



Food Notice

Requirements for food businesses operating under registered food control plans or national programmes during the COVID-19 response

31 August 2021

TITLE

Food Notice: Requirements for food businesses operating under registered food control plans or national programmes during the COVID-19 response

COMMENCEMENT

This Food Notice commences on the date of signing.

EXPIRY

This Food Notice expires on 30 November 2021.

ISSUING AUTHORITY

This Food Notice is issued under sections 405 of the Food Act 2014 for the purposes of sections 44 and 76(3) of the Act and the Food Regulations 2015.

Dated at Wellington, 31 August 2021



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Introduction

This introduction is not part of the Food Notice, but is intended to indicate its general effect.

Purpose

The purpose of this Notice is for the Chief Executive (CE) of the Ministry for Primary Industries (MPI) to issue a temporary Food Notice to enable food businesses, that were registered to operate under either a food control plan or national programme before 11.59pm on 17th August 2021, to temporarily add to their existing scope of operations allowing them to operate during COVID-19 restrictions.

Background

New Zealand food business operators are facing challenges caused by the COVID-19 pandemic. Under the COVID-19 response restrictions, food business operators have been made to close their premises to reduce contact and help stop the spread of the virus.

This Food Notice provides a solution for temporarily extending a food business' scope of operations, allowing them to re-open and sell their food via takeaway while maintaining physical distancing, and contactless delivery. This Food Notice only applies to food businesses that were registered before 11.59pm on 17th August 2021.

As the COVID-19 response progresses through the various alert levels, businesses will need to formally apply for a change in their scope of operations if they choose to continue to offer takeaway and delivery services once this Food Notice has expired. Information about this can be found on the MPI website.

Who should read this Food Notice?

Food businesses that wish to temporarily extend their scope of operations to allow them to re-open and undertake additional operations while restrictions in relation to social distancing, personal protection equipment and contactless delivery are in place during the COVID-19 response.

Why is this important?

Food businesses that do not meet the requirements outlined in this Food Notice will be unable to prove that they are making safe and suitable takeaways and deliveries during the COVID-19 restricted period, and therefore may be required to close their operation.

It is an offence under the Food Act 2014 for food business operators to fail to comply with the relevant parts of this Food Notice. Failure to comply could result in suspension or cancellation of the registration of the operator's food business or enforcement action.

Other information

Amending a food control plan (FCP) in accordance with this Food Notice will not require registration of the FCP in accordance with s45 or s46 of the Act as the amendment is not a significant amendment in accordance with the *Food Notice: Requirements for food businesses operating under registered food control plans or national programmes during the COVID-19 response*.

Food businesses need to continue to notify their Registration Authority of a significant change in circumstance.

Part 1: Requirements

1.1 Application

- (1) This Notice only applies to a food business that was registered, subject to and operating under a food control plan or national programme before 11.59 pm on 17 August 2021.

Guidance

- The changes made to a food business' scope of operations under this Notice are only valid until this Notice expires.
- Food businesses that wish to permanently change their scope of operations once this Notice has expired must notify their registration authority, and formally apply for these changes to be made by following the steps outlined on the MPI website.

- (2) Part 2 of this Notice applies to a food business in the food service sector and food retail sector that operates under a registered food control plan based on one of the templates issued by the *Food Notice: Food Service and Food Retail Business Food Control Plan templates issued under section 39* by the Ministry for Primary Industries (MPI) on 18 July 2018.
- (3) Part 3 of this Notice applies to a food business that operates under a registered food control plan not based on an official template or model.
- (4) Part 4 of this Notice applies to a food business that is registered subject to a national programme.

1.2 Definitions

- (1) In this Notice, unless the context otherwise requires:
- a) **Act** means the Food Act 2014.
- (2) All terms defined in the Act or the Food Regulations 2015, have the same meaning within this Notice as defined in the Act and Regulations.

Part 2: Registered Template Food Control Plans

2.1 Amendment

- (1) The Template Food Control Plans issued by the Food Notice: Food Service and Food Retail Business Food Control Plan templates issued under section 39 on 18 July 2018, are amended by adding the template Packs set out in Schedule 1 of this Notice.

2.2 Amending registered template food control plans

- (1) Any food business who has a registered food control plan based on either of the official Template Food Control Plans issued by MPI on 18 July 2018, may choose to insert the Packs set out in Schedule 1 of this Notice, as applicable, into their template food control plan.

2.3 Requirements when inserting Packs into template food control plans

- (1) Any food business eligible under this Notice to amend its food control plan based on an official template must add the appropriate Pack outlined in Schedule 1 of this Notice to its registered food control plan.
- (2) Any food business that inserts a Pack outlined in Schedule 1 of this Notice into their registered food control plan must continue to meet and comply with the requirements in any and all inserted Packs.
- (3) Any food business eligible to amend its food control plan under this Notice that chooses to add Pack 4 in Schedule 1 of this Notice to their registered food control plan must:
 - a) not be subject to any directions issued under the Food Act;
 - b) not have any outstanding corrective actions as per regulation 104 of the Food Regulations 2015;
 - c) undergo a 'scope change check' with the Ministry for Primary Industries (MPI) within 5 working days of their registration scope being updated by the relevant Registration Authority.

Guidance

- Under section 44 of the Act, food businesses operating under a template food control plan that choose to extend their scope of operations by adding the 'Packs' in Schedule 1 of this Notice are not required to re-register their template food control plan.

Part 3: Registered food control plans not based on official template or model

3.1 Amending Food Notice: Requirements for Food Control Plans and National Programmes

- (1) Clause 3.1 of the Food Notice: Requirements for Food Control Plans and National Programmes, issued 25 May 2017, is amended to add clause 3.1(3) to read:

Clause 3.1(1)(b) does not include changes made to the scope of the Plan by introducing a type of food or a procedure, or by changing the type of food or a procedure identified in the Plan where an operator with a registered food control plan not based on an official template or model, chooses to extend the scope of operations to include the Packs in Schedule 1 of the Food Notice: Requirements for food businesses operating under registered food control plans or national programmes during the COVID-19 response.

3.2 Requirements when inserting Packs into food control plans not based on official template or model

- (1) Any food business eligible under this Notice to amend its registered food control plan that is not based on an official template or model may amend its plan by adding the appropriate Pack outlined in Schedule 1 of this Notice to their registered food control plan.
- (2) Any food business that inserts a Pack outlined in Schedule 1 of this Notice into their registered food control plan that is not based on an official template or model must continue to meet and comply with the requirements in any and all inserted Packs.
- (3) Any food business eligible under this Notice to amend their registered food control plan that is not based on an official template or model that chooses to add Pack 4 in Schedule 1 of this Notice to their registered food control plan must:
- a) not be subject to any directions issued under the Food Act;
 - b) not have any outstanding corrective actions as per regulation 104 of the Food Regulations 2015;
 - c) undergo a 'scope change check' with the Ministry for Primary Industries (MPI) within 5 working days of their registration scope being updated by the relevant Registration Authority.

Part 4: Registered national programmes

4.1 Changing national programme registration

- (1) Any food business eligible under this Notice may include an activity described in Schedule 1 of this Notice in their national programme registration.
- (2) Any food business that includes an activity outlined in Schedule 1 of this Notice into their national programme registration must meet and comply with the requirements in any and all relevant Packs.
- (3) Any food business that chooses to include activities under Pack 4 in Schedule 1 of this Notice in their national programme registration must:
 - a) not be subject to any directions issued under the Food Act;
 - b) not have any outstanding corrective actions as per regulation 104 of the Food Regulations 2015;
 - c) undergo a 'scope change check' with the Ministry for Primary Industries (MPI) within 5 working days of their registration scope being updated by the relevant Registration Authority.

Schedule 1: Packs to be added to food control plans and national programmes

Activity added to scope	Pack required	Version number
Takeaway or pickup	Pack 1 Adding takeaway / pickup	Pack 1/COVID-19 001
Delivery	Pack 2 Delivery	Pack 2/COVID-19 001
Making meal kits and repacking bulk foods	Pack 3 Meal kits / repacking bulk food	Pack 3/COVID-19 001
Making chilled and frozen meals	Pack 4 Chilled / frozen food	Pack 4/COVID-19 001
Making shelf-stable jams, chutneys and sauces	Pack 5 Making jams, chutneys and sauces	Pack 5/COVID-19 001