



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD SAFETY AND HALAL FOOD AUTHORITY

Dated: 8/11, 2017

NOTIFICATION

No. DG/KP FS&HFA (Admin) / 04-2017. In exercise of the powers conferred by section 51 of the Khyber Pakhtunkhwa Food Safety and Halal Food Authority Act, 2014 (KP Act No. X of 2014), the Khyber Pakhtunkhwa Food Safety and Halal Food Authority is pleased to make the following regulations, namely:-

The Khyber Pakhtunkhwa Food Safety and Halal Food Authority (Sealing and De-sealing of Food Business Premises) Regulations, 2017.

PART I

DEFINITIONS

1. **Short Title and commencement:** - (1) These regulations may be called the Khyber Pakhtunkhwa Food Safety and Halal Food Authority (Sealing and De-Sealing of Food Business Premises) Regulation, 2017

(2) These regulations shall come into force at once:

2. **Definitions.** (1) In these regulations, unless there is anything repugnant in the subject or context,-

- (a) "act" means the Khyber Pakhtunkhwa Food Safety and Halal Food Authority Act (Act of X OF 2014);
- (b) "authority" refers to the Khyber Pakhtunkhwa Food Safety and Halal Food Authority
- (c) "competent Authority" means the i)-Food Safety Officer for the purpose of sealing the premises and ii)-the Director General KP FS&HFA or iii)- any other officer to whom the DG delegates the power of sealing and de- sealing of the premises, as the case may be;
- (d) "order" means an order passed or issued by the competent Authority, as the case may be ;
- (e) "rectification period" means the time period granted by the Director General after passing an order of de-sealing of the premises in which case the Food Operator shall-

- (ii) remain restricted to the carrying out of operational activities including processing as may be specified in the order; and
- (iii) made improvement in the premises as instructed or directed in the order.

Part -II

Sealing Procedure

3. Notice of Improvement and sealing of premises:- (1) The Food Safety Officer may, either on his own motion or upon receipt of information from any source has reasons to believe that there exist unhygienic conditions at the food business premises, or food safety or quality issues exist at any premises, he shall serve an improvement notice upon the food operators.

(2) If the Food Safety Officer feels that the Food Operator has not made sustainable improvement as required under the improvement notice served upon him within the specified time limit and that the unhygienic conditions or, food safety or quality issues, non-compliance to Halal food standards still exist at the premises, may be sealed:

4. Sealing of premises without serving improvement notice:- The Food Safety Officer may, notwithstanding anything in regulation 3 seal the premises without serving of an improvement notice only where the Food Safety Officer has reason to believe that there exist:-

- a) severe unhygienic conditions or, food safety issues or quality issues at a premises;
- b) non-compliance to Halal food standards
- c) presence and /or usage of nonfood grade ingredients, manufacturing of food products without natural ingredients such as pulp or fruit or dairy raw material etc,
- d) usage of rotten eggs in food items or presence of rotten eggs or mixture thereof for sale;
- e) preparation of synthetic milk; presence of hazardous adulterants, insects, rodents, harmful ingredients etc.
- f) Operating a food business without a relevant and valid License from the authority.

5. Lab analysis and collection of sample: While sealing the premises under regulation 3 or 4, sample of adulterated food and suspected food items shall be taken and sent to the approved food laboratory for relevant tests, examinations and analysis, and after processing whereof, if the laboratory reports establish that all the samples taken were found unadulterated and were also found fit for human consumption the premises shall be de-sealed after fulfilling code related formalities.

6. Food Operator to provide details: In addition to other code related formalities for de-sealing it shall be mandatory for the Food Operator to provide the details of the shop, hotel/restaurant (serving food items) or the manufacturing unit and the proprietor from whom unsafe and substandard raw material or products had been purchased in addition to the details of warehouses, distributions and premises to whom adulterated substandard or unsafe food products

being manufactured at his premises, were being sold. The same is applicable to food service premises like hotels, restaurants, canteens, bakeries and of similar nature who are serving cooked or raw food.

Part III DE SEALING PROCEDURE

7. De-sealing of premises: The sealed premises may be de- sealed after the expiry of period as specified below and upon application for de-sealing supported by an Affidavit undertaking that he shall remove the shortfalls pointed out by the Food Safety Officer within the time specified by him. The application shall also include submission of other supporting documents by the Food Operator to the satisfaction of the competent authority that he/she shall abide by the Rules and Regulation made there under from time to time, be de-sealed after expiry of minimum period so mentioned under related issues so specified in the table below:

NO.	Issues	Minimum Period for De -Sealing
1	Sealing of premises on account of presence of extremely food hazardous ingredients/business as specified in regulation 4. it also applies to operating a food business without a valid License from the authority	Up to 120 days
2	Sealing of premises on account of running hazardous Food Business as Explain in Regulation 3	7 days
3	Sealing of premises on account of Food quality of issues (Which don not involve Food Safety Issues.	Not less than three days
4	Sealing of premises on account of not approved not approved Layout & Design Issues	Not less than three days
5	Sealing of premises on account of non-Licensing.	Till the submission of License fee and Medical Certificate of all Food handlers

8. Special Food safety courts: The competent Authority through this regulation will notify specified Food safety courts where a magistrate along with two Food safety technical officers will decide the de-sealing cases after hearing from the Food operator.

9. Permission to continue food business: the competent Authority may upon de-Sealing of the premises, allow the food Operator to continue his/her food business who shall undertake to bring about such improvements as stated in the affidavit with the specified time and meet such level of hygiene and other corrective measure including rectification of shortcomings so identified to him

10. Substandard and adulterated food: Where any food samples sent for Laboratory tests are found substandard or adulterated, an action will be directed by the competent Authority against the operator in addition to any other action under the act, rules and regulations.

11. No de-sealing without valid license: Notwithstanding anything contained in these or other regulations, no premises sealed for any reason, shall be de-sealed unless the food operator has a

valid license to operate food business or at Least the license fee there against has been deposited in the account of the Authority:

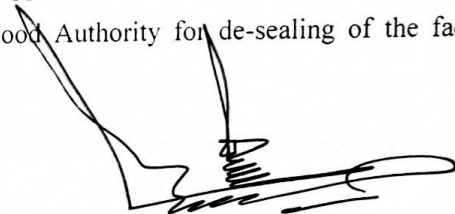
Provided that the food operator-

- a) has obtained license valid for the purpose and the applicable period stated in the acquired license, otherwise he shall be required to deposit the license fee for the previous years in addition to fulfillment of all legal & code related formalities; and
- b) submitted the file validation report including submitting of medical certificates of all food handlers.

12. Double minimum sealing period for subsequent like offenses:- Where the premises have been sealed under regulation 3 and 4 of these regulations, such premises shall be sealed for double of its minimum period last sealed for any such subsequent offense of the like nature so committed each time under the relevant sub- clause 5 of regulation 7.

13. Cancellation of license:- The license of food operator is liable to be cancelled where he is found guilty of submission of false Affidavit or concealment of facts or habitual defiant of the orders or competent authority.

14. Application against the order of sealing: Any food operator so aggrieved by an order of sealing by the competent authority may file an application addressed to the Director General, Khyber Pakhtunkhwa Food Safety and Halal Food Authority for de-sealing of the facility / premises.



DIRECTOR GENERAL

KHYBER PAKHTUNKHWA

FOOD SAFETY AND HALAL FOOD AUTHORITY



Schedule 1



FORM 18
ORDER OF SEALING

(Under section 14-1 (c) (h) of the KP Food Authority Act, 2014)

The powers conferred under section 14 read with section 51 of the KP Food Authority Act, 2014. The undersigned has reason to believe and there is sufficient ground for sealing of your premises. I being an authorized officer, hereby direct you to keep the following stock sealed till such orders as may be issued subsequently in relation thereto: -

(Name of the Food Business Operator and address of the premises)

M

Sr. No.	Name of the Product	No. of Units	Qty, in Kgs/Liters
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

REASONS OF SEALING

**Assistant Director Food Safety / Food
Safety Officer**
(Signature & Stamp)

Area: _____

District: _____

Date: _____