



# Food Notice

## Approved Template Food Control Plan for Schedule 1 Food Businesses: Food Service and Food Retail

## TITLE

Food Notice: Approved Template Food Control Plan for Schedule 1 Food Businesses: Food Service and Food Retail

## COMMENCEMENT

This Food Notice comes into force on 1 March 2016.

## ISSUING AUTHORITY

The Chief Executive having consulted in accordance with section s380 of the Food Act 2014, issues this Notice under section 39 and 406(1)(b) of the Food Act 2014.

Dated at Wellington this ... day of ..... 2015

Name: .....

Role: .....

Ministry for Primary Industries

A copy of the instrument of delegation may be inspected at the Director General's office.

Contact for further information  
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## Introduction

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

## Purpose

- (1) This Notice applies to food businesses described in Schedule 1 Part 1 paragraphs (a) and (b) of the Food Act 2014 (the Act), to meet the food safety and suitability requirements under the Act.
- (2) The purpose of this Notice is for the Chief Executive (CE) of the Ministry for Primary Industries (MPI) to issue a template Food Control Plan (FCP).

## Background

- (1) The Act provides for the CE of MPI to issue a template FCP for different types of food sectors or food businesses.
- (2) The template FCP is a plan for a food business to identify, control, manage and eliminate or minimise hazards or other relevant factors to achieve safe and suitable food.
- (3) The template FCP provides a set of procedures that a food business must tailor to recognise how it deals with matters affecting food safety.
- (4) The requirements in the template FCP take into account the type of food the business trades in, the type of process or operation that is applied to the food and each place that the food business trades in.
- (5) The template FCP consists of three main parts:
  - a) Management and Basics
    - i) People
    - ii) Places
    - iii) Food
  - b) Specialist sections:
    - i) Serve Safe
    - ii) Care Safe
    - iii) Baking Safe
    - iv) Meat Safe
    - v) Seafood Safe
    - vi) Deli Safe
    - vii) Produce and General Food Safe
  - c) Dairy.
- (6) The template FCP has been developed by MPI for food businesses who are required to operate under an FCP under Schedule 1, Part 1 paragraphs (a) and (b) of the Act. The food businesses in these sectors include:
  - a) food retailers and specialist food retailers such as butchers, fishmongers, delicatessens and bakeries; and
  - b) food service businesses such as bars, cafes and restaurants, caterers and operators of residential care facilities and other food service businesses.

## Registration of the template FCP

- (1) As set out in section 52 of the Act, food businesses' FCPs that are based on a template FCP must be approved by and registered with the Territorial Authority (TA) where the business is based. If the FCP applies to more than one place of business, all within the one TA region, then the same applies. If the

business has multiple sites across a number of TA regions then the registration authority is the CE of MPI.

- (2) If a food business operates one or more mobile food business across a number of TA regions then the registration authority is the TA that corresponds with the business's home address.

## Who should read this Food Notice?

- (1) The persons who should read this Notice are:
  - a) operators of food businesses described in Schedule 1 Part 1 paragraphs (a) and (b) of the Act. Specifically food retailers and specialist food retailers, food service businesses, caterers and operators of residential care facilities and other food service businesses who choose to use and register a template FCP to achieve the production of safe and suitable food; and
  - b) registration authorities that are responsible for approving and registering FCPs that are based on template FCPs.

## Why is this important?

All food businesses that are described in Schedule 1 Part 1 paragraphs (a) and (b) of the Act are required to operate under a food control plan. This Notice enables the business to meet that requirement through the use of the MPI approved template FCP.

## Other information

- (1) This template does not cover businesses;
  - a) in food sectors who must operate under a FCP that are described in Schedule 1 Part 1 paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) -of the Act (these businesses are required to develop and register a custom FCP or to operate under a custom FCP; and
  - b) businesses that are required to operate under a Risk Management Programme registered under the Animal Products Act 1999 or a Wine Standards Management Plan under the Wine Act 2003.
- (2) While any business described in Schedule 1 Part 1 paragraphs (a) and (b) of the Act is required to operate under a food control plan that business may choose to:
  - a) use this template FCP (the template FCP must be approved by the relevant registration authority); or
  - b) develop a plan that is customised to the needs of their business (a custom FCP; the plan must be evaluated then submitted to MPI for approval); or
  - c) use a template or model that has been developed by a third party such as a food 'industry' body and approved by the CE of MPI under section 40 of the Act.

## Transition to the new Act

- (1) The Act comes into force on 1 March 2016.
- (2) From 1 March 2016 all new food businesses listed in Schedule 1 Part 1 paragraphs (a) and (b) of the Act are required to operate under a food control plan.
- (3) Businesses voluntarily using the template FCP prior to 1 March 2016 will be deemed to be complying with this Notice and will have until the end of the introductory period (28 February 2019) to transition formally to the new Act.
- (4) Existing food service businesses listed in Schedule 1 Part 1 paragraph (b) with an on licence are required to transition across to the new Act between 1 March 2016 and 30 June 2017.
- (5) Existing retail businesses, and food service business with no on-licence listed in Schedule 1 Part 1 paragraphs (a) and (b) of the Act are required to transition across to the new Act by 30 June 2018.

## Part 1: Requirements

### 1.1 Application

- (1) This Notice applies to food businesses described in Schedule 1 Part 1 paragraphs (a) and (b) of the Act that choose to apply for registration of a FCP that is based on a template FCP. The food sectors affected are as follows:
  - a) food retailers and specialist food retailers such as butchers, fishmongers, delicatessens and bakeries; and
  - b) food service businesses such as bars, cafes and restaurants, caterers and operators of residential care facilities and other food service businesses.
- (2) This Notice does not apply to:
  - a) food sectors who must operate under a FCP and that are described in Schedule 1 Part 1 paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) -of the Act (these are businesses that develop and register a custom FCP or operate under a custom FCP); and
  - b) businesses that are required to operate under a Risk Management Programme registered under the Animal Products Act 1999 or a Wine Standards Management Plan under the Wine Act 2003.

### 1.2 Definitions

- (1) In this Notice:

**CE** means the chief executive of the Ministry;

**custom FCP** means a plan that is not based on an official template or model and has been developed by a business to meet their specific needs. The plan will identify, control, manage or minimise hazards or other relevant factors for the purpose of achieving safe and suitable food

**MPI** means the Ministry for Primary Industries which is the Ministry responsible for administering the Food Act 2014

**TA** means Territorial Authority as defined in the Local Government Act 2002

**template FCP** means a FCP plan developed and approved by the CE of MPI that can be used by food businesses to identify, control, manage or minimise hazards or other relevant factors for the purpose of achieving safe and suitable food

**the Act** means the Food Act 2014.

- (2) All terms used in this Notice and that are defined by or under the Food Act 2014, or regulations made under that Act, but not defined in this Notice, have the same meaning as in the Act or regulations where it is defined.

### 1.3 Template FCP

- (1) The template FCP in Schedule 1 of this Notice is approved and issued under this Notice by the CE of MPI.

<b>Guidance</b>
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- The template FCP is only a template until approval and registration. Following registration, the FCP becomes the responsibility of the food business.

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## **Schedule 1 – Template FCP**

### **1 Management and Basics:**

- (1) Places
- (2) People
- (3) Food

### **2 Specialist sections**

- (1) Serve Safe
- (2) Care Safe
- (3) Baking Safe
- (4) Meat Safe
- (5) Seafood Safe
- (6) Deli Safe
- (7) Produce and General Food Safe

### **3 Diary**

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