



**NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION AND  
CONTROL (NAFDAC)**

**FOOD HYGIENE REGULATIONS, 2019**

**COMMENTS ARE WELCOMED FROM STAKEHOLDERS WITHIN 60 CALENDAR DAYS (ending  
9<sup>th</sup> March, 2020).**

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## FOOD HYGIENE REGULATIONS 2019

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## FOOD HYGIENE REGULATIONS 2019

[ ] Commencement

In exercise of the powers conferred on it Sections 5 and 30 of the National Agency for Food and Drugs Administration and Control Act Cap N1 Laws of the Federation of Nigeria (LFN) 2004 and Section 12 of the Food, Drugs and Related Products (Registration, Etc.) Act Cap F33 LFN 2004 and all other powers enabling it in that behalf, the Governing Council of the National Agency for Food and Drug Administration and Control with the approval of the Honorable Minister of Health makes the following Regulations –

### 1. Scope of application

These Regulations shall apply to all establishments dealing with the preparation, processing, packaging, transportation, distribution, manufacturing, handling, storage or sale of food or any other matters related to food establishments in Nigeria.

### 2. Prohibition

A person shall not prepare, process, manufacture, package, store, transport, distribute, handle, offer for sale or supply food except in accordance with the provisions of these Regulations.

### 3. Establishments

- (1) Food business shall not be carried out at any unsanitary premises. The condition, situations or construction of the premise shall not expose the food to the risk of contamination.
- (2) No food business shall be located in close proximity to a potential source of contamination such as but not limited to;
  - (a) environmentally polluted areas and near industrial activities that pose a serious threat of contaminating food;
  - (b) areas subject to flooding;
  - (c) areas prone to infestations of pests;
  - (d) areas where wastes, either solid, liquid or gas cannot be effectively managed or removed.

### 4. Food safety management systems

- (1) The management of the food establishment shall establish a clear organizational structure, which defines and documents job functions, responsibilities and reporting relationships of at least those persons whose activities affect product safety.
- (2) Documented procedures shall be established for the identification and implementation of corrective actions relating to food and activities that do not conform to safety requirements.

- (3) Documented procedures shall be established and implemented for various processes and operations as relevant to all activities.

## 5. Personnel

- (1) Personnel responsible for ensuring good hygienic and sanitation practices shall have appropriate education, training, and experience, or any combination thereof to perform assigned functions.
- (2) Persons' handling food in a food establishment shall have a valid and satisfactory food handlers' test report which shall be conducted by a registered medical practitioner.
- (3) Food handlers shall maintain a high degree of personal cleanliness and shall wear suitable, clean and protective clothing.
- (4) Food handlers shall be free from any disease likely to be transmitted through food, and shall be free from open lesions, including boils, sores, or infected wounds.

## 6. Layout, design and construction of food premises.

The layout, design, construction and size of food premises shall;

- (a) have a uni-directional flow and separating areas to allow easy movement of personnel and materials;
- (b) permit adequate cleaning of all areas or disinfection where relevant;
- (c) be constructed in a manner consistent with good hygienic practice.
- (d) facilitate and permit the implementation of good food hygiene practice or standards for assuring food hygiene;
- (e) maintain access control and appropriate behaviour to protect against any form of cross contamination
- (f) provide, where necessary, suitable temperature conditions for the hygienic processing, handling and storage of products.

## 7. Internal structures and fittings

Internal structures and fittings within food establishments shall be soundly built of durable materials and be easy to maintain, clean and, where appropriate, able to be disinfected.

## 8. Equipment

- (1) Equipment, containers and packaging not intended for single use, in contact with food shall be designed and constructed to ensure that they are adequately cleaned and disinfected where necessary;
- (2) All articles and fittings not intended for single use, in contact with food shall be:
  - (a) kept clean;
  - (b) constructed or made of materials, kept in a state of order, repair and condition to prevent or minimize any risk of contamination of the food;

- (c) installed in a manner to allow adequate cleaning of the surrounding area.
- (3) Equipment used to cook, heat treat, cool, store or freeze food shall be designed to achieve and maintain the food safety and suitability.
- (4) Adequate facilities and materials shall be provided for the cleaning and disinfecting of work tools and equipment. These facilities shall be constructed of materials resistant to corrosion and shall be easy to clean and have an adequate supply of water.

## 9. **Water Supply**

- (1) All food premises shall have an adequate supply of potable water at all times of operation and shall be free from contamination.
- (2) There shall be appropriate facility for storage, distribution and temperature control of potable water.
- (3) Ice that comes in contact with food or that is intended for human consumption shall be:
  - (a) produced from potable water;
  - (b) produced, handled and stored under conditions which protect it from all contamination.
- (4) Steam in contact with food shall not contain any substance which is likely to contaminate the food or may present any hazard.
- (5) Utility water shall be readily identifiable, separated from potable water and shall not have any possibility of reflux to the potable water.

## 10. **Sanitary facilities**

- (1) Hand washing facilities
  - (a) Adequate washbasins designated for hand washing shall be installed in the food premises and supplied with running water at varying temperature.
  - (b) Suitable materials for hand washing and for hygienic drying of hands shall be available at all times.
  - (c) Adequate flush lavatories shall be available and connected to an effective drainage system.
  - (d) Sanitary conveniences shall not lead directly into any room in which food is stored, processed or handled.
- (2) Food washing facilities
  - (a) The food premises shall have suitable provisions and facilities for washing food and where necessary, shall be separate from the hand-washing facilities.
  - (b) Every facility provided for the washing of food shall have an adequate supply of running potable water at suitable temperature for its intended use and shall be kept clean.
  - (c) Materials and tools for hygienic cleaning of food shall be located in close proximity to every washbasin or other facility for the washing of food.

#### **11. Drainage facilities**

Drainage facilities shall be adequate for the purpose intended and shall be designed and constructed to avoid the risk of contamination of food.

#### **12. Changing facilities.**

Adequate changing facilities for personnel shall be provided in such a manner that gives due consideration to the nature of the food or the process of handling, storage or processing of food.

#### **13. Ventilation and lighting**

- (a) There shall be suitable and sufficient means of ventilation in all rooms of the food premises.
- (b) Mechanical air flow from a contaminated area to a clean area shall be avoided.
- (c) Ventilation systems shall be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible and cleaned.
- (d) All areas of the food premises shall have adequate lighting.

#### **14. Food waste and disposal**

- (1) Adequate waste disposal systems and facilities shall be provided, designed and constructed in such a manner that minimizes risk of contaminating food or the potable water supply.
- (2) There shall be designated area for storage of food waste and containers for disposal shall be appropriately constructed and maintained in a manner that allows for cleaning or disinfecting, to prevent access by pests.

#### **15. Raw materials**

- (1) All products shall be obtained from identifiable sources.
- (2) No contaminated or decomposed raw materials shall be accepted by a food business.
- (3) Raw materials shall be handled, packed, stored and transported in appropriate conditions to prevent deterioration.
- (4) Raw materials and intermediate products likely to support the growth of pathogenic microorganisms or the formation of toxins shall be kept at temperatures which shall not result in a risk to health.
- (5) Raw materials shall be inspected and sorted where necessary before processing.
- (6) Raw materials shall be subjected to appropriate checks and stock rotation maintained.

#### **16. Temperature Control**

- (1) Depending on the nature of the food operations undertaken, adequate facilities shall be available for appropriately controlling temperatures to ensure the safety and suitability of food. Such systems shall also specify tolerable limits for time and temperature variations.
- (2) Temperature recording devices shall be checked at regular intervals and tested for accuracy, where appropriate.

#### **17. Application of Hazard Analysis Critical Control Points (HACCP)**

The food business owner shall ensure that any stage in the activities of the food business which is critical to ensuring food safety is identified to ensure that adequate safety procedures are identified, implemented, maintained and reviewed on the basis of a system of Hazard Analysis Critical Control Points (HACCP).

#### **18. Complaints and Recall**

- (1) There shall be an effective system in place for the management of customer complaints.
- (2) There shall be procedures in place for incident management and recall of products in the event of food safety hazard.
- (3) The recall of products shall be in accordance with the extant Recall, Handling and Disposal of Unwholesome and Adulterated Food and Food Products Regulations.

#### **19. Product analysis**

Any testing undertaken to confirm product safety should be in the business own laboratory or accredited laboratory.

#### **20. Pest Control**

There shall be procedures in place for pests' control.

#### **21. Packaging**

- (1) Packaging design and materials shall provide adequate protection for products to minimize contamination and prevent damage.
- (2) Packaging materials or gases where used shall be non-toxic and not pose a threat to the safety and suitability of food under the specified conditions of storage and use. Where appropriate, reusable packaging should be suitably durable, easy to clean and, where necessary, disinfect.

#### **22. Transportation**

- (1) The business owner shall take all necessary measures to ensure that the means of transport and equipment used in the transport of food shall protect, assure and preserve the hygiene of the food.

- (2) All food including bulk food shall be transported in conveyances, containers or tankers specifically designed and reserved for the transport of food
- (3) Conveyances and containers for food transportation shall be;
  - (a) kept clean and maintained in good repair and condition and where necessary, shall be designed and constructed to permit adequate cleaning or disinfection.
  - (b) effectively cleaned between loads to avoid risk of cross contamination.
  - (c) capable of maintaining food at appropriate temperatures and shall be monitored.
- (4) Conveyances and containers used for transporting different types of food, shall allow for effective separation of the products.

### **23. Product Information**

- (1) Products should bear appropriate information to ensure that adequate and accessible information is available to all person in the food chain.
- (2) Food products shall comply with the Pre-packaged Food, Water and Ice Labelling Regulations 2019 where applicable.

### **24. Training**

Food business operators shall ensure that food handlers are trained, instructed and supervised in food hygiene matters commensurate with their work activity.

### **25. Offences and Penalties**

- (1) A person who contravenes a provision of these regulations is guilty of an offence and liable on conviction:-
  - (a) In the case of an individual, to imprisonment for a term not exceeding two years or to a fine not exceeding ₦400,000 or to both imprisonment and fine.
  - (b) In the case of body corporate, to a fine not exceeding ₦ 600,000.
- (2) Where an offence under these Regulations is committed by a body corporate or firm or other association of individuals:-
  - (a) every director, manager, secretary or other similar officer of the body corporate; or
  - (b) every partner or officer of the firm;
  - (c) every trustee of the body concerned;
  - (d) every person concerned in the management of the affairs of the association; or
  - (e) person who purports to act in a capacity referred to in paragraphs (a) to (d) of this sub-regulation, is severally liable to be proceeded against and punished for that offence in the same manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

### **26. Forfeiture after conviction**

- (1) A person convicted of an offence under these Regulations shall forfeit to the Federal Government-



- (a) any asset or property constituting proceeds derived from or obtained, directly or indirectly, as a result of the offence;
  - (b) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.
- (2) In this regulation, "proceeds" means any property derived or obtained, directly or indirectly, through the commission of the offence.

## 27. Interpretation

For the purpose of these regulations unless the context otherwise requires, the following words mean:-

**Agency** means National Agency for Food and Drug Administration and Control

**Contamination** means exposure of food to conditions that permit or may permit the introduction or the occurrence of any of the following:

- (a) A disease-causing microorganism or parasite,
- (b) Any biological or chemical agent,
- (c) Foreign matter, residues, drugs or any other substance that may compromise food safety;

**Food** means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of "food" but does not include cosmetics or tobacco or substances used only as drugs.

**Food contact surface** means those surfaces that make contact with food and those surfaces which drain onto the food or onto surfaces that make contact with the food during the normal course of operations. "Food-contact surfaces" include utensils and food-contact surfaces of equipment.

**Food handler** means any person who directly handles packed or unpackaged food, food equipment and utensils, food contact surfaces and is therefore expected to comply with food hygiene requirements

**Food hygiene** means all conditions and measures necessary to ensure the safety and suitability of food at all stages of the food chain.

**Regulatory action** Includes but are not limited to product HOLD, recall, forfeiture, or destruction, sealing of manufacturing line or facility, withdrawal of product license/registration certificate, prosecution

**Sanitize** means to reduce the number of micro-organisms to a level that does not compromise food safety by means of a chemical agent or physical method

**Unwholesome in relation to food** means its unfitness for human consumption so far as hygiene is concerned.

**28. Citation**

These Regulations may be cited as the Food Hygiene Regulations, 2019

**MADE at Abuja this .....day of .....2019.**

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**Inuwa Abdulkadir Esq**  
**Chairman Governing Council**  
**National Agency for Food and Drug Administration and Control (NAFDAC)**