

SCHEDULE 4

Temperature control requirements

Chill and hot holding requirements

2.—(1) Subject to sub paragraph (2), any person who keeps food with respect to which any commercial operation is being carried out at or in food premises otherwise than—

- (a) in a refrigerator or refrigerating chamber or in a cool ventilated place; or
- (b) at a temperature above 63°C,

is guilty of an offence.

(2) Sub paragraph (1) shall not apply to any food—

- (a) which is undergoing preparation for sale;
- (b) which is exposed for sale or has been sold to a consumer whether for immediate consumption or otherwise;
- (c) which, immediately following any process of cooking to which it is subjected or the final processing stage if no cooking process is applied, is being cooled under hygienic conditions as quickly as possible to a temperature which would not result in a risk to health;
- (d) which, in order that it may be conveniently available for sale on the premises to consumers, it is reasonable to keep otherwise than as referred to in sub-paragraph (1);
- (e) which, for the duration of its shelf life, may be kept at ambient temperatures with no risk to health;
- (f) to which Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry^{M1}, as last amended by Council Regulation (EC) No. 1101/98^{M2}, applies; or

[^{F1}(g) to which [^{F2}the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007] and Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs applies.]

Textual Amendments

- F1** Sch. 4 para. 2(2)(g) substituted (19.12.2008) by [The Eggs and Chicks \(Scotland\) \(No. 2\) Regulations 2008 \(S.S.I. 2008/395\)](#), regs. 1(2), 23, [sch. 3 para. 3](#)
- F2** Words in sch. 4 para. 2(2)(g) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **16(2)**

Marginal Citations

- M1** O.J. No. L 173, 6.7.90, p.1.
- M2** O.J. No. L 157, 30.5.98, p.12.

Changes to legislation:

There are currently no known outstanding effects for the The Food Hygiene (Scotland) Regulations 2006, Paragraph 2.