

THE SIAYA COUNTY CARRIAGE OF FOOD BILL, 2015

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THE SIAYA CARRIAGE OF FOOD BILL, 2015

A Bill for

An Act of the County Assembly of Siaya to provide for the hygienic handling and carriage of open food and for connected purposes.

ENACTED by the County Assembly as follows—

PART I - PRELIMINARY

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| 1. This Act may be cited the Siaya County Carriage of Food Act, 2015. | Short Title |
| 2. This Act shall come into operation upon assent by the Governor. | Commencement |
| 3. In this Act unless the context otherwise requires— | Interpretation |

“open food” means food not enclosed in a container of such material and so closed as to exclude all risk of contamination.

“health inspector” means a person duly appointed as by the county government or by any other body lawfully authorized to make such appointment

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| 4. The object of this Act is to ensure hygiene is observed in handling and carriage of food. | Object of the Act |
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PART II – HANDLING OF FOOD

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| 5. Any person who conveys or permits to be conveyed, in a vehicle or other contraption, in connection with any trade or business, on a street or other public place, any open item of food in a manner contrary to these rules or in a manner likely to expose the food to contamination shall be guilty of an offence. | Conveyance of food in a vehicle or other contraption |
| 6. (1) Any person engaged in the handling, storage or conveyance of open food in connection with any trade or business shall whilst so engaged:
a) Be clean in all parts of his body.
b) Keep clean his or her clothing that may come into contact with food.
c) Keep any cut or abrasion covered with a suitable and clean waterproof dressing.
d) Refrain from spitting or blowing his or her nose otherwise than in a hygienic manner into a suitable cloth or tissue.
e) Refrain from smoking. | Handling of food |

- f) When handling meat, wear a white garment.
 - (2) Any person who contravenes or fails to comply with any of the provisions of subsection (1) above is guilty of an offence.
7. Any person who has in his possession or under his control for purpose of sale any meat or poultry which has not been inspected at a designated place as defined by any Law or medical officer of health or health inspector and marked as having been so inspected shall be guilty of an offence. **Inspection of meat**
8. For the purpose of this Act, any meat or poultry in any shop, store, hotel, restaurant, catering house, snack, bar or other catering establishment shall be deemed to be for sale unless the contrary is proved,. **Meat in catering establishments**

PART III- MISCELLANEOUS

9. (1) Any notice or other document required or authorized under this Act to be served on any person may be served either; **Service of notice or documents**
- a) by delivering it to that person, or
 - b) by leaving at his proper address, or
 - c) By registered post addressed to him or her.
- (2) For the purpose of this Act, the proper address of any person shall, in the case of a corporation be that of the registered or head office of the corporation, and in any other case, be the usual or last known place of abode or business of the person on whom the notice is to be served.
- (3) If the name or the address of any owner or occupier of premises upon whom any notice is to be served cannot, after reasonable inquiry, be ascertained, the notice may be served by addressing it to the person on whom it is to be served by the description of “owner or “occupier” of premises (describing them) to which the notice relates, delivering it to an adult of sound mind occupying the premises or at a conspicuous part of the premises.
10. (1) Any person who is guilty of an offence under this Act shall be liable on conviction to a fine not exceeding ten thousand shillings in respect of a first offence and not exceeding fifteen thousand shillings in respect of a second or subsequent offence or imprisonment for a period not exceeding six months in respect of a first offence and not exceeding nine months in respect of a second or subsequent offence or to both such fine and imprisonment. **Offences**

(2) Any person who fails to comply with the requirement of any notice served under this Act within the time specified by such notice shall be guilty of an offence and liable on conviction to the penalties specified in subsection (1) above.

11. The executive committee member may make regulations, not inconsistent with this Act respecting any matter that is necessary or convenient to be prescribed under this Act or for the carrying out or giving effect to this Act.

Regulations

MEMORANDUM ON THE PROPOSED SIAYA COUNTY CARRIAGE OF FOOD BILL, 2015

1. PURPOSE

The purpose of this Memorandum is to request the County Assembly's consideration and approval of the Siaya County Carriage of Food Bill, 2015 and its direction that the Bill be published for introduction in the County Assembly.

2. BACKGROUND

The Fourth Schedule Part 2, paragraph 2 (d) of the Constitution of Kenya, 2010 provides for licensing and control of undertakings that sell food to the public at the counties thus this Bill shall have the hygiene needed while selling food.

3. OUTLINE OF THE BILL

PART I

This Part names the proposed Act, defines words and expressions used in the Bill. It also provides for the commencement of this Bill if passed into law and its object.

PART II

This Part provides for how food should be handled.

PART III

This Part provides for miscellaneous aspect which provides for service of notice or document, offences and penalties in this Act and gives the Executive member in charge of health the powers to ensure the regulations are drafted if necessary.

4. RECOMMENDATIONS

The Assembly is requested to:

- (a) Note the contents of this Memorandum;
- (b) Approve the Siaya County Carriage of Food Bill, 2015 annexed to this Memorandum; and
- (c) Authorise the Speaker to publish the Bill and present it to the County Assembly for debate and enactment.

**HON MATHEWS ONDURU, MCA
CHAIRPERSON
COUNTY SECTORAL COMMITTEE ON HEALTH SERVICES**