
STATUTORY INSTRUMENTS

1990 No. 2615

[^{F1}FOOD

The Quick-frozen Foodstuffs Regulations 1990

Made - - - - *19th December 1990*
Laid before Parliament *20th December 1990*
Coming into force - - *10th January 1991*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred by sections 4(1), 6(4), 16(1), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(1), and of all other powers enabling them in that behalf, hereby make the following Regulations, after consultation in accordance with section 48 of the said Act with such organisations as appear to them to be representative of interests substantially affected by the Regulations:—

Textual Amendments

F1 Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007](#) (S.I. 2007/191), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007](#) (S.I. 2007/389), regs. 1(2), **11**

Modifications etc. (not altering text)

C1 Regulations applied in part (with modifications) (N.I.) (1.10.2023) by [The Windsor Framework \(Retail Movement Scheme: Public Health, Marketing and Organic Product Standards and Miscellaneous Provisions\) Regulations 2023](#) (S.I. 2023/959), regs. 1(2), 4(b), **Sch. 2** (with regs. 7, 8)

Title and commencement

1. These Regulations may be cited as the Quick-frozen Foodstuffs Regulations 1990 and shall come into force on 10th January 1991.

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007](#) (S.I. 2007/191), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007](#) (S.I. 2007/389), regs. 1(2), **11**

Commencement Information

- 11** Reg. 1 in force at 10.1.1991, see [reg. 1](#)

Interpretation and scope

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

[^{F2}“authorised officer” means an authorised officer of a food authority;]

^{F3} ...

[^{F4}“mass caterer” has the meaning given by Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;]

[^{F5}“monitoring”, in the context of the monitoring of air temperatures, is the action performed by an instrument for the measurement of air temperatures which instrument then records (either continuously or at frequent and regular intervals) the measurements it has made;]

[^{F6}“placing on the market” has the meaning that it bears in Regulation 178/2002 and “placed on the market” and “place on the market” shall be construed accordingly;]

“prepackaging” shall be construed in accordance with the definition of “prepacked” in [^{F7}Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004];

“quick-frozen foodstuff” means a product—

- (a) comprising food which has undergone a freezing process known as “quick-freezing” whereby the zone of maximum crystallisation is crossed as rapidly as possible, depending on the type of product, and
- (b) which is labelled for the purpose of sale to indicate that it has undergone that process, but shall not include ice-cream or any other edible ice; ^{F8} ...

[^{F9}“Regulation 178/2002” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety and Commission Regulation (EC) No. 575/2006 amending

Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority; “Regulation 37/2005” means Commission Regulation (EC) No. 37/2005 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption;]

[^{F10}“retail display cabinet” means any cabinet from which a quick-frozen foodstuff is offered either for retail sale or for sale in the course of a Cash-and-Carry business;]

[^{F9}“specified Community provision” means any provision of Regulation 37/2005 that is specified in column 1 of Schedule 2 and whose subject matter is described in column 2 of that Schedule;]

[^{F10}“storage” includes keeping in a warehouse, and “storer” shall be construed accordingly; and]

[^{F11}“ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation (EC) No 178/2002.]

- (2) These Regulations do not apply to any food—
- (a) which is not intended for sale for human consumption;
 - ^{F12}(b)
 - ^{F12}(c)
 - ^{F13}(3)

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by The Quick-frozen Foodstuffs (England) Regulations 2007 (S.I. 2007/191), regs. 1(b), **11** and revoked (W.) (1.3.2007) by The Quick-frozen Foodstuffs (Wales) Regulations 2007 (S.I. 2007/389), regs. 1(2), **11**
- F2** Words in reg. 2(1) inserted (1.9.1994) by The Quick-frozen Foodstuffs (Amendment) Regulations 1994 (S.I. 1994/298), regs. 1, **2(a)**
- F3** Words in reg. 2(1) omitted (S.) (13.12.2014) by virtue of The Food Information (Scotland) Regulations 2014 (S.S.I. 2014/312), reg. 1(2), **sch. 5 para. 1(a)(i)**
- F4** Words in reg. 2(1) inserted (S.) (13.12.2014) by The Food Information (Scotland) Regulations 2014 (S.S.I. 2014/312), reg. 1(2), **sch. 5 para. 1(a)(ii)** (as amended (19.1.2016) by S.S.I. 2015/410, **reg. 3(10)(a)**)
- F5** Words in reg. 2(1) inserted (1.9.1994) by The Quick-frozen Foodstuffs (Amendment) Regulations 1994 (S.I. 1994/298), regs. 1, **2(b)**
- F6** Words in reg. 2 inserted (S.) (16.3.2007) by The Quick-frozen Foodstuffs Amendment (Scotland) Regulations 2007 (S.S.I. 2007/106), regs. 1(1), **2(a)(i)**
- F7** Words in reg. 2(1) substituted (13.12.2014) by The Food Information (Scotland) Regulations 2014 (S.S.I. 2014/312), reg. 1(2), **sch. 5 para. 1(a)(iii)** (as amended (19.1.2016) by S.S.I. 2015/410, **reg. 3(10)(a)**)
- F8** Word in reg. 2(1) revoked (1.9.1994) by virtue of The Quick-frozen Foodstuffs (Amendment) Regulations 1994 (S.I. 1994/298), regs. 1, **2(c)**
- F9** Words in reg. 2 inserted (S.) (16.3.2007) by The Quick-frozen Foodstuffs Amendment (Scotland) Regulations 2007 (S.S.I. 2007/106), regs. 1(1), **2(a)(ii)**
- F10** Words in reg. 2(1) inserted (1.9.1994) by The Quick-frozen Foodstuffs (Amendment) Regulations 1994 (S.I. 1994/298), regs. 1, **2(c)**
- F11** Words in reg. 2(1) substituted (13.12.2014) by The Food Information (Scotland) Regulations 2014 (S.S.I. 2014/312), reg. 1(2), **sch. 5 para. 1(a)(iv)**

Changes to legislation: There are currently no known outstanding effects for the *The Quick-frozen Foodstuffs Regulations 1990*. (See end of Document for details)

- F12** Reg. 2(2)(b)(c) revoked (16.11.1992) by [The Food \(Forces Exemptions\) \(Revocations\) Regulations 1992 \(S.I. 1992/2596\)](#), reg. 1, **Sch. Pt. 3** (with reg. 2(2))
- F13** Reg. 2(3) revoked (16.11.1992) by [The Food \(Forces Exemptions\) \(Revocations\) Regulations 1992 \(S.I. 1992/2596\)](#), reg. 1, **Sch. Pt. 3** (with reg. 2(2))

Commencement Information

- I2** Reg. 2 in force at 10.1.1991, see [reg. 1](#)

Sale of quick-frozen foodstuffs

3. No person shall [^{F14}place on the market] for human consumption a quick-frozen foodstuff unless it fulfils the conditions set out in [^{F15}Schedule 1] to these Regulations.

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007 \(S.I. 2007/191\)](#), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007 \(S.I. 2007/389\)](#), regs. 1(2), **11**
- F14** Words in reg. 3 substituted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), reg. 1(1), **2(b)(i)**
- F15** Words in reg. 3 substituted (1.9.1994) by [The Quick-frozen Foodstuffs \(Amendment\) Regulations 1994 \(S.I. 1994/298\)](#), regs. 1, **2(d)**

Commencement Information

- I3** Reg. 3 in force at 10.1.1991, see [reg. 1](#)

Packaging of quick-frozen foodstuffs intended for supply to the ultimate consumer

4. No person shall [^{F16}place on the market] any quick-frozen foodstuff [^{F16}intended for the ultimate consumer] unless—

- (a) it has been packed by its manufacturer or packer in such prepackaging as is suitable to protect it from microbial and other forms of external contamination and against dehydration, and
- (b) the quick-frozen foodstuff has remained in such prepackaging up to the time of [^{F17}placing on the market].

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007 \(S.I. 2007/191\)](#), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007 \(S.I. 2007/389\)](#), regs. 1(2), **11**
- F16** Words in reg. 4 substituted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), reg. 1(1), **2(b)(ii)**
- F17** Words in reg. 4(b) substituted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), reg. 1(1), **2(b)(iv)**

Commencement Information

- I4** Reg. 4 in force at 10.1.1991, see [reg. 1](#)

Labelling of quick-frozen foodstuffs

5.—(1) The description “quick-frozen” or any other description listed in Article 8.1(a) of Council Directive [89/108/EEC](#)(2) shall not be used in the labelling for the purpose of ^[F18]placing on the market] of any food other than—

- (a) a quick-frozen foodstuff,
- (b) a food which by virtue of that labelling becomes a quick-frozen foodstuff.

(2) A quick-frozen foodstuff intended for supply, without further processing, to the ultimate consumer or to a ^[F19]mass caterer] shall, in addition to the description “quick-frozen” (and, as the intending supplier may see fit, any other description listed in Article 8.1(a) of Council Directive [89/108/EEC](#)) added to its sales name, be marked or labelled on its packaging, container or wrapping, or on a label attached thereto with—

- (a) an indication of the date of minimum durability;
- (b) an indication of the maximum period during which it is advisable to store it;
- (c) an indication of one or other, or both, of—
 - (i) the temperature at which, and
 - (ii) the equipment in which,

it is advisable to store it;

- (d) a reference allowing identification of the batch to which it belongs;
- (e) a clear message of the type “do not refreeze after defrosting”.

(3) Any other quick-frozen foodstuff shall, in addition to the description “quick-frozen” (and, as the supplier may see fit, any other description listed in Article 8.1(a) of Council Directive [89/108/EEC](#)) added to its sales name, be marked or labelled on its packaging, container or wrapping, or on a label attached thereto with—

- (a) a reference allowing identification of the batch to which it belongs;
- (b) the name or business name and address of the manufacturer or packer, or of a seller established within the ^[F20]United Kingdom].

(4) No person shall ^[F21]place on the market] any food ^[F21]intended for the ultimate consumer] or any ^[F22]mass caterer] where its labelling or marking contravenes paragraph (1) or (2) of this regulation, and ^[F21]no person shall place on the market any food intended for any other person] where its labelling or marking contravenes paragraph (1) or (3) of this regulation.

^[F23](5) In this regulation ^[F24]“Council Directive [89/108/EEC](#)” means Council Directive [89/108/EEC](#) on the approximation of the laws of Member States relating to quick frozen foodstuffs for human consumption as amended by Regulation 1882/2003 of the European Parliament and of the Council of 29 September 2003, the Act of accession of Norway, Austria, Sweden and Finland, the Act of accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic, Regulation 1882/2003 adapting to Council Decision [1999/468/EC](#) the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty, Council Directive [2006/107/EC](#) adapting Directive [89/108/EEC](#) relating to quick-frozen foodstuffs for human consumption and Directive [2000/13/EC](#) of the European Parliament and of the Council relating to the labelling, presentation and advertising of foodstuffs, by reason of the accession of Bulgaria and Romania].]

^[F25](5) In this regulation “Council Directive [89/108/EEC](#)” means Council Directive [89/108/EEC](#) on the approximation of the laws of Member States relating to quick-frozen foodstuffs for human

(2) OJ No. L40, 11.2.89, p.34.

consumption as amended by amendments up to and including those effected by the Act of the European Community concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.]

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007 \(S.I. 2007/191\)](#), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007 \(S.I. 2007/389\)](#), regs. 1(2), **11**
- F18** Words in reg. 5(1) substituted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), regs. 1(1), **2(b)(iv)**
- F19** Words in reg. 5(2) substituted (S.) (13.12.2014) by [The Food Information \(Scotland\) Regulations 2014 \(S.S.I. 2014/312\)](#), reg. 1(2), **sch. 5 para. 1(b)**
- F20** Words in reg. 5(3)(b) substituted (S.) (31.12.2020) by [The Food Composition, Labelling and Standards \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/53\)](#), regs. 1(1), **2**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in reg. 5(4) substituted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), regs. 1(1), **2(b)(iii)**
- F22** Words in reg. 5(4) substituted (S.) (13.12.2014) by [The Food Information \(Scotland\) Regulations 2014 \(S.S.I. 2014/312\)](#), reg. 1(2), **sch. 5 para. 1(b)**
- F23** Reg. 5(5) inserted (E.) (13.9.2004) by [The Food Safety \(Act of Accession concerning the Czech Republic and other States\) \(Consequential Amendments\) \(England\) Regulations 2004 \(S.I. 2004/2145\)](#), art. 1, **reg. 2(2)** and inserted (S.) (7.10.2004) by [The Food Safety \(Act of Accession concerning the Czech Republic and other States\) \(Consequential Amendments\) \(Scotland\) Regulations 2004 \(S.S.I. 2004/395\)](#), regs. 1(1), **2(2)**
- F24** Words in reg. 5(5) substituted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), regs. 1(1), **2(c)**
- F25** Reg. 5(5) inserted (W.) (31.10.2004) by [The Food Safety \(Act of Accession concerning the Czech Republic and other States\) \(Consequential Amendments\) \(Wales\) Regulations 2004 \(S.I. 2004/2731\)](#), regs. 1, **2(2)**

Commencement Information

- I5** Reg. 5 in force at 10.1.1991, see [reg. 1](#)

Equipment

6. Each manufacturer, storer, transporter, local distributor and retailer of any quick-frozen foodstuff intended by him for [^{F26}placing on the market] for human consumption shall ensure during each stage during which such foodstuff is within his care and control that the equipment used in respect of that foodstuff is such as to ensure that no act or omission on his part would cause [^{F27}to be placed on the market] the foodstuff for human consumption to contravene these Regulations.

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007 \(S.I. 2007/191\)](#), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007 \(S.I. 2007/389\)](#), regs. 1(2), **11**
- F26** Words in reg. 6 substituted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), regs. 1(1), **2(b)(iv)**

F27 Words in reg. 6 substituted (S.) (16.3.2007) by The Quick-frozen Foodstuffs Amendment (Scotland) Regulations 2007 (S.S.I. 2007/106), regs. 1(1), **2(b)(v)**

Commencement Information

I6 Reg. 6 in force at 10.1.1991, see **reg. 1**

Air temperature recording instruments in means of storage and transport

^{F28}**6A.**

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by The Quick-frozen Foodstuffs (England) Regulations 2007 (S.I. 2007/191), regs. 1(b), **11** and revoked (W.) (1.3.2007) by The Quick-frozen Foodstuffs (Wales) Regulations 2007 (S.I. 2007/389), regs. 1(2), **11**
- F28** Reg. 6A omitted (S.) (16.3.2007) by virtue of The Quick-frozen Foodstuffs Amendment (Scotland) Regulations 2007 (S.S.I. 2007/106), regs. 1(1), **2(d)**

Penalties and enforcement

7.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these Regulations he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

[^{F29}(1A) Subject to paragraphs (1B) and (1C), if any person contravenes or fails to comply with a specified Community provision, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(1B) A person shall not be considered to have contravened or failed to comply with the first sentence of the first paragraph of Article 2.2 of Regulation 37/2005 if the requirements of Schedule 3 are complied with.

(1C) A person shall not be considered to have contravened or failed to comply with Article 2 of Regulation 37/2005 if—

- (a) the offence which would otherwise have been committed was in respect of a cold store facility with a capacity of less than 10m³ used for storing stock in retail outlets; and
- (b) the air temperature in the cold store is measured by an easily visible thermometer.]

[^{F30}(1D) A person is to be considered not to have contravened or failed to comply with regulation 5(3)(b) in the following circumstances—

- (a) a quick-frozen foodstuff subject to regulation 5(3)(b) is marked or labelled on its packaging, container or wrapping, or on a label attached to it, with the name or business name and address of the manufacturer or packer, or of a seller established within the European Union,
- (b) this would not have constituted a contravention of regulation 5(3)(b) immediately before IP completion day, and
- (c) the quick-frozen foodstuff is placed on the market no later than [^{F31}31 December 2023].]

(2) Each food authority shall enforce and execute these Regulations within its area.

(3) In this regulation “food authority” does not include the appropriate treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple).

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007 \(S.I. 2007/191\)](#), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007 \(S.I. 2007/389\)](#), regs. 1(2), **11**
- F29** Reg. 7(1A)-(1C) inserted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), regs. 1(1), **2(e)**
- F30** Reg. 7(1D) inserted (31.12.2020) by [The Food Information, Labelling and Standards \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/285\)](#), regs. 1(1), **2(2)** (as amended by [S.S.I. 2020/372](#), regs. 1(2)(a), **9(2)**); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in reg. 7(1D)(c) substituted (S.) (30.9.2022) by [The Food Information \(Transitional Provisions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/265\)](#), regs. 1(1), **7**

Commencement Information

- I7** Reg. 7 in force at 10.1.1991, see [reg. 1](#)

[^{F32}Sampling and method of measuring temperatures

7A. Where, further to an inspection, an authorised officer has reasonable doubts that the temperatures that are being or have been maintained in respect of any quick-frozen foodstuff are not the temperatures prescribed for such foodstuff in paragraphs 1(e) and (f) (as read with paragraph 2(c)) in Schedule 1 to these Regulations, he shall further inspect such quick-frozen foodstuff and such temperatures in accordance with the provisions of Commission Directive 92/12/EEC.]

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007 \(S.I. 2007/191\)](#), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007 \(S.I. 2007/389\)](#), regs. 1(2), **11**
- F32** Reg. 7A inserted (1.9.1994) by [The Quick-frozen Foodstuffs \(Amendment\) Regulations 1994 \(S.I. 1994/298\)](#), regs. 1, **2(f)**

Application of various provisions of the Food Safety Act 1990

8. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- ^{F33}(a)
- (b) section 3 (presumption that food is intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence);
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 33 (obstruction etc. of officers);
- (g) section 36 (offences by bodies corporate);
- (h) section 44 (protection of officers acting in good faith);
- (i) section 58(1) (which relates to territorial waters).

Textual Amendments

- F1** Regulations revoked (E.) (1.3.2007) by [The Quick-frozen Foodstuffs \(England\) Regulations 2007 \(S.I. 2007/191\)](#), regs. 1(b), **11** and revoked (W.) (1.3.2007) by [The Quick-frozen Foodstuffs \(Wales\) Regulations 2007 \(S.I. 2007/389\)](#), regs. 1(2), **11**
- F33** Reg. 8(a) omitted (S.) (16.3.2007) by virtue of [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), regs. 1(1), **2(b)(vi)**

Commencement Information

- I8** Reg. 8 in force at 10.1.1991, see [reg. 1](#)

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th December 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Stephen Dorrell
Parliamentary Under Secretary of State for
Health

David Hunt
Secretary of State for Wales

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE [F34]1]

Regulation 3

CONDITIONS WHICH MUST BE FULFILLED BY A QUICK-FROZEN
FOODSTUFF WHICH IS SOLD FOR HUMAN CONSUMPTION

Textual Amendments

F34 Sch. renumbered as Sch. 1 (1.9.1994) by [The Quick-frozen Foodstuffs \(Amendment\) Regulations 1994 \(S.I. 1994/298\)](#), regs. 1, **2(g)**

1. A quick-frozen foodstuff fulfils the conditions set out in this Schedule where—
 - (a) it has been manufactured from raw materials of sound, genuine and merchantable quality and no other materials,
 - (b) no raw material has been used in its manufacture unless, at the time of its use, it would have been lawful for it to be sold for human consumption,
 - (c) its preparation and quick-freezing have been carried out with sufficient promptness, and by use of technical equipment appropriate, to minimise any chemical, biochemical and microbiological changes to the food comprised in it,
 - (d) no cryogenic medium other than an authorised cryogenic medium has been used in direct contact with any food comprised in it,
 - (e) the quick-freezing of each food comprised in it has resulted in the temperature of that food after thermal stabilisation being -18°C or colder, and
 - (f) allowing the quick-freezing and thermal stabilisation of any food to which subparagraph (e) above applies the temperature of that food has been maintained or has, save during the application of any one or more of the permitted exceptions, been maintained at a level or levels no warmer than -18°C .

Commencement Information

I9 Sch. para. 1 in force at 10.1.1991, see [reg. 1](#)

2. For the purposes of this Schedule—
 - (a) the authorised cryogenic media are—
 - (i) air,
 - (ii) nitrogen,
 - (iii) carbon dioxide, and
 - (iv) in the appropriate circumstances, the substance dichlorodifluoromethane (R12),
 - (b) the appropriate circumstances apply to the substance dichlorodifluoromethane (R12) where—
 - (i) that substance has been used in direct contact with a food comprised in a product which has become a quick-frozen foodstuff no later than 31st December 1992, and
 - (ii) its use in such contact is permitted in England and Wales by the [Miscellaneous Additives in Food Regulations\(3\)](#), and in Scotland by the [Miscellaneous Additives in Food \(Scotland\) Regulations\(4\)](#),

(3) S.I.1980/1834, to which there are amendments not relevant to these Regulations.

(4) S.I. 1980/1889, to which there are amendments not relevant to these Regulations.

Changes to legislation: There are currently no known outstanding effects for the *The Quick-frozen Foodstuffs Regulations 1990*. (See end of Document for details)

- (c) a permitted exception relating to the temperature of any food applies when—
- (i) that food is kept within brief periods during transport other than local distribution at a temperature warmer than -18°C but not warmer than -15°C ,
 - (ii) that food is kept during local distribution at a temperature warmer than -18°C to an extent consistent with good distribution practice but not warmer than -12°C before 10th January 1997 or -15°C at any time thereafter,
 - (iii) that food is kept before 10th January 1997 in a retail display cabinet at a temperature warmer than -18°C to an extent consistent with good storage practice, or
 - (iv) that food is kept after 9th January 1997 in a retail display cabinet at a temperature warmer than -18°C to an extent consistent with good storage practice but not warmer than -12°C , and
- (d) “local distribution”, in relation to any product, means that part of the distribution chain in which the product is delivered to the point of retail sale (such sale to include sale to a [^{F35}mass caterer]).

Textual Amendments

F35 Words in [Sch. 1 para. 2\(d\)](#) substituted (S.) (13.12.2014) by [The Food Information \(Scotland\) Regulations 2014 \(S.S.I. 2014/312\)](#), reg. 1(2), [sch. 5 para. 1\(b\)](#)

Commencement Information

I10 Sch. para. 2 in force at 10.1.1991, see [reg. 1](#)

[^{F36}SCHEDULE 2

Regulation 2(a)(ii)

SPECIFIED COMMUNITY PROVISIONS

Textual Amendments

F36 [Sch. 2](#) substituted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), regs. 1(1), 2(f), [sch. 1](#)

<i>1. Provision of Regulation 37/2005</i>	<i>2. Subject-matter</i>
Article 2.1	Requirement that the means of transport, warehousing and storage of quick frozen foodstuffs shall be fitted with suitable recording instruments to monitor, at frequent and regular intervals, the air temperature to which the quick frozen foodstuffs are subjected.
Article 2.2 – first sentence of first paragraph	Requirement that all measuring instruments described in Article 2.1 of Regulation 37/2005 shall comply with EN 12830, EN 13485 and EN 13486 standards.
Article 2.2 – second sentence of first paragraph	Requirement that food operators keep all relevant documents verifying that those

Changes to legislation: There are currently no known outstanding effects for the *The Quick-frozen Foodstuffs Regulations 1990*. (See end of Document for details)

<i>1. Provision of Regulation 37/2005</i>	<i>2. Subject-matter</i>
Article 2.3	measuring instruments conform to the relevant EN standard. Requirement that temperature recording shall be dated and stored by the food operator for a period of at least a year, or for longer taking into account the nature and shelf life of the quick frozen foodstuffs.
Article 3.1 – first paragraph	Requirement that during storage in retail display cabinets, or in the course of local distribution, the air temperature shall only be measured by at least one easily visible thermometer.
Article 3.1 – second paragraph (a) and (b)	Requirement that in open retail cabinets the maximum load line of the cabinet shall be clearly marked and the thermometer shall indicate the temperature at the air return side at the level of that mark.]

[^{F37}SCHEDULE 3

Regulation 2(e)

TRANSITIONAL REQUIREMENTS FOR MEASURING INSTRUMENTS INSTALLED BEFORE 1st JANUARY 2006

Textual Amendments

F37 Sch. 3 inserted (S.) (16.3.2007) by [The Quick-frozen Foodstuffs Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/106\)](#), regs. 1(1), 2(g), **sch. 2**

Application

1. This Schedule applies only in respect of measuring instruments used for the purpose of monitoring temperature as provided for in Article 2.1 of Regulation 37/2005, which were installed before 1st January 2006.

2. This Schedule will cease to have effect on 1st January 2010.

Requirements

3. The requirements are that–

- in respect of any means of storage or transport, other than those mentioned in the following sub paragraphs, the instrument shall be a system suitable for the monitoring, at frequent and regular intervals, of air temperatures within such means of storage or transport;
- in respect of storage in a cold chamber with a capacity of less than 10m³ on premises used for placing quick-frozen foodstuffs on the market for retail purposes, the instrument shall be a thermometer so placed as to be easily visible;
- in respect of storage in a retail display cabinet (other than an open retail display cabinet), the instrument shall be one or more thermometers so placed as to be easily visible;

Changes to legislation: There are currently no known outstanding effects for the *The Quick-frozen Foodstuffs Regulations 1990*. (See end of Document for details)

- (d) in respect of storage in an open retail display cabinet, the instrument shall be one or more thermometers so placed as to be easily visible and indicating the temperature at the air return side at the level of the clearly marked maximum load line for that cabinet;
 - (e) in respect of any means of transport other than—
 - (i) a vehicle registered outside the United Kingdom; or
 - (ii) a means of transport when being used in the course of local distribution,the instrument shall be a system for monitoring air temperatures that—
 - (aa) has an accuracy of plus or minus 1°C when its sensor is measuring a temperature within the range of –25°C to +30°C;
 - (bb) has a measuring accuracy which does not change by more than plus or minus 0.5°C when it is operating in temperatures within the range of –20°C to +30°C;
 - (cc) has a display resolution of not more than 1°C; and
 - (dd) is robust and shockproof;
 - (f) in respect of a vehicle registered outside the United Kingdom, the instrument shall be an instrument which has been approved by the competent authority in the country in which the vehicle is registered; and
 - (g) in respect of means of transport when being used in the course of local distribution, the instrument shall be one or more thermometers so placed as to be easily visible.]
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, implement Council Directive 89/108/EEC (OJNo. L40, 11.2.89, p.34) on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption.

The Regulations—

- (a) define a quick-frozen foodstuff (Regulation 2),
- (b) list the conditions which must be fulfilled by a quick-frozen foodstuff for it to be sold for human consumption (Regulation 3 and the Schedule),
- (c) lay down the packaging requirements for a quick-frozen foodstuff (Regulation 4),
- (d) lay down the labelling requirements for a quick-frozen foodstuff (Regulation 5),
- (e) lay down requirements for the standards of equipment which must be used by those who have care and control of a quick-frozen foodstuff at any stage in its life from manufacture to retail sale (Regulation 6).

The Regulations come into force on the 10th January 1991.]

Changes to legislation:

There are currently no known outstanding effects for the The Quick-frozen Foodstuffs Regulations 1990.