
STATUTORY INSTRUMENTS

1995 No. 1763

The Food Safety (General Food Hygiene) Regulations 1995

Interpretation

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

“the Act” means the Food Safety Act 1990;

“the Directive” means Council Directive [93/43/EEC](#) of 14th June 1993 on the hygiene of foodstuffs⁽¹⁾; “food authority” does not include—

- (a) the council of a non-metropolitan county in England or Wales, unless that council is a unitary authority; or
- (b) as respects the Inner Temple or the Middle Temple, the appropriate Treasurer;

“food business” means any undertaking, whether carried on for profit or not and whether public or private, carrying out any or all of the following operations, namely, preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply, of food;

“hygiene” means all measures necessary to ensure the safety and wholesomeness of food during preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer, and “hygienic” shall be construed accordingly;

“potable water” means water which at the time of supply is or was not likely in a given case to affect adversely the wholesomeness of a particular foodstuff in its finished form, and which is or was either—

- (a) of the quality demanded in order for it to be regarded as wholesome for the purposes of—
 - (i) Part VIA of the Water (Scotland) Act 1980⁽²⁾, or
 - (ii) Chapter III of Part III of the Water Industry Act 1991⁽³⁾; or
- (b) not of that quality, but the water is or was derived—
 - (i) from a public supply in Scotland and the Secretary of State is not required, by virtue of section 76E of the Water (Scotland) Act 1980, to make an order under section 11(2) of the Water (Scotland) Act 1980 in relation to the authority supplying that water,
 - (ii) from a public supply in England or Wales and the Secretary of State is not required to make or confirm (with or without modifications) an enforcement order under section 18 of the Water Industry Act 1991 in relation to the company supplying that water, or

(1) OJNo. L75, 19.7.93, p.1.

(2) 1980 c. 45; amended by section 168 of and paragraph 1 of Schedule 22 to the Water Act 1989 (c. 15). See the definition of “wholesome” in section 76L of that Act, the Water Supply (Water Quality) (Scotland) Regulations 1990 (S.I. 1990/119; amended by S.I. 1991/1333 and 1992/575) and the Private Water Supplies (Scotland) Regulations 1992 (S.I. 1992/575) which are relevant to the meaning of “wholesome” in this context.

(3) 1991 c. 56; see the definition of “wholesome” in section 93 of that Act, the Water Supply (Water Quality) Regulations 1989 (S.I. 1989/1147; amended by S.I. 1989/1837 and 2790) and the Private Water Supplies Regulations 1991 (S.I. 1991/2790) which are all relevant to the meaning of “wholesome” in this context.

- (iii) from a private supply in relation to which a private supply notice has been served or the option of a private supply notice has been considered and rejected by the local authority with remedial powers in relation to that private supply, unless since the time of supply the quality of the water has deteriorated in a way which, in a given case, has adversely affected or is likely to affect adversely the wholesomeness of a particular foodstuff in its finished form;

“primary production” includes harvesting, slaughter and milking;

“private supply” has—

- (a) in Scotland, the same meaning as in section 76L(1) of the Water (Scotland) Act 1980(4);
 (b) in England and Wales, the same meaning as in section 93(1) of the Water Industry Act 1991;

“private supply notice” means—

- (a) in Scotland, a notice under section 76G of the Water (Scotland) Act 1980(5);
 (b) in England and Wales, a notice under section 80 of the Water Industry Act 1991;

“public supply” means a supply of water which is not a private supply;

“unitary authority” means—

- (a) in England, any authority which is the sole principal council for its local government area;
 (b) in Wales, a county or county borough council established under the Local Government (Wales) Act 1994(6);

“water” includes water in any form, but does not include water which is—

- (a) recognised as a natural mineral water under the Natural Mineral Water Regulations 1985(7);
 (b) a medicinal product within the meaning of the Medicines Act 1968(8) (“the 1968 Act”) or is a product in respect of which any provision of the 1968 Act has effect in relation to it as if it were a medicinal product within the meaning of the 1968 Act(9); or
 (c) drinking water within the meaning of the Drinking Water in Containers Regulations 1994(10);

“wholesomeness” means, in relation to food, its fitness for human consumption so far as hygiene is concerned, and any other words and expressions used both in these Regulations and in the Directive shall bear the same meaning in these Regulations as they have in the Directive.

(2) In determining for the purposes of these Regulations whether any matter involves a risk to food safety or wholesomeness, regard shall be had to the nature of the food, the manner in which it is handled and packed, any process to which the food is subjected before supply to the consumer, and the conditions under which it is displayed or stored.

(3) In Schedule 1, “where appropriate” and “where necessary” mean where appropriate and where necessary respectively for the purposes of ensuring the safety and wholesomeness of food.

(4) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;

(4) Inserted by section 168 and paragraph 1 of Schedule 22 to the Water Act 1989.

(5) Inserted by section 168 of and paragraph 1 of Schedule 22 to the Water Act 1989.

(6) 1994 c. 19.

(7) S.I. 1985/71; amended by S.I. 1990/2486, 1991/1476, 1992/2596 and 1994/3144.

(8) 1968 c. 67.

(9) See sections 104 and 105 of the Medicines Act 1968, and regulation 9(9) of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994 (S.I. 1994/3144).

(10) S.I. 1994/743; amended by S.I. 1994/144.

- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph of that regulation or Schedule bearing that number; and
- (c) in a paragraph to a numbered or lettered sub-paragraph is to the sub-paragraph in that paragraph bearing that number or letter.