premises in the food premises;
- (b) conspicuously display a notice in each toilet, changing room, other changing facility or at wash-basins of the food premises reminding food handler to wash their hands thoroughly before commencing work, immediately after using the toilet and after handling raw food or any contaminated material; and
- (c) conspicuously display a notice, at the entrance of the food premises, that disallows any person from bringing any animal into the food premises.

(2) Any proprietor, owner or occupier of food premises who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Food safety assurance programme

9. (1) A proprietor, owner or occupier of food premises specified in the Third Schedule shall provide and make available a food safety assurance programme in the food premises.

(2) Any proprietor, owner or occupier of food premises who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Food traceability system

10. (1) A proprietor, owner or occupier of food premises shall provide a food traceability system in the food premises which able to identify one step back from where the food came and one step forward to where the food went at any specified stage of a food chain from production to distribution.

(2) Any proprietor, owner or occupier of food premises who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

General duties of proprietor, owner or occupier of food premises

11. (1) A proprietor, owner or occupier of food premises shall—

- (a) ensure that his food premises complies with all requirements of Chapters 2 and 3 of this Part;
- (b) not employ or allow any food handler to work in his food premises unless the food handler has undergone a food handlers training and has been medically examined and vaccinated by a registered medical practitioner as required under regulations 30 and 31 respectively;
- (c) maintain and be made available for inspection a record of the training, medical examination and vaccination certificate of every food handler employed by him or working in his food premises; and
- (d) maintain and be made available for inspection all records pertaining to cleaning, packaging, processing, storing and distributing of food.

(2) Any proprietor, owner, occupier of food premises who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Chapter 2—General requirements for food premises

Location

12. Food premises shall be located away from sources of contamination including aeration ponds, septic tanks and waste disposal sites.

General design

13. Food premises shall be designed and constructed as such to facilitate cleaning and disinfection.

Water supply

14. (1) There shall be ample supply of potable water and adequate facilities for its storage and distribution, where necessary.

(2) The water supply shall be adequately protected against any contamination.

Cleanliness of food premises

15. (1) Food premises shall be maintained at all times in a good, clean and tidy condition.

(2) Food premises shall be free from any accumulation of boxes, tin, empty bottles, rubbish or any other article not connected with the business of the food premises to prevent the entrance and harbourage of pest.

(3) The cleaning of food premises shall be carried out at least once daily and includes the removal of food residues and dirt, whenever necessary.

(4) There shall be provided an adequate facilities for the cleaning, disinfecting and storing of appliances used in food premises and such facilities shall be constructed from corrosion resistant materials and easily cleaned and, where necessary, have an adequate supply of hot and cold potable water.

(5) There shall be provided and made available at all times an adequate supply of suitable cleaning agents, disinfectant and tools to enable regular and proper cleaning of a food premises and all appliances used in the food premises.

(6) Every cleaning agent and disinfectant used in the food premises shall be adequately labeled and not to be stored in areas where food is stored or handled.

(7) The Director or an officer authorized by him may, for the purposes of maintaining the cleanliness of food premises, require any proprietor, owner or occupier of food premises to make any structural alteration, repair, renovation, plumbing or drainage work in the premises within such time as may be specified by the Director or an officer authorized by him.

Pest control in food premises

16. (1) A proprietor, owner or occupier of food premises shall, at all times, keep the food premises free from any pest.

(2) A proprietor, owner or occupier of food premises shall, on becoming aware of the presence of any pest in the premises, forthwith take all practicable measures to destroy the pest and to prevent reinfestation.

(3) A pest control treatment shall only be carried out by using a suitable chemical, physical or biological agent and without posing a threat to the safety of food.

Disposal of refuse

17. (1) All food waste, non edible by-products and other refuse shall be—
- (a) removed from any room where food is present as soon as possible to avoid their accumulation;
 - (b) deposited in closable containers or other types of containers of an appropriate construction and kept in a good condition, easily cleaned and where necessary, disinfected; and
 - (c) eliminated in a hygienic and environmentally friendly way in accordance with the relevant law applicable to that effect, and is not to constitute a direct or indirect source of contamination.
- (2) There shall be adequate provision for the storage and disposal of food waste, non edible by-products and other refuse.
- (3) All food waste, non edible by-products and other refuse stores shall be designed and managed in such a way as to enable them to be kept clean and, where necessary, free of animals and pests.

Chapter 3—Specific requirements for food premises

Floor surfaces

18. All floors in food premises shall be—
- (a) maintained in a good condition, easily cleaned and where necessary, disinfected;
 - (b) of impervious, non-absorbent, washable and non-toxic materials unless the proprietor, owner or occupier of food premises can satisfy the Director or an officer authorized by him that other materials used are appropriate; and
 - (c) adequately drained.

Wall surfaces

19. (1) All walls in food premises shall be—
- (a) maintained in a good condition, easily cleaned and where necessary, disinfected; and
 - (b) of impervious, non-absorbent, washable and non toxic materials and require a smooth surface up to a height appropriate for a food process unless the proprietor, owner or occupier of food premises can satisfy the Director or an officer authorized by him that other materials used are appropriate.
- (2) All angles between a wall and a floor in a food premises shall be sealed and coved to facilitate cleaning, where necessary.

Lighting

20. Every food premises shall be provided with adequate natural or artificial lighting which does not lead, or cause any contamination of food.

Ventilation

21. (1) A ventilation system in food premises shall be—

- (a) suitable and sufficient which does not lead to, or cause any contamination of food; and
- (b) constructed to enable filters and other parts requiring cleaning or replacement be readily accessible.

(2) A mechanical airflow of a ventilation system shall not flow from a contaminated area to a clean area.

Ceiling

22. All ceilings or where there is no ceiling, the interior surface of the roofs and overhead fixtures of food premises shall be constructed and in finish form which able to prevent the accumulation of dirt and shedding of particles and to reduce condensation and growth of undesirable mould.

Door

23. All doors in food premises shall be—

- (a) easily cleaned and where necessary, disinfected; and
- (b) of smooth, non-absorbent surface and self closing.

Furniture, fittings and food contact surfaces

24. (1) All furniture, fittings and food contact surfaces used or to be used for the preparation, serving, storage, conveyance or distribution of food in any food premises shall be well maintained and kept clean at all times.

(2) All furniture, fittings and food contact surfaces used or to be used in any processing area of food premises shall be of impervious material and easily cleaned.

Food storage

25. (1) There shall be a suitable storeroom of adequate size for the storage of food in all food premises.

(2) There shall be a different storeroom for the storage of raw food materials and ingredients, and for the storage of processed food materials in all food premises.

(3) All fittings or equipments used or to be used for storage of food in all food premises shall—

- (a) be made of suitable material;
- (b) be designed and constructed to permit adequate cleaning and disinfection; and
- (c) have adequate space to enable proper storage of food.

(4) Where any food needs to be stored in a chilled or frozen condition, the storage facility for such food shall comply with the following requirements:

- (a) a separate refrigerated storage for raw food materials and processed food materials is sufficiently provided;
- (b) the facility is defrosted whenever necessary to maintain refrigeration efficiency;
- (c) the inner layer of the facility is made of a smooth and non-toxic metal or other impervious material, and of is light coloured and easily cleaned;
- (d) any device used to record temperature in the facility is accurate to a plus or minus 1°C; and
- (e) the air vent of the facility is sited away from excessive light, warm air, oven or air-conditioning outlets.

(5) If the storage facility referred to in subregulation (4) is a cold room, the doors to such facility shall be fitted with an air curtain or other effective means to avoid loss of cold air or any sudden rise in temperature.

Changing room

26. There shall be provided a changing room, where necessary, for the use of a food handler in food premises.

Wash-basin

27. (1) There shall be provided an adequate number of wash-basin suitably located and designated for washing hand.

(2) The wash-basin shall, at all times, be—

- (a) supplied with adequate running water;
- (b) supplied with soap or suitable liquid detergent in a dispenser;
- (c) supplied with paper towel or automatic hand dryer;
- (d) kept clean and maintained in a good condition; and
- (e) equipped with non-hand operated taps for the use of food handler.

(3) There shall be different wash-basin for washing hand and washing food in food premises.

Toilet room

28. (1) There shall be provided an adequate number of toilet room in food premises.

(2) The toilet room shall—

- (a) be provided with running water, toilet paper, soap or suitable liquid detergent in a dispenser, hand drying facility or clean roller towels or paper towels at all times;
- (b) be kept clean and free from malodour at all times; and
- (c) not directly open to any room or compartment used for the storage, production and serving of food.

Drainage facility

29. (1) A drainage facility in food premises shall be adequate, designed and constructed to avoid any risk of contamination to food.

(2) A drainage facility in a kitchen or food preparation areas of food premises shall be made of smooth type material, fitted with food trap and connected to the main outlet drain of the food premises.

(3) The drainage channels in food premises shall be fully or partially open and appropriately designed to ensure that waste does not flow from a contaminated area towards or into a clean area.

Part IV

FOOD HANDLER

Chapter 1-Training, medical examination and health condition, clothing and personal hygiene of food handler

Food handler training

30. (1) All food handlers shall undergo a food handlers training and obtain a Certificate of Food Handlers Training from an institution approved by the Director.”; and

(2) The Minister may, if he thinks necessary, require any food handler to attend any additional food handlers training in any institution approved by the Director.

(3) Any food handler who works in any food premises fails to undergo a training or obtain a certificate referred to in subregulation (1) or fails to attend any additional training referred to in subregulation (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Medical examination and health condition of food handler

31. (1) A food handler shall be medically examined and vaccinated by a registered medical practitioner.

(2) Any food handler who suffers from, or is a carrier of food-borne diseases or suspected to be suffering from, or to be a carrier of food-borne diseases shall—

- (a) not be allowed to enter food premises or handle food;
- (b) immediately report to the management of food premises pertaining to his health condition; and
- (c) be suspended from working in food premises until he is certified cured from the disease and medically fit to work by a registered medical practitioner before he is allowed to enter the food premises or handle food.

(3) Any food handler who fails to comply with subregulation (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Clothing of food handler

32. (1) A food handler shall wear—

- (a) a clean, suitable and proper clothing which shall not contribute to any contamination of food; and
- (b) a clean, suitable and light-coloured outer overall or a light-coloured apron, head cover and footwear, or any other clothing which is suitable to the opinion of the Director or an officer authorized by him.

(2) The clothing specified in paragraph (1)(b) shall not be worn other than in food premises and shall be kept in a suitable cupboard or locker when not in use.

(3) Any food handler who fails to comply with subregulation (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

Personal hygiene of food handler

33. (1) A food handler while handling, preparing, packing, carrying, storing, displaying and serving of food shall—

- (a) maintain a high degree of personal cleanliness which includes the keeping of short and clean fingernails;
- (b) remove his overall or head cover or apron before visiting toilet;
- (c) wash his hands before commencing work, immediately after using the toilet and after handling raw food or any contaminated material;
- (d) not engage in any behaviour or action that could result in contamination of food;
- (e) not place any articles in the pocket of any garment or apron which may contribute to any contamination of food; and
- (f) not wear jewellery, watches, pins or other accessories.

(2) Any food handler who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Duty to keep food premises clean

34. (1) A food handler shall ensure that food premises where the food is handled are kept clean and free from rubbish, pest, dirt or soot, sweepings, ashes, wastes and cobwebs at all time.

(2) Any food handler who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Chapter 2–Protection of food

Handling of food, appliances, etc.

35. (1) A food handler shall handle food and use food appliances and food containers in accordance with the following requirements:

- (a) food shall not be brought into direct contact with any material or substance that may contaminate the food;
- (b) all appliances and containers used in food premises are to be maintained in a good condition, easily cleaned and, where necessary disinfected at all times;
- (c) all appliances and containers do not yield up or impart any taint, foreign, poisonous or injurious substances to its contents;
- (d) all appliances and containers are installed in such a manner as to allow adequate cleaning of appliances and containers the equipment and the surrounding area;
- (e) all part of the appliances and containers that comes into direct contact with any moist food or high risk food for sale is smooth, of impervious surface and is not defective;
- (f) all appliances and containers that have been used for raw food shall be cleaned and rendered sanitary before they are to be used for cooked food;
- (g) a different cutting board shall be used for raw and cooked food;
- (h) a cutting board used in the preparation of food is not defective and can be readily and easily removed for cleaning;
- (i) a disinfectant, detergent, cleaning compound and abrasive for cleaning is thoroughly rinsed-off from food contact surfaces;
- (j) ice used in direct contact with food or food contact surfaces shall be made from potable water and be manufactured, handled, stored and carried in such a manner to protect it from any contamination;

(k) steam used in direct contact with food or food contact surfaces shall contain no substances which may be hazardous to health or may contaminate the food; and

(l) the sweeping of a floor, cleaning of a wall or dusting of a ceiling shall not be carried out while the food is being handled.

(2) A food handler shall cause all defective appliances to be discarded and removed from food premises.

(3) A food handler shall not keep, carry, spread or use any toxic substance that may expose any food for sale to the risk of contamination.

(4) A food handler shall ensure that chemical additives used in preventing corrosion of equipment and containers are used in accordance with good practice.

(5) A food handler shall not refreeze any food intended to be sold by retail in a frozen condition after thawing such food.

(6) Any food handler who fails to comply with subregulation (1), (2), (3), (4) or (5) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Preparing, packing and serving of food

36. (1) A food handler who prepares, packs or serves food for sale shall—

(a) ensure the preparation, packing or serving of food is free from any contamination;

(b) ensure food packages provide adequate protection for food products to minimize contamination and prevent damage to the food products;

(c) ensure food packaging materials are non-toxic and of sufficient strength to resist tearing and puncturing;

(d) ensure food packaging materials do not affect safety and suitability of food under the specified conditions of storage and use;

(e) not use his bare hands to handle any unwrapped food;

(f) take all reasonable steps to prevent customers from using their bare hands to handle any unwrapped food;

(g) not use his breath to open any bag or wrapper intended for use in such preparation, packing and serving;

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- (h) wipe his hands with clean towel or any other clean and suitable material;
 - (i) avoid the placing, carrying or storing any unwrapped food in such a manner that a plate, dish or container comes into contact with the food in other plate, dish or container;
 - (j) not use any raw material or ingredient that may be contaminated with parasites, pathogenic microorganisms, toxic, or decomposed or foreign substances which may cause the finished food product unfit for human consumption;
 - (k) not keep any raw material, ingredient, intermediate food product or finished food product at temperatures that is likely to support the reproduction of pathogenic microorganisms or the formation of toxins;
 - (l) not interrupt the cold chain of food, but limited period outside temperature control that does not result in a risk to health is permitted;
 - (m) ensure that a food warmer maintains a temperature of food above 60°C, where the food is to be served hot;
 - (n) ensure that any food which is to be served chilled is cooled—
 - (i) as soon as possible if a heat process is applied; or
 - (ii) to a temperature which does not result in a risk to health, if no heat process is applied at the final preparation stage; and
 - (o) relating to the thawing process of any food,—
 - (i) minimize the risk of growth of pathogenic microorganisms or the formation of toxins in the foods;
 - (ii) subject the food to such temperatures that may not result in risk to health; and
 - (iii) drain the run-off liquid resulting from the thawing process adequately.

(2) A food handler who prepares, packs or serves food from swine origin (*sus scrofa*) shall not at the same time prepare, package or serve food from non swine origin.

(3) A food handler shall use different appliances for the preparation, packing or serving food of swine origin (*sus scrofa*) and food of non swine origin.

(4) Any food handler who fails to comply with subregulation (1), (2) or (3) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Storage, exposure or display of food for sale

37. (1) A food handler shall not store, expose or display for sale any food ready for human consumption in any food premises unless the food is adequately protected from—

- (a) contamination by any person who comes into contact with the food;
or
- (b) other sources of contamination,

by means of an effective and by using easily cleaned cabinet, display case, container, cover or other protective equipment, system or device.

(2) Any food handler who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Storage of food

38. (1) A food handler shall store food in accordance with the following requirements:

- (a) food is stored in a suitable storerooms, large enough for the separate storage of raw food materials from processed food products and sufficient separate refrigerated storage;
- (b) food is not stored in a same storage facility with cleaning agent and disinfectant;
- (c) food is kept clean, free from contamination, foul odours, protected from damp, dust or pests and prevented from being in contact with raw material or any other article which may contribute to any contamination of food;
- (d) food is placed or stacked with a minimum space of—
 - (i) 15 centimeters between the wall of a storage facility and the food stored; and
 - (ii) 20 centimeters above the floor;
- (e) food of swine origin (*sus scrofa*) is not stored together with food of non swine origin in the same storage facility;
- (f) high risk food is kept in enclosed containers and stored separately from food that is not sealed or wrapped;
- (g) perishable food or high risk food is stored at an appropriate temperature that will protect it against deterioration and spoilage;

(h) raw materials or ingredients for food preparation is labeled and stored in appropriate conditions to prevent harmful deterioration and protect it from any contamination; and

(i) the stock of food is rotated regularly on a “first in first out” basis.

(2) A food handler shall not store chilled or frozen food exceeding the maximum capacity of a storage facility.

(3) A food handler shall store food intended to be sold by retail in—

(a) a chilled condition for a continuous period between temperature of minus 1°C to 10°C; or

(b) a frozen condition for a continuous period between at or below the temperature of minus 18°C,

in a storage facility.

(4) A food handler shall ensure that a cold chain of a chilled or frozen food is not interrupted during storage of such food, but limited period outside temperature control that does not result in a risk to health is permitted.

(5) Any food handler who fails to comply with subregulation (1), (2), (3) or (4) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Part V

SPECIAL REQUIREMENTS IN HANDLING, PREPARING, PACKING, SERVING, STORING AND SELLING OF SPECIFIC FOOD

Chapter 1-Meat

Preparation of meat

39. (1) A food handler shall prepare meat in food premises in accordance with the following requirements:

(a) the area used for the preparation of meat is cleaned and disinfected before and after the preparation on each working day and maintained at all times in a clean condition;

(b) the area or equipment for cutting, deboning or further preparing fresh meat is reserved for those purposes only and such area is maintained at a temperature below 15°C and appropriate humidity during such preparation; and

(c) a frozen meat is stored in a room or container at a temperature below minus 18°C and as required under subregulation 38(3).

(2) All appliances used in the course of meat processing shall be constructed of smooth and easily cleaned material that can resist corrosion and cleaned before and after its use.

(3) Any food handler who fails to comply with subregulation (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Carriage of meat

40. (1) A person who carries fresh meat shall ensure that the carcasses or any portion of the carcasses is carried as a hanging load or on racks to prevent or protect it from any contamination.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Sale of meat

41. (1) A person who sells meat shall ensure that—

- (a) all chilled meat is stored at a temperature between minus 1°C to 10°C; and
- (b) all meat on display or exposed for retail sale is kept in a refrigeration unit or an effectively insulated facility maintained at or below a temperature of 10°C.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Chapter 2–Fish

Unloading and landing of fish

42. (1) A proprietor, owner or occupier of food premises where the unloading and landing of fish is conducted shall—

- (a) ensure that the unloading and landing equipment that comes into contact with fish is constructed of material that is easily cleaned and disinfected and maintained in a good condition;
- (b) avoid contamination of fish by—
 - (i) carrying out the unloading and landing operations rapidly; (ii) placing the fish without delay in a protected environment at the temperature specified in subregulation 38(3); and
 - (iii) not using equipment and practices that may cause unnecessary damage to the edible parts of the fish;

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- (c) ensure the area where the unloading and landing of fish is conducted in his food premises is not used for other purposes;
 - (d) ensure that any vehicles emitting exhaust fumes that is likely to impair the quality of fish is not allowed to drive through or enter his food premises; and
 - (e) ensure that animal is not allowed to enter the food premises.

(2) Any proprietor, owner or occupier of food premises who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Handling of fresh fish

43. (1) A food handler who handles fresh fish shall comply with the following requirements:

- (a) where chilled or unpackaged fresh fish is not distributed, dispatched, prepared or processed immediately after landing, such fish is—
 - (i) stored under ice in appropriate facilities; and
 - (ii) re-icing as often as necessary;
- (b) packaged fresh fish is chilled to a temperature approaching that of melting ice.
- (c) the heading and gutting of fresh fish is carried out hygienically;
- (d) the gutting of fresh fish is carried out as soon as possible after the fish is caught or landed and washed thoroughly with potable water;
- (e) if gutting of fresh fish is carried out on board of a vessel, clean water is used for washing;
- (f) the filleting and cutting of fresh fish is carried out in such a manner to avoid contamination or spoilage to such fish;
- (g) the fillets and slices of fresh fish is not to remain on work tables beyond the time necessary for their preparation;
- (h) the fillets and slices of fresh fish is wrapped and where necessary, packaged and chilled as soon as possible after its preparation; and
- (i) melt water from ice in a container used for the carriage or storage of unpackaged fresh fish is not remain in contact with the fish.

(2) For the purpose of regulation (1)—
“clean water” means clean seawater or fresh water of a similar quality; “clean seawater” means natural, artificial or purified seawater or brackish water that does not contain microorganisms, harmful substances or toxic marine plankton in quantities capable of directly or indirectly affecting the health quality of food.

(3) Any food handler who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Handling of processed crustacean or mollusc

44. (1) A food handler shall handle processed crustacean or mollusc in accordance with the following requirements:

- (a) rapid cooling of the crustacean or mollusc is carried out after cooking and water used for this purpose is potable water or if no other method of preservation is used, the cooling process is continued until a temperature approaching of melting ice is reached;
- (b) the shelling or shucking of the cooked crustacean or mollusc is hygienically carried out to avoid contamination of such product; and
- (c) the cooked crustacean or mollusc is frozen immediately, or is chilled as soon as possible to the temperature as specified in subregulation 38(3) after shelling or shucking.

(2) Any food handler who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Storage of fish

45. (1) A food handler shall store fish in accordance with the following requirements:

- (a) a fresh fish, thawed unprocessed fish, and processed crustacean or mollusc is maintained at a temperature approaching of melting ice;
- (b) a frozen fish is kept at a temperature below minus 18°C in all parts of the product;
- (c) a frozen fish in brine that is intended to be processed as canned food is kept at a temperature below minus 9°C; and

-
- (d) a live fish is kept at a temperature and in a manner that does not adversely affect food safety or its viability.

(2) Any food handler who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Carriage of fish

46. (1) A person who carries fish shall comply with the following requirements:

- (a) fresh fish, thawed unprocessed fish and processed crustacean or mollusc is maintained at a temperature approaching of melting ice;
- (b) frozen fish is kept at a temperature below minus 18°C in all parts of the product; and
- (c) frozen fish in brine that is intended to be processed as canned food is kept at a temperature below minus 9°C.

(2) Melt water from ice in containers used for the carriage or storage of fish is not in contact with the fish.

(3) Live fish to be sold in a market shall be carried in such a manner that does not adversely affect food safety or its viability.

(4) Any person who fails to comply with subregulation (1), (2) or (3) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Sale of chilled and frozen fish

47. (1) A person who sells chilled and frozen fish shall ensure that—

- (a) all chilled fish stored, displayed or exposed for sale are kept at a temperature between minus 1°C to 10°C; and
- (b) all frozen fish stored, displayed or exposed for sale are kept at a temperature below minus 18°C.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Preparation, package or sale of ice cream or frozen confection

48. (1) A food handler shall, during the preparation, package or sale of any ice cream or frozen confection, ensure that—

- (a) an open surface freezer is placed in a dust proof room; and
- (b) a freezer is provided with a tightly fitting shield that is capable of protecting the surface of the cooler from any contamination.

(2) Any food handler who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Conduct of person selling ice cream or frozen confection

49. (1) A person who engages in the sale of ice cream or frozen confection shall—

- (a) sell the ice cream or frozen confection that has not melted or refrozen; and
- (b) prepare, store or display the ice cream or frozen confection at a temperature below minus 18°C.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Chapter 4–Milk

Temperature requirements

50. (1) A food handler who processes milk shall, upon acceptance of milk, ensure that the milk is cooled as soon as possible to a temperature not more than 6°C and kept at that temperature until the milk is processed.

(2) Notwithstanding subregulation (1), a food handler may keep the milk at a higher temperature if—

- (a) the processing of the milk begins immediately after milking, or within four hours after its acceptance; or
- (b) the food handler can satisfy the Director or an officer authorized by him that a higher temperature is required for technological reasons concerning the processing of certain milk products.

(3) Any food handler who fails to comply with subregulation (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Sale of milk

51. (1) Any person who sells raw milk shall store the milk at a temperature below 4°C in a refrigeration unit or insulation or other suitable compartment, where necessary, where there is no other food capable of contaminating the milk.

(1A) Any person who sells raw milk for direct human consumption shall subject the milk to heat treatment—

(a) by being retained at a temperature of not less than 100°C for at least three minutes;

(b) by being retained at a temperature of not less than 135°C for at least two seconds;

(c) by the Holding Method, where the temperature of the milk is raised to not less than 63°C and not more than 65°C and retained at not less than 63°C and not more than 65° for at least 30 minutes and then immediately and rapidly reduced to 4°C or less and maintained at that temperature with protection from contamination until the milk is removed from the premises for delivery; or

(d) by the High Temperature Short Time Method, where the temperature of the milk is raised to not less than 73 °C and retained at the temperature for at least 15 seconds or its equivalent of time and temperature relationship and then immediately and rapidly reduced to 4°C or less and maintained at the temperature with protection from contamination until the milk is removed from the premises for delivery.

(2) Any person who sells milk in a sealed package shall comply with the following requirements:

(a) the seal is not tampered with before sale; and

(b) the milk is sold in its original form, container and quantity in which it was received on the food premises from which it is sold.

(3) Any person who fails to comply with subregulation (1), (1A) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Chapter 5–Ice

Carriage, storage and delivery of ice

52. (1) Any person who sells ice shall—

- (a) carry the ice in a vehicle which able to protect the ice from any contamination;
- (b) carry and store the ice in a clean insulating material;
- (c) not deliver the ice on roadway, footpath, platform, floor or similar surface open to traffic;
- (d) carry, store and deliver the ice in an enclosed clean containers or properly covered to prevent any contamination; and
- (e) ensure that the equipment and other facilities used for the carriage, storage and delivery of ice are maintained in a clean condition to prevent any contamination.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Chapter 6–Vending machine

Installation of food vending machine or water vending machine

53. (1) An owner or operator of a food vending machine or water vending machine shall, before installing such machine at any place, comply with the following requirements:

- (a) his name and registered address is labeled on the food vending machine or water vending machine;
- (b) the food vending machine or water vending machine is located in a suitable area to protect the product in the machine from any contamination;
- (c) the food vending machine or water vending machine is rendered clean and sanitary;
- (d) the space around and under the food vending machine or water vending is accessible for cleaning and provides no harbouring of pests; and
- (e) the floor where the food vending machine or water vending is intended to be installed, is constructed of smooth impervious material which is easily cleaned and able to withstand repeated washing and scrubbing.

(2) Any owner or operator of a food vending machine or water vending machine who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Food vending machine

54. (1) An owner or operator of a food vending machine shall comply with the following requirements:

- (a) the food vending machine is kept in a good working order and condition;
- (b) the food vending machine is kept in a clean and sanitary condition and free from pest;
- (c) the food vending machine is used exclusively for the sale of food;
- (d) the surrounding area where the food vending machine is located is kept clean, tidy and free from pest;
- (e) a waste containers is—
 - (i) sufficiently provided near the food vending machine;
 - (ii) of self-closing type, portable and leak proof;
 - (iii) appropriately labeled; and
 - (iv) emptied when full or at least once daily and to be washed and cleaned once emptied;
- (f) a suitable racks or cases are sufficiently provided near the food vending machine for the reusable containers or bottles;
- (g) all food or disposable appliances or items to be used in the food vending machine during delivery and while in storage before use are protected at all times from dust, pests and any other type of contamination;
- (h) the food vending machine that dispenses perishable food is equipped with a temperature control device to ensure that the food is maintained at an appropriate temperature;
- (i) all perishable food is dispensed in the original container or package as prepared or packed by the manufacturer or alternatively dispensed in disposable appliances;
- (j) all milk or fluid milk product is dispensed in individual original containers;
- (k) all reusable containers and parts of the food vending machine that come into direct contact with food are removed from such machine and are thoroughly cleaned daily;
- (l) the nozzle of the food vending machine where food is dispensed, if applicable, is protected at all times from dust, pests or other type of contamination; and
- (m) a microwave oven that is used with the food vending machine—
 - (i) has its cavities and door edges cleaned at least once daily with non-abrasive cleaner; and
 - (ii) is kept free of encrusted grease deposits and other contamination.

(2) Any owner or operator of a food vending-machine who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Water vending machine

55. (1) An owner or operator of a water vending machine shall comply with the following requirements:

- (a) the water vending machine is designed and constructed to permit easy cleaning and maintenance of all exterior and interior surface;
- (b) all parts and surfaces of the water vending machine which come into contact with water is constructed of approved, corrosive-resistant and non-absorbent material capable of withstanding repeated cleaning and sanitizing treatment;
- (c) the water vending machine has a recessed or guarded corrosion-resistant dispensing spout;
- (d) the water vending machine is designed in such a manner so that all treatment of the vended water by distillation, ion exchange, filtration, ultraviolet light, reverse osmosis, mineral addition, or any other acceptable process is done in an effective manner;
- (e) the water vending machine has an effective system of handling drip, spillage and overflow of water;
- (f) the water vending machine has a backflow prevention device for all connections with the water supply;
- (g) the water vending machine dispenses water that is disinfected by ozonisation or other method approved by the Director;
- (h) the water vending machine is equipped with monitoring devices designed to shutdown operation of the machine when disinfection unit fails to function, or is monitored daily at start-up and manually shut-down whenever the unit fails to function;
- (i) the water vending machine is equipped with self-closing, tight-fitting door on the dispense compartment or enclosing the dispense spout to protect the vending spout when the water vending machine is not in use;
- (j) the water vending machine is maintained in a clean and sanitary condition, free from dirt and pest; and
- (k) the water vending machine uses approved public water supply.

(2) Any owner or operator of a water vending machine who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

CARRIAGE OF FOOD

Carriage of food

56. (1) A person who carries food shall ensure that a vehicle used in the course of carriage of food—

- (a) is clean and in a good working condition;
- (b) where necessary, effectively permit the separation of food from non-food items during carriage to prevent any risk of contamination;
- (c) is not used for carrying hazardous, toxic or poisonous item;
and
- (d) is able to maintain the temperature required under these regulations, humidity and other conditions for the protection of the food from any harmful or undesirable microbial growth and deterioration that is likely to render the food unsuitable for human consumption.

(2) A person who intends to use any vehicle to carry food shall ensure that the vehicle is cleaned or disinfected after being used to carry different foods or non-food items.

(3) A person who uses any vehicle to carry food of swine origin (*sus scrofa*) shall not use the same vehicle to carry any food of non-swine origin.

(4) A person who uses any vehicle to carry chilled or frozen food shall ensure that the vehicle complies with the following requirements:

- (a) the temperature of a refrigerated storage space of the vehicle is between minus 1°C to 10°C for chilled food and minus 18°C for frozen food; and
- (b) the refrigerated storage space of the vehicle is—
 - (i) constructed of an impervious material; and
 - (ii) fixed with a mechanical cooling equipment that is located to permit adequate access to all parts of the equipment for easy cleaning.

(5) A person who carries chilled or frozen foods shall ensure that the cold chain of the food is not interrupted, but limited period outside temperature control that does not result in a risk to health is permitted.

(6) Any person who fails to comply with subregulation (1), (2), (3), (4) or (5) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years.

Preparing, etc., of food within food premises

57. (1) Two or more rooms or places within the same compound of food premises are not deemed to be separate food premises even though the preparing, packaging, storing, handling or selling of any particular food is carried out in the separate rooms or places of the food premises.

(2) Notwithstanding subregulation (1), if two or more rooms or places within the same compound of food premises are used solely for the selling of food but under the same management, such rooms or places are deemed to be separate food premises.

Compoundable offences

58. The offences specified in the Forth Schedule are prescribed as compoundable offences.

Compounding of offences

59. (1) An offer to compound shall be made in a form specified in the Fifth Schedule.

(2) A person who accepts an offer to compound an offence shall furnish payment for the compound in a form specified in the Sixth Schedule.

Payment of compound

60. (1) If an offer to compound an offence is made and accepted by the person to whom the offer is made, he shall make payment by cash, money order, postal order or bank draft to District Medical Officer of Health.

(2) The payment shall be delivered personally or sent by prepaid post to the address specified in the Notice of Offer to Compound Offences.

(3) An official receipt shall be issued for every payment received under subregulation (1) to the person to whom the offer to compound is made.

FIRST SCHEDULE

[Regulation 3] FOOD PREMISES

1. All food premises involved in manufacturing of food.
2. All food premises involved in catering or mass catering of food.
3. All premises where food is prepared, processed, stored or served for sale.
4. All vehicles from which ready-to-eat food is sold.

SECOND SCHEDULE

[Regulation 5]
FOOD ACT 1983
FOOD HYGIENE REGULATIONS 2009

CERTIFICATE OF REGISTRATION FOR FOOD PREMISES

Registration No.: _____
Certificate of registration is hereby granted to

I/C No.: _____ carrying on business under the name
of _____ at permanent address

Nature of business: _____

Place of business: _____

This certificate of registration expires three years from the date of its issuance.

_____ Date: _____ Director or Officer
Authorized by Director
Ministry of Health Malaysia

Note: This Certificate of Registration For Food Premises is not
transferable.

THIRD SCHEDULE

[Subregulation 9(1)]

FOOD PREMISES REQUIRING FOOD SAFETY ASSURANCE PROGRAMME

All food premises involved in the manufacturing of food.

FOURTH SCHEDULE

[Regulation 58] COMPOUNDABLE OFFENCES

- | | | |
|-----|---------------|--|
| 1. | Regulation 3 | Failure to register food premises |
| 2. | Regulation 7 | Failure to renew certificate of registration of food premises |
| 3. | Regulation 8 | Failure to display certificate of registration, notices, <i>etc.</i> , in food premises |
| 4. | Regulation 9 | Failure to provide food safety assurance programme |
| 5. | Regulation 10 | Failure to provide food traceability system |
| 6. | Regulation 11 | Failure to comply with the requirements relating to general duties of proprietor, owner or occupier of food premises |
| 6A | Regulation 30 | failure to comply with requirements relating to food handler training |
| 7. | Regulation 31 | Failure to comply with requirements relating to medical examination and health condition of food handler |
| 8. | Regulation 32 | Failure to comply with the requirements relating to clothing of food handler |
| 9. | Regulation 33 | Failure to comply with the requirements relating to personal hygiene of food handler |
| 10. | Regulation 34 | Failure to comply with the requirements relating to duty to keep food premises clean |
| 11. | Regulation 35 | Failure to comply with the requirements relating to the handling of food, appliances, <i>etc.</i> |
| 12. | Regulation 36 | Failure to comply with the requirements relating to the preparation, packaging and serving of food |
| 13. | Regulation 37 | Failure to comply with the requirements relating to the storage, exposure and display of food for sale |
| 14. | Regulation 38 | Failure to comply with the requirements relating to the storage of food |
| 15. | Regulation 39 | Failure to comply with the special requirements relating to the preparation of meat |
| 16. | Regulation 40 | Failure to comply with the special requirements relating to the carriage of meat |
| 17. | Regulation 41 | Failure to comply with the special requirements relating to the sale of meat |
| 18. | Regulation 42 | Failure to comply with the special requirements relating to the unloading and loading of fish |
| 19. | Regulation 43 | Failure to comply with the special requirements relating to the handling of fresh fish |
| 20. | Regulation 44 | Failure to comply with the special requirements relating to processed crustacean or mollusc |

21.	Regulation 45	Failure to comply with the special requirements relating to the storage of fish
22.	Regulation 46	Failure to comply with the special requirements relating to the carriage of fish
23.	Regulation 47	Failure to comply with the special requirements relating to sale of chilled and frozen fish
24.	Regulation 48	Failure to comply with the special requirements relating to the preparation, package or sale of ice cream and frozen confection
25.	Regulation 49	Failure to comply with the special requirements relating to the conduct of person engaging in the selling of ice cream and frozen confection
26.	Regulation 50	Failure to comply with the special requirements relating to temperature of milk
27.	Regulation 51	Failure to comply with the special requirements relating to sale of milk
28.	Regulation 52	Failure to comply with the special requirements relating to the carriage, storage and delivery of ice
29.	Regulation 53	Failure to comply with the special requirements relating to the installation of food vending machine or water vending machine
30.	Regulation 54	Failure to comply with the special requirements relating to the food vending machine
31.	Regulation 55	Failure to comply with the special requirements relating to the water vending machine
32.	Regulation 56	Failure to comply with the requirements relating to carriage of food

FIFTH SCHEDULE

[Subregulation 59(1)]
FOOD ACT 1983

FOOD HYGIENE REGULATIONS 2009

NOTICE OF OFFER TO COMPOUND OFFENCES

When reply please quote:

Office:
Reference No.:

Place:
Date:

To:

.....
.....
.....

Sir/Madam

I have received a complaint against youalleging the
(*state name)
commission of the following offence under regulationof the Food Hygiene
Regulations 2009.

Date: Time:

Place:

Particulars of Offence*:

2. You are informed that by virtue of the power conferred on me by section 33 of the
Food Act 1983, I am hereby offer to compound the offence for the sum of Ringgit
Malaysia.....(RM).

3. If this offer is accepted, payment shall be made by cash/money order/postal order/bank draft
made payable to District Medical Officer of Health and may be delivered personally or sent by
prepaid post to the following address:

.....
.....
.....

4. An official receipt shall be issued on receipt of the payment.

5. This offer to compound remains in force until..... and if no reply is receive on or
before that date, prosecution proceedings will be instituted against you without
further notice. (*state name)

Date

.....
Director or Officer Authorized by Director

Note:

* Give details

+ Delete where inapplicable

SIXTH SCHEDULE

[Subregulation 59(2)]
FOOD ACT 1983

FOOD HYGIENE REGULATIONS 2009

ACCEPTANCE OF OFFER TO COMPOUND OFFENCES

Reference No.: To:
.....
.....
.....

I refer to the Notice of Offer to Compound Offences bearing the Reference Number..... and dated
.....

2. I accept the offer to compound and enclosed herewith for the sum of Ringgit
Malaysia.....(RM) as full settlement of the sum
stipulated in paragraph 2 of the Notice of Offer to Compound Offences.

Signature :
Name (*in capital letter*) :
Identity Card Number :
Address :
.....
.....
Date :

* *delete whichever is inapplicable*