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## GOVERNMENT NOTICES

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### DEPARTMENT OF HEALTH

No. R. 319

15 April 2011

#### FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO 54 OF 1972)

#### REGULATIONS RELATING TO HYGIENE REQUIREMENTS FOR MILKING SHEDS, THE TRANSPORT OF MILK AND RELATED MATTERS

The Minister of Health intends, in terms of section 15(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972), as amended, to make the regulations in the Schedule.

Interested persons are invited to submit any comments on the proposed regulations, or any representations they may wish to make in regard thereto, to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Food Control), within three months of the date of publication of this notice.

#### SCHEDULE

##### DEFINITIONS

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall bear such meaning, unless the context otherwise indicates-

**“adequately ventilated and illuminated”** means ventilated and illuminated by means of windows with an uninterrupted transparent area equal to at least ten percent of the floor area and with an area which can be opened equal to at least 5 percent of the floor area and so placed that cross ventilation is facilitated.

**“approved milking shed”** means a milking shed in respect of which a certificate of acceptability has been issued and is enforced;

**“certificate of acceptability”** means a certificate of acceptability as referred to in regulation 3;

**“cleaning”** means the removal of soil, food residues, dust, dirt, grease or other objectionable matter;

**“dairy stock”** means cows, she-goats, ewes, mares or jenny asses used in the production of milk for human consumption and **“milk animal”** shall have a corresponding meaning;

**“disinfection”** means the reduction, without adversely affecting the food by means of hygienically satisfactory chemical agents or physical methods, of the number of micro-organisms to a level that will not lead to harmful contamination of food.

**“disposal system”** means a subterranean or ground level tank or other vessel, sewerage system, dam or farmland into or onto which effluent maybe discharged;

**“effluent”** means any liquid, liquid or solid waste or liquid or solid manure emanating from a milking shed;

**“hazard”** means a biological, chemical or physical agent in, or condition of, food with the potential to cause an adverse health effect;

**“holder”** means the person in whose name a certificate of acceptability has been issued, owner or possessor will have corresponding meanings;

**“inspector”** means a person authorized as such by or under section 10 of the Act.

**“local authority”** means a municipality as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) read in conjunction with section 32 of the National Health Act, 2003 (Act 61 of 2003), and duly authorized in terms of section 23(1) of the Act;

**“medical practitioner”** means a medical doctor who is registered in terms of the Health Professions Council of South Africa Act, 1974 (Act 56 of 1974);

**“milk”** means the mammary secretion of dairy stock, obtained from one or more milking for consumption as liquid milk or for further processing;

**“milking parlour”** means that area of the milking shed in which dairy stock are milked;

**“milk tanker”** means a vehicle for the transport of milk in bulk;

**“own use”** with regard to milk, means milk-

- (a) that is used, or meant be used, exclusively by the owner or possessor of dairy stock or by such person’s household; or
- (b) that is provided free of charge to employees of such person for the use of such employees or their households;

**“the Act”** means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), as amended;

**“veterinarian”** means a person registered as such in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982);

**“water”** means water that complies with the microbiological requirements set out in SANS 241: Water for Domestic Supplies;

## **PROHIBITION ON THE PRODUCTION OF MILK EXCEPT IN AN APPROVED MILKING SHED**

2. (1) No person shall use a milking shed or any other milk production facility for the purpose of milking dairy stock in order to produce milk for human consumption, unless the milking shed or the milk production facility in which the dairy stock are milked is an approved milking shed or milk production facility and such milking shed or facility is used in accordance with the provisions of these regulations and the conditions of the certificate of acceptability issued in respect of that milking shed or milk production facility.
- (2) The provisions of sub regulation (1) shall not be applicable to a milking shed or milk production facility in which milk is produced solely for own use.
- (3) If a local authority is of the opinion that a milking shed or milk production facility is being used in a way which, constitutes a health hazard or that a situation has developed in the milking shed constituting such hazard, the local authority may, order in writing the owner or possessor of an existing milking shed or milk production facility not remove any milk for human consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the local authority.

## **CERTIFICATE OF ACCEPTABILITY**

### **Application for a certificate of acceptability**

3. (1) Any person wishing to apply for a certificate of acceptability in respect of a milking shed or milk production facility shall apply for it in writing to the local authority in whose area of jurisdiction the milking shed or milk production facility are situated on a form containing at least the particulars that are substantially the same as those contained in the form in Annexure A to these regulations.
- (2) Such an application shall be submitted to the local authority in whose area of jurisdiction the milking shed or milk production facility is located or will be erected, together with –
  - (a) a site plan with north indicated and with an indication of all adjacent and bordering buildings and their uses;

- (b) a lay out sketch to a scale of 1:100 of all the milking shed or milk production facilities referred to in regulation 6, consisting of a ground plan, a sectional view and a vertical elevation.
- (3) Upon receipt of an application referred to in regulation 3, the local authority shall without delay refer the application to an inspector or any employee of the local authority concerned for consideration.
- (4) An inspector may, in considering such an application, request such further information as he or she may deem necessary or expedient from the applicant or from any other person.
- (5) A local authority shall not consider an application for the issue of the certificate of acceptability unless a full inspection of the premises concerned has been carried out by inspector, and his report on such inspection, and recommendation on such issue, is in the possession of such local authority.
- (6) If the local authority, upon consideration of an application for the issue of a certificate of acceptability, the relevant report and recommendation by the inspector and any other documents tabled or information obtained, is satisfied that the milking shed or milk production facility concerned –
  - (a) complies with all the provisions of these regulations; and is deemed in all respects suitable for the production and hygienic handling of milk,
  - (b) it shall issue in the name of the applicant a certificate of acceptability, in a form that is substantially the same as the form in Annexure B of these regulations in respect of the milking shed or milk production facility concerned; provided that the issuance of such certificate does not constitute an approval for the applicant to use the milking shed or milk production facility in the absence of complying to all other relevant requirements of the authority concerned.

#### **Conditions subject to which a certificate of acceptability is issued**

- 4. (1) It is a condition of a certificate of acceptability –
  - (a) that the milking shed or milk production facility may at any reasonable time be inspected;
  - (b) that the staff that are employed there and the dairy stock at the recommendation of the inspector may at any reasonable time be examined by a medical practitioner or veterinarian;
  - (c) that the milking shed or milk production facility be used in accordance with the provisions of these regulations;
  - (d) that it shall be displayed in a conspicuous place or a copy thereof shall immediately be made available on request where the display thereof is impractical;
  - (e) shall not be transferable from one person to another person and from one food premises to another food premises;

- (f) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;
  - (g) may at any time be endorsed by a local authority by –
    - (i) the addition of any further restriction that may be necessary to prevent a health hazard; and
    - (ii) the removal of any restriction with regard to the method of handling;
  - (h) shall expire temporarily for the period during which a prohibition under sub-regulation 2(3) is in effect
  - (i) shall expire permanently if a prohibition referred to in sub-regulation 2(3) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of sub-regulation 2(3);
  - (j) shall expire permanently if the provisions of sub-regulation 2(3) are not complied with
- (2) No person may make any unauthorized changes or additions to or forge a certificate of acceptability.
- (3) If the holder of a milking shed or milk production facility is replaced by another person, such person shall inform the local authority in writing of such replacement within 30 days after the date thereof and the local authority shall subject to the provisions of sub-regulation 2(3), issue a new certificate of acceptability in the name of the new holder.

#### **Suspension or withdrawal of a certificate of acceptability**

5. (1) If a local authority in whose area of jurisdiction an approved milking shed or milk production facility is situated, on the strength of an inspection report and the recommendation of an inspector, is of the opinion that the milking shed –
- (a) is being used in such a way that it constitutes a health hazard or that a situation has developed in the milking shed constituting a health hazard, the local authority may for as long as, in its opinion, that a hazard exists suspend the certificate of acceptability concerned and shall in writing notify the holder accordingly;
  - (b) is being used contrary to the provisions of these regulations or the terms and conditions of the certificate of acceptability, the local authority shall in writing notify the holder accordingly.
- (2) Any notice referred to in paragraph (1) shall state the particulars which shall be sufficient within reason to inform the holder concerned on what grounds the decision of the local authority is based, and shall request the holder to reply within 21 days of receipt of the notice to the allegations made in the notice.
- (3) If such a reply is received, the local authority may, after consideration of the reply so received, issue an order to the holder instructing him before a specified date to rectify the similarly specified matters complained

about, and stating that if this is not done the certificate of acceptability as the case may be, may be withdrawn without further notice.

- (4) (a) A notice issued in terms of paragraph (1), shall be served on the holder or person in charge of the milking shed or milk production facility concerned, and the person on whom the notice is served, shall deal, in the manner determined in the notice, with such notice and the certificate of acceptability concerned, in cases where the certificate concerned is suspended or withdrawn;
- (b) The local authority shall, immediately after issuing the notice, send a copy to the delegated employee by the Director-General.
- (5) The suspension or withdrawal of a certificate of acceptability in terms of this regulation shall have the effect that as long as the certificate concerned is suspended and from the date on which the certificate is withdrawn, no milk produced or received in the milking shed concerned shall be used for human consumption.
- (6) Subject to the provisions of sub-regulation 4(3) and regulation 5, where applicable, a certificate of acceptability issued prior to the commencement of these regulations in terms of the regulations published in Government Notice No. R. 1256 of 27 June 1986 shall be deemed a certificate of acceptability issued in terms of these regulations.

## STANDARDS AND REQUIREMENTS

### Milking sheds

- 6. (1) (a) An approved milking shed shall consist of at least –
  - (i) a milking parlour referred to in paragraph (2);
  - (ii) a milking room referred to in paragraph (3) where milk shall be received from the milking parlour, and such milk shall be stored and where it may be treated, processed and packed;
  - (iii) a change room referred to in paragraph (4); and
  - (iv) a scullery for the washing, cleaning, disinfection and sterilisation of milk containers and other unfixed apparatus and equipment used in the handling of milk.
- (b) (i) The facilities referred to in paragraph (a) shall, subject to the provisions of sub-paragraph (ii), be erected as separate rooms in one building complex or as separate detached buildings
- (ii) A scullery referred to in paragraph (a)(iv), may be erected as an integral part of a milk room or as a separate room.

- (2) In the case of a milking parlour-
- (a) there shall be no direct connection with a latrine or with a room where gases, smoke, vapors, dust or soot deposit are present or may originate owing to the nature of the activities in such room;
  - (b) which, provides standing-room of more than one row of dairy stock parallel with one another, there shall be a dividing corridor of at least one meter wide between the rows;
  - (c) the partitions, if any, that separate dairy stock from each other when they are being milked, shall be of smoothly finished, non-absorbing and corrosion resistant material, free of any open seams and cracks;
  - (d) mangers shall be arranged so that fodder which accumulates behind the mangers can be removed and be disposed of appropriately;
  - (e) the exterior walls –
    - (i) shall be at least 2,4 metres high on the inside;
    - (ii) shall, at places where dairy stock are milked, extend to at least 2,1 metres above the level on which the dairy stock stand;
  - (f) the interior surfaces of the walls shall be made of impervious materials with no toxic effect in intended use;
  - (g) the ceilings, and overhead fixtures shall be constructed and finished to minimize the build-up of dirt and condensation, and the shedding of particles;
  - (h) the floors shall be constructed to allow adequate drainage and cleaning;
  - (i) such parlour shall be adequately ventilated and illuminated;
  - (j) such parlour shall be provided with at least one water tap with running water to which a flexible pipe may be connected for washing purposes; and
  - (k) the entrances and exists for dairy stock shall have a floor covering with an impenetrable surface connected to a disposal system, and such floor covering shall be installed in such a way that any milk animal entering or leaving the milking parlour shall walk on it for a distance of at least 4 metres.
- (3) In the case of a milking room –
- (a) such milking room shall comply *mutatis mutandis* with the provisions of sub-regulation (2 (e)(i), (f), (g), (h) and (i);
  - (b) where the scullery forms an integral part of the milking room as referred to in sub-regulation (1) (b) (ii) there shall be sufficient space to allow for the cleaning and disinfections of all milk containers, and the storage of milk;
  - (c) such milking room shall be provided with at least one sink, with hot and cold water (or temperature controlled water), and running water with the run-off connected to a disposal system;
  - (d) such milking room shall be erected so that a milk tanker can be connected to a bulk farm tank through a door, and the distance between the two connection points shall not exceed 6 meters;
  - (e) such milking room shall be rodent-proof;

- (f) the doors should have smooth, non-absorbent surfaces, and be easy to clean and, where necessary disinfect;
  - (g) windows should be easy to clean, be constructed to minimize the build-up of dirt and where necessary, be fitted with removable and cleanable insect-proof screens. Where necessary windows should be fixed;
  - (h) such milking room may be equipped with a farm tank referred to in regulation 7(3) for the storage of milk.
- (4) A change room shall –
- (a) comply *mutatis mutandis* with sub-regulation (2)(e)(i), (f), (g), (h) and (i);
  - (b) have at least one hand-basin provided with a hot and cold water taps, and a shower provided with running water for every 15 persons or part of this number working at the milking shed concerned, and shall be provided with a soap, disinfectant and disposable towels, and the used water from such hand wash-basin and shower shall adequately drain into a disposal system.
  - (c) be within easy reach of the milking parlour and milking room
- (5) Any effluent originating from a milking shed shall –
- (a) not be stored, treated or dumped in any place except in or on a disposal system;
  - (b) not be conveyed to or dumped in or on a disposal system in any other way than by means of a pipeline, or cement ditches or in a container;
  - (c) not be dumped so that a water source is or may be polluted by it;
  - (d) not constitute a nuisance or cause a condition that is a health hazard.
- (6) A holder shall see to it that –
- (a) in or at a milking shed or milk production facility -
    - (i) a nuisance or a condition that is a health hazard is not caused or does not arise;
    - (ii) no poisonous or hazardous substances or gases are stored;
    - (iii) no activity is carried on which can pollute or harm or contaminate or spoil the milk;
  - (b) rodents and flies, cockroaches and other insects on the premises of the milking shed are controlled.
- (7) A milking shed shall not be used for any other purpose except the production and handling of milk.
- (8) Unfixed milk containers and other apparatus and equipment used in the handling of milk shall not be washed, cleaned, disinfected or sterilised in a place other than the scullery referred to in sub-regulation (1)(a)(iv).

- (9) No person shall smoke, use or handle tobacco in any form or eat in a milking shed except in the change room or dining room of a milking shed;
- (10) As soon as milk animal have left a milking shed, all manure shall be removed from the milking shed and from the floor, and all entrances and exits of the milking shed shall be cleaned.

### **Milk containers and milking machine**

- 7. (1) A milk container shall –
  - (a) be designed and constructed in such a way that it has smooth finish, free from open seams, cracks and rust stains to ensure that, where necessary, they can be adequately cleaned, disinfected and maintained to avoid the contamination of milk;
  - (b) not be made wholly or partly of copper, or any copper alloy or any toxic material;
  - (c) be constructed in such a way that any surface that comes into contact with milk is accessible for the purpose of washing and disinfection; and
  - (d) not be used for any other purpose except the handling of milk.
- (2) A milking machine shall–
  - (a) be designed, constructed or manufactured in such a way that–
    - (i) the vacuum pipe of the machine can be drained to remove all the moisture;
    - (ii) be adequately cleaned, disinfected and maintained to avoid the contamination of milk;
    - (iii) is equipped with a device rendering visible the milk flow from each milk animal and;
    - (iv) comply with sub-regulation (1)(a), (b), (c) and (d);
  - (b) be durable and movable or capable of being disassembled to allow for maintenance, cleaning, disinfection, monitoring and, to facilitate inspection.
- (3) A bulk farm tank shall –
  - (a) be designed, constructed or manufactured in such a way that it–
    - (i) has a drainage incline leading directly to the outlet point;
    - (ii) is fitted with an outlet pipe made or manufactured and fitted in a way that all liquid can drain out of such tank, and the end of such outlet pipe shall be screw-threaded and fitted with a screw-on cap permitting such end to be shut off;
    - (iii) is fitted with an automatic operated stirring mechanism capable, within five minutes of being put into operation, mixing the milk in such a tank;
    - (iv) is fitted with a thermometer capable of measuring the temperature of the milk in such tank accurately to the nearest two degree Celsius;

- (v) is equipped to cool the milk in such tank to five degree Celsius or lower temperature within three hours, and, capable of keeping such cooled milk at a required temperature of between one and five degrees Celsius effectively;
    - (vi) is installed at a minimum distance of 0,5 metres from any roof, ceiling or wall to effectively keep the milk cool;
    - (vii) is insulated in such a way that when no cooling takes place, the temperature of the milk in such tank shall not increase by more than 3 degrees Celcius in 12 hours if the surrounding temperature is 32 degrees Celcius;
  - (b) comply *mutates mutandis* with the provisions of sub-regulation (1)(a), (b), (c) and (d);
  - (c) be able to allow for maintenance, cleaning, disinfection, monitoring, and, to facilitate inspection.
- (4) The tank of a milk tanker shall –
- (a) be designed, constructed and installed in such a way that:
    - (i) it has an incline leading to the outlet pipe so that the total contents of such tank can drain out of the tank through the outlet pipe while the vehicle itself is in a horizontal position;
    - (ii) is insulated in such a way that the temperature of the milk in such tank shall not increase by more than two degrees Celsius every 48 hours;
    - (iii) it has at least one opening fitted with dust-proof lid through which the inside of such tank can be inspected and shall be equipped so that all surfaces that come into contact with milk can be adequately cleaned, disinfected as prescribed in sub-regulation (6);
  - (c) comply *mutatis mutandis* with the provisions of sub-regulations (1)(a), (b), (c), (d) and (3)(c).
- (5) All equipment and apparatus used for heat treatment of milk, shall be fitted with dial thermometers and thermostats accurate to 0.5 degree Celsius in respect of the entire given series of scales and, in addition to mechanical temperature and time regulators, such apparatus shall have flow-regulating and flow-averting valves by which milk not subjected to heat treatment is automatically redirected to the balance tank.
- (6) Milk containers, and other fixed and unfixd apparatus and equipment shall be so washed and disinfected after use that they are clean, that fats and milk residues are dissolved and removed and that the bacteriological count on surfaces coming into contact with milk does not exceed 10 bacteria per 100 square millimeters of such surfaces after disinfection.

**Handling of milk**

8. (1) The first milk from every teat shall be taken as a sample to be tested and shall be disposed of after testing and if such testing reveals any signs of abnormality in the milk, the milk of the animal concerned shall be kept separate and shall not be mixed with other milk nor used for human consumption.
- (2) Milk obtained from dairy stock during the first seven days following parturition (post-partum) shall not be added to milk destined for human consumption.
- (3) Milk shall not be transferred from one container to another by means of a third container.
- (4) Milk shall be protected from direct sunlight.
- (5) Milk shall be transferred to the milking room immediately after the stock has been milked.
- (6) Except when milk is being pasteurized or undergoing some other heat treatment process, the milk shall be cooled to a temperature of 5 degrees or lower, but above freezing point and kept at that temperature until it is removed from the milking area.

**Health status of dairy stock**

9. (1) Every milk animal shall be marked with a distinguishing and indelible mark, which, such could identify the animal.
- (2) A register shall be kept of each separate milk animal's diseases, each withdrawal from the dairy herd and, each return to the dairy herd for milking purposes and all veterinary examinations and treatment records with the name of the veterinarian, if involved in such examinations or treatments.
- (3) Each individual milk animal shall be examined by a veterinarian at least once in every two-year cycle and a report shall be obtained from the veterinarian.
- (4) The milk of any milk animal that is or appears to be ill shall not be made available for human consumption until such time as the holder has made sure that the animal is not suffering from a disease mentioned in sub-regulation (5).
- (5) The milk of dairy stock that suffer from mastitis, indurations of the udder, a secretion of bloody or ropy milk or milk otherwise abnormal, tuberculosis, salmonellosis, acute fever (with the inclusion of anthrax, anaplasmosis, redwater, ephemeral fever and lumpy skin disease, septic metritis, septic multiple mange, serious tick infection or

brucellosis, or that have any open or septic wounds which may contaminate milk, milk containers, or apparatus or equipment or people who work with the milk animals, shall not be made available or used for human consumption unless steps have been taken to the satisfaction of the local authority to eliminate such health hazard.

- (6) If lubricants are used in the milking process on teats or dairy stock, such lubricants shall be kept in containers that are free of foreign or toxic matter and dirt, and such containers when not in use shall be covered with tight-fitting lids.
- (7) All flanks, udders, bellies and tails of dairy stock shall before the milking process be cleaned, and dried with disposable or clean towel.

#### **Personnel hygiene –Milkers and Handlers of Milk**

10. (1) Personnel hygiene facilities shall be made available to ensure that an appropriate degree of personal hygiene can be maintained and to avoid contaminating milk, where appropriate facilities shall include-
  - (a) adequate means of hygienically washing and drying hands, including wash basins and a supply of hot and/or cold water and soap;
  - (b) lavatories of appropriate hygienic design; and
  - (c) adequate changing facilities for personnel;
- (2) Such facilities shall be suitably located and designed.
- (3) The hands and fingernails of every milker or handler of milk shall be washed thoroughly with soap and water, and there shall be no accumulation of grime under the nails when milk is handled.
- (4) Each person handling milk, shall daily before commencement of activities or work put on clean and undamaged over-clothes and gumboots and wear them continuously while he is handling milk in the interests of milk safety and suitability to use.
- (5) No person who suffers from a communicable disease or who has an open sore or abscess on his arm, hands, head or neck shall handle milk to avoid contamination of milk.
- (6) All employees shall be subjected to personal and food hygiene training relevant to the milk sector and in the case of new employees prior to the commencement to milk handling. Records of such training must be made available to the Inspector.
- (7) The holder of the milking shed or milk production facility shall also undergo training on food safety and hygiene aspects of the milk sector, by an accredited service provider.

## STANDARDS AND REQUIREMENTS FOR TRANSPORT OF MILK

### Duties of the driver of a vehicle

11. (1) If milk that is not already packed in its final retail packaging is loaded on a vehicle at a milking shed or milk production facility for transport to a further distribution point, the driver of such vehicle shall-
- (a) before any milk is loaded on such vehicle:
    - (i) carry out an alizarol test (68 percent alcohol) on a sample of the milk to be loaded, which sample shall be taken by himself or under his/her direct supervision from the container from which such milk will be loaded; and
    - (ii) take the temperature of the milk in the tank, if the alizarol test is positive, or if the temperature from such milk in the tank exceeds five degrees Celsius, which indicate inappropriate handling and the temperature under which the milk was stored, not accept such milk for transport;
  - (b) ensure that a milk tanker or milk container is cleaned and disinfected as soon as all the milk has been unloaded there from such that the bacteriological count on the surfaces coming into contact with milk meet the microbiological standard of less than 10 bacteria per 100 square millimeter of such surfaces after appropriate cleaning and disinfections has been done; and
  - (c) take a sample of milk at every milking shed where milk is loaded and mark such sample with a mark by which the milking shed concerned can be identified and keep that sample separate in a container at the required temperature of five degrees Celsius or lower but above the freezing point until final destination.

## GENERAL PROVISIONS

### Exemptions

12. (1) A local authority may exempt in writing any person from compliance with some of these regulations if in the opinion of such local authority, such non-compliance neither does nor will create a nuisance.
- (2) Such an exemption shall be subject to the conditions and valid for the period determined and stated in the said document by the local authority.

### Appeal

13. (1) Any person who is of the opinion that an injustice has been done to him by a decision of a local authority made in terms of these regulations may appeal to the Minister against such a decision.

- (2) Such an appeal shall be lodged within 42 days by the delivery to the local authority concerned, for submission to the Minister, of a notice in which the grounds for the appeal are stated clearly and concisely.
- (3) The local authority shall, within 14 days of receipt of the said notice, send a copy of –
  - (a) the said notice;
  - (b) a written statement setting out its reasons for the decision being appealed against; and
  - (c) the report and recommendation of the inspector considered by the local authority in making the decision being appealed against; to the Minister, and copies of the said statement and report to the appellant.
- (4) The appellant may, within 14 days of receipt of the copies of the said statement and report, submit to the Minister a written representation thereof.
- (5) The Minister shall, upon receipt of the appellant's representation if the appellant submit a representation, consider the appeal subject to the notice, statement, report, recommendation and representation, so submitted to him and he may confirm, change or substitute for the decision of the local authority being appealed against another decision which is in his opinion should have been made by the local authority, and order the local authority to do what is necessary to carry out his decision.
- (6) The Director-General shall in writing inform the appellant and the local authority of the outcome of the appeal.
- (7) The commencement of the decision of the local authority being appealed against, shall be postponed from the date on which the notice referred to in paragraph (2) is delivered to the date on which the appeal is withdrawn or is finished by the Minister.

## **OFFENCES**

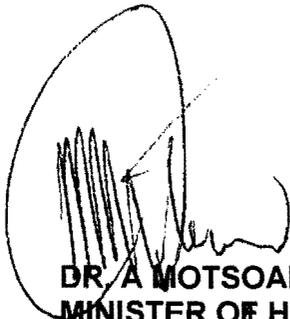
14. Any person who contravenes a provision of these regulations, or allows such a contravention to take place, shall be guilty of an offence and liable for a penalty as provided for under section 18 of the Act.

## **COMMENCEMENT**

15. These regulations shall come into operation on the date of the publication of the final regulations.

**REPEAL**

16. Government Notice No. R. 1256 of 27 June 1986, as amended by Government Notices Nos. R.1111 of 30 August 2002; R.217 of 9 February 1990 and R.2104 of 21 October 1988, is hereby repealed.



**DR. A MOTSOLEDI, MP  
MINISTER OF HEALTH**

DATE: 27/3/2011