



# Food Act 2014: Frequently asked questions

## When do I need to follow the Food Act 2014?

All new food businesses need to register under the Food Act before they start selling food.

If your business existed before 1<sup>st</sup> March 2016 you have time to make changes. Check the [transition timetable](#) to see when your type of business needs to move to the new rules.

## How do I register under the Food Act 2014?

First, check how the new law applies to your business. Use the [Where do I fit? tool](#) on the MPI website. The tool will tell you whether you need to use a food control plan or national programme.

You'll need to register with your local council or MPI. This depends on where you operate, and what type of plan or programme you are registering. The table below shows where you need to register:

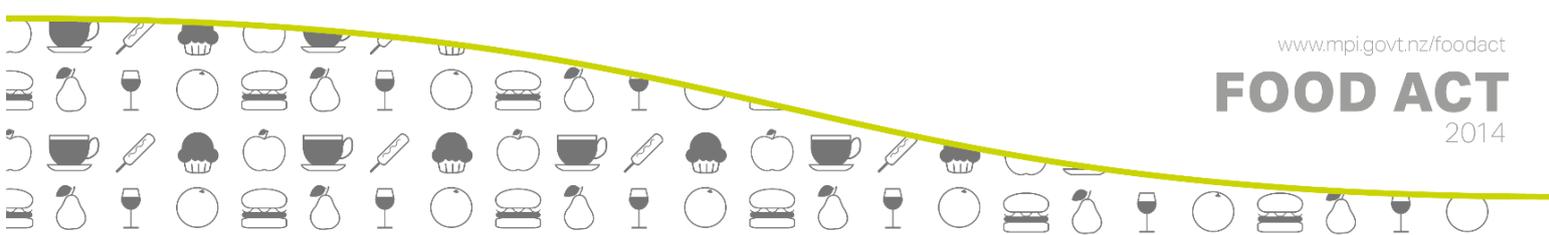
Type of plan or programme	Where your business is based	Who to register with
Template food control plan (by a business primarily engaged in food service or food retail)	Based in one local council area, operating a mobile food business, or selling online.	Local council
National programme (any sector)	Based in more than one local council area	Option of registering each site with the corresponding local council in each area, or else you can register all sites under one registration with MPI.
Custom food control plan (or a template FCP used by a primarily manufacturing or wholesale business)	Anywhere	MPI

If registering with your local council, contact them for application forms and details of how to register.

If registering with MPI, step by step details of how to register, along with application forms, can be found on the MPI website. See the 'steps' pages, under food control plans or national programmes.

## What is a food control plan?

Higher risk food businesses, like those who cook meals or make ready to eat products, must use a written plan to keep food safe. This is called a food control plan. The plan helps you manage risks to food safety on a day to day basis, and makes it easy to keep a record of what you do



Food service businesses – like restaurants, cafes and caterers, and retailers – like butchers, fishmongers, supermarkets and delis, can use a template created by MPI. If you make and serve food as part of a service – at a school, hospital or rest home for example – you can also use one of these templates. See the [steps to getting a template food control plan](#).

Those who use unique processes, like manufacturers of higher risk products, need to write their own plan. This is called a custom food control plan. These plans are flexible, and let you manage food safety in a way that suits your business. See the [steps to getting a custom food control plan](#).

### **What is a national programme?**

Lower and medium risk businesses follow a national programme. This means that you don't need to use a written plan, but must register your business, meet food safety standards, keep some records, and get checked. For guidance about what you need to do, and what records you need to keep, see [national programmes](#).

There are 3 levels of national programmes, based on the level of food safety risk involved in your business. Level 1 is the lowest risk.

### **I sell food for fundraising, what do I need to do?**

If you sell food for fundraising on up to 20 occasions in a calendar year, you don't need to register the activity. However, you must provide safe and suitable food. More information can be found on the [Community Food](#) page.

If you sell food on more than 20 occasions, your business will need to operate with a food control plan or national programme.

### **Can I donate food?**

A business donating food must make sure that it is safe and suitable at the time it is donated, and provide the recipient with the information needed to keep it safe and suitable. You don't need to register the activity.

### **I sell food at community events, such as food fairs or local markets, what do I need to do?**

If you sell food once in a calendar year you don't need to register. However, you must make sure that the food is safe and suitable. If you do this more than once (e.g. at a number of local events, markets etc.) then you will need to register with a food control plan or national programme, depending on the type of food you sell.

If you sell food at a fundraising event, such as sausage sizzles or school fairs, you can do so up to 20 times a year without registering. Again, you must make sure that the food is safe and suitable.

More information see: [Community Food](#)

### **Can I sell home kill?**

No. It is **not legal** to sell home killed meat or recreationally caught fish. Recreationally caught meat (such as venison, pig) can only be sold if it has been inspected and cleared for sale at a primary processor operating under the Animal Products Act 1999.

### **I want to make and sell alcohol. What do I need to do?**

Under the new Food Act, brewers, distillers, and manufacturers of vinegar, alcoholic beverages or malt extract will operate under a national programme 3. See [steps to a national programme 3](#).

Grape wine for domestic consumption, mead and fruit wines can be made under the Food or Wine Acts. If you sell food as well as make wine, you can register all your activities together under the Food Act. However, if you want to export wine, you need to operate under the [Wine Act](#).

Manufacturers of alcoholic beverages should also check their obligations under the [Customs and Excise Act 1996](#)

### **Can I sell food I make at home?**

Under the Food Act 2014, it is okay to use a home kitchen, as long as you meet the same food safety standards as other businesses. This means that you will probably need to register with a food control plan or a national programme, depending on the type of food you make. Find out what you need to do by using [Where do I fit?](#)

If you are only making food very occasionally, you may not need to register, but you will still have to make sure that food is safe to eat.

You must also meet all the relevant council requirements and bylaws. You should contact your local council to find out about these.

### **Can I sell food online?**

Whether you sell food from a shop, at a market, or on the internet your business must meet the requirements of the Food Act 2014. For example, you may need to register with a food control plan or national programme. Find out what rules apply to your type of business by using [Where do I fit?](#)

### **I run an early childhood education (ECE) service, what do I need to do?**

The law requires all ECE providers to make sure their food is safe and suitable. What else you need to do depends on the type of food you make or sell, and where you operate from.

If staff cook food at an ECE centre or kōhanga reo, and there are fees to attend, you will need to register under national programme 2.

If staff only prepare fruit or pre-packaged snacks, for example, then there is no need to register. If you operate a home-based service, you also don't need to register.

Other activities, like children bringing packed lunch, or preparing food with the children as part of the curriculum, are outside the scope of the Food Act.

More information: [ECE guidance](#)

### **I run a hospital, rest-home or prison, what do I need to do?**

Hospitals, rest homes and prisons that make food (i.e. cook or prepare meals or snacks) will need to use a written plan to keep food safe. This is called a food control plan. The plan helps you manage risks to food safety on a day-to-day basis.

You can use a template provided by MPI, called the 'food service' template. See [steps to getting a template food control plan](#).

If you would like more flexibility, you can write your own plan. See [steps to getting a custom food control plan](#).

### **I'm a school, what do I need to do?**

What you need to do depends on the type of food you make or sell. Schools that make food (i.e. cook or prepare meals or snacks) will need to use a written plan to keep food safe. This is called a food control plan. You can use a template provided by MPI, called the 'food service' template. See [steps to getting a template food control plan](#).

Schools that sell only lower risk food (such as packaged food) may be able to follow a national programme, which means you must register and get checked, but don't need a written plan. Other food activities, such as curriculum catering, may not need to be registered.

For more details see ['how does the Food Act apply to education providers?'](#)

### **I have a registered food safety programme (FSP), when do I need to register under the new Food Act?**

Existing business with a food safety programme have until 28 February 2019 to transition to the new Act, unless they make a major change to their operation. You must apply to register by 30 November 2018. You can choose to transition earlier if you want to.

### **Can I make changes to my food safety programme?**

If you make a minor change to your food safety programme, i.e. a change of responsible person, phone number, contact details, you can update your current approval. A form (FA1) is available on the MPI website.

If it is a significant change to your operation i.e. a change of location, or adding a new type of product that has different food safety risks to be managed, then you will have to apply to register your business under the new Food Act.

### **How does compliance work?**

All food businesses need to get checked to make sure they are selling safe food. You will be checked by someone from your local council or an independent verifier. They will check to make sure you are following good safety practices and keeping records. The focus will not be on your kitchen looking a certain way, but on making sure you are doing the most important things to keep food safe.

How often you get checked will depend on whether you are a high or low risk business. It will also depend on how well you manage food safety. Those who are doing well, will be checked less frequently.

For more information, see 'steps to a food control plan' and 'steps to a national programme' web pages.

### How much will the Food Act cost me?

Businesses need to pay costs of registering and getting checked (known as verified). These costs depend on the level of risk involved in your business.

Registration fees for MPI are shown below (GST inclusive). Councils set their own fees. If registering with your local council, contact them directly to find out how much they charge.

	Registration fee (if with MPI)	Renew your registration
Custom food control plan	\$401.06	Annually – renewal fee is \$89.13
Template food control plan	\$222.81	Annually – renewal fee is \$89.13
National Programme 3	\$133.69	Every 2 years – renewal fee is \$89.13
National Programme 2	\$133.69	Every 2 years – renewal fee is \$89.13
National Programme 1	\$133.69	Every 2 years – renewal fee is \$89.13

#### *Verification costs*

Once you open for business, a verifier needs to check that you are making safe food. Independent verifiers and local councils set their own fees. You can get some quotes to find out how much it will cost. [See list of verifiers](#)

How often you get checked will depend on whether you are a high or low risk business, as well as how you manage food safety. Those who are doing well, will be checked less frequently.

#### *Evaluation costs*

Custom Food Control Plans need to be independently evaluated before registration. As above, the cost will need to be advised by the selected evaluator.