



R638 AND THE PERSON IN CHARGE

Who qualifies, what training is required, and what South African food businesses must be ready to demonstrate during inspection

A practical compliance article for food manufacturers, retailers, restaurants, caterers, warehouses, distributors and other food premises in South Africa

REGULATION	PERSON IN CHARGE	TRAINING	KEY DOCUMENT
R638 of 22 June 2018	Natural person responsible for the premises or the owner	Suitably qualified or adequately trained in food safety and hygiene	Valid Certificate of Acceptability (CoA)

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Food safety compliance • Inspection readiness • Accredited training

Why the “Person in Charge” matters under R638

Regulation R638, formally titled the Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matters, was published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972. It applies broadly to premises where food is manufactured, processed, prepared, packed, stored, displayed, sold or otherwise handled, as well as to the transport of food.

One of the most important features of R638 is that legal responsibility is attached to a specific individual: the Person in Charge (PIC). R638 defines the PIC as a **natural person** who is responsible for the food premises, or the owner of the premises, as the case may be. This means the PIC cannot simply be a company name or a generic department. The role must sit with an identifiable individual who has real responsibility for the premises and is able to ensure that the regulation is implemented in practice.

Key compliance point

The Person in Charge is not merely the name printed on a Certificate of Acceptability. Regulation 10 repeatedly uses the words “must ensure”, making the PIC the central point of accountability for food hygiene, staff competence, records and day-to-day compliance.

1. Who qualifies to be the Person in Charge?

R638 does not prescribe one universal job title, academic degree or professional registration that every PIC must hold. The key test is responsibility and competence. In practice, the PIC may be the owner, site manager, restaurant manager, production manager, store manager, supervisor or another responsible individual, provided that the person genuinely has authority over the food premises and meets the regulation’s competence requirements.

Suitable PIC profile	Why it can qualify	Important condition
Owner / operator	R638 expressly allows the owner to be the person in charge.	The owner must still be suitably qualified or adequately trained.
Manager / supervisor	A responsible natural person may be appointed where they control day-to-day operations.	They need enough authority to enforce hygiene and corrective actions.
Food safety / quality lead	May qualify where they are the actual person responsible for the premises.	The role cannot be nominal; operational control and accountability must be clear.

The application and Certificate of Acceptability forms reinforce this point: the CoA is issued in the name of the Person in Charge. If that person is replaced, the local authority must be informed in writing within 30 days and a new CoA must be issued in the name of the replacement. The certificate is not transferable from one person or premises to another.

2. What training must the Person in Charge have?

Regulation 10(1)(a) requires the PIC to be “suitably qualified or otherwise adequately trained” in the principles and practices of food safety and hygiene, as appropriate. The regulation further requires that this training be

accredited or conducted by an inspector, where applicable. This specific PIC training requirement came into operation 12 months after R638 was published and has therefore been enforceable since June 2019.

R638 does not set out a single prescribed syllabus. However, because the PIC must ensure compliance across the premises, a credible PIC training programme should equip the person to understand the regulation and apply it in the actual operation. Training should therefore cover, at minimum, the topics that connect directly to the PIC's duties and to the risks of the business.

- The structure and requirements of R638, including the Certificate of Acceptability and the role of the local authority / Environmental Health Practitioner (EHP).
- Food hygiene principles, contamination risks, cross-contamination prevention and good manufacturing / handling practices.
- Personal hygiene, protective clothing, handwashing and illness / disease reporting requirements for food handlers.
- Cleaning and sanitation of food-contact surfaces, equipment, facilities and food transport compartments.
- Pest prevention and control, refuse management and wastewater management.
- Food storage, display and temperature control, including the temperature limits relevant to chilled, frozen and heated foods.
- Allergen and contamination controls relevant to the operation.
- Food handler training, competence assessment, refresher training and the maintenance of training records.
- Record keeping, traceability and recall readiness.
- How to identify non-conformances, take corrective action and maintain inspection readiness every day.

Training must be more than attendance

R638 requires routine assessments to determine the impact of food-handler training and follow-up training where necessary. A strong compliance system therefore shows not only that people attended training, but that the training changed behaviour and is being applied on the floor.

3. What does R638 expect the Person in Charge to ensure?

The obligations in Regulation 10 are wide. The PIC must ensure compliance with R638 and must be able to demonstrate that hygiene controls are working in practice. The table below translates the regulatory duties into the kind of objective evidence an inspector may reasonably expect to see.

R638 duty of the PIC	Examples of practical evidence
Ensure the regulation is complied with	Current CoA; documented inspections; corrective-action records; responsible persons assigned.
Prevent or eliminate pests	Pest-control programme, service reports, trend reviews, proof of corrective action and good housekeeping.
Control refuse and wastewater	Clean waste areas, suitable bins, waste-removal arrangements and evidence that waste does not create a hygiene risk.
Keep premises, facilities, containers and vehicles clean	Cleaning schedules, completed records, verification checks and hygienic condition during inspection.
Ensure food handlers meet hygiene requirements	Food-handler training, supervision, handwashing practices, protective clothing and illness-reporting controls.

R638 duty of the PIC	Examples of practical evidence
Prevent conditions or acts that can contaminate food	Cross-contamination controls, separation, allergen controls, hygienic storage and appropriate handling practices.
Maintain training programmes and records	Training matrix, attendance records, competence assessments and follow-up / refresher training evidence.
Maintain appropriate compliance records	Records for processing, production and distribution retained for at least six months after product shelf life where applicable.
Maintain traceability and recall readiness	Traceability records, recall procedure, mock-recall evidence and clear escalation / notification responsibilities.

R638 also places responsibility on the PIC to ensure that food manufactured, kept or sold at the premises complies with the Foodstuffs, Cosmetics and Disinfectants Act and applicable regulations, including labelling requirements. The regulation further requires a traceability system and a recall procedure, with specified reporting when a recall incident occurs.

4. Certificate of Acceptability: why the PIC's name matters

A food business may not handle food on premises where a valid Certificate of Acceptability is not in force, subject to the exceptions contained in R638. The PIC applies to the local authority for the CoA, and after inspection the local authority may issue the certificate in the PIC's name when the premises meet the required standards. The certificate must be displayed conspicuously, or made available on request where display is impractical.

This makes selection of the PIC an important governance decision. The business should avoid naming someone who has no operational authority, does not understand the site, or cannot demonstrate competence. If the named PIC changes, the municipality must be notified in writing within the regulatory timeframe so that the CoA can be updated.

5. What should organizations do before an R638 inspection?

Organizations should not treat R638 compliance as a once-off exercise completed only when an inspection is expected. The National Department of Health notes that EHP visits are generally unannounced unless circumstances require an appointment. The safer approach is to maintain the site in an inspection-ready state every day.

- ✓ Confirm that the current Person in Charge is correctly identified and that the CoA reflects the correct person and premises.
- ✓ Verify that the PIC has appropriate, current food safety and hygiene training and that evidence is readily available.
- ✓ Confirm that all food handlers have been trained for the work they perform and that competence / follow-up assessments are recorded.
- ✓ Review premises condition, handwashing facilities, sanitation, pest control, waste areas, storage, equipment hygiene and transport arrangements against R638.
- ✓ Check that cold, frozen and hot-holding controls meet the applicable temperature requirements and that monitoring records are complete.
- ✓ Review illness reporting, personal hygiene, jewellery, protective clothing and ready-to-eat food handling practices.
- ✓ Ensure cleaning schedules and completed records match what is actually happening in the workplace.

- ✓ Test traceability and recall arrangements and make sure the team knows who to contact if a recall must be activated.
- ✓ Close out previous inspection findings and keep evidence of corrective actions.
- ✓ Keep compliance records organised so that they can be presented quickly to an inspector.

Inspection readiness is a system, not a clean-up exercise

An inspection can expose gaps between written procedures and day-to-day practice. The strongest organizations routinely verify that what is written, what staff understand and what actually happens on the floor are aligned.

6. How Savvy Compliance Solution can help

Savvy Compliance Solution can support food businesses to move from “we think we comply” to a structured, evidence-based state of inspection readiness. Our approach can be tailored to manufacturers, restaurants, retail outlets, caterers, warehouses, distributors and other food-handling operations.

R638 gap assessments and mock inspections - A practical review of the premises, practices, documentation and records against the regulation, with clear actions to close gaps before an EHP inspection.

Person in Charge readiness - Support to clarify PIC responsibilities, confirm role ownership, identify competency gaps and prepare the PIC to confidently demonstrate compliance.

Accredited food safety and hygiene training - Savvy Compliance Solution offers accredited training for Persons in Charge and food handlers, helping organizations build documented competence aligned to R638 requirements.

Compliance documentation and registers - Support to develop or improve training records, cleaning schedules, temperature records, pest-control files, illness-reporting records, traceability and recall documents.

Corrective-action support - Assistance to respond to inspection findings, identify root causes, implement corrective actions and verify that the controls are effective.

Preparing for an R638 inspection should not begin when the inspector arrives. Training the right person, assigning clear accountability, maintaining the correct evidence and routinely checking the operation gives the organization a much stronger position - and, more importantly, protects consumers from preventable food safety failures.

Conclusion

Under R638, the Person in Charge is a critical legal and operational role. The PIC must be a real individual who is responsible for the premises and who is suitably qualified or adequately trained in food safety and hygiene. The role includes ensuring staff competence, hygiene controls, pest and waste management, food-handler practices, records, traceability and recall readiness. It also links directly to the Certificate of Acceptability.

For organizations, the practical message is simple: appoint the right person, train them properly, give them authority, maintain evidence of compliance and verify the system routinely. Savvy Compliance Solution can help organizations prepare for R638 inspections and strengthen ongoing compliance through readiness assessments, documentation support and accredited training.

Important note

This article provides general compliance guidance and does not replace the official regulation, legal advice or requirements issued by the relevant local authority. Municipal application processes and supporting-document requirements may differ. Always confirm current requirements with the local Environmental Health / Municipal Health Services office.

References

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