

STATUTORY INSTRUMENTS

1990 No. 2615

The Quick-frozen Foodstuffs Regulations 1990

[^{F1}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)**
- 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), regs. 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), regs. 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), regs. 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](#)(1) 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.

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

[^{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 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

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

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]

Changes to legislation:

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