
STATUTORY INSTRUMENTS

1995 No. 2200

The Food Safety (Temperature Control) Regulations 1995

PART II

Temperature Control Requirements in England and Wales

Chill holding tolerance periods

7.—(1) In any proceedings for an offence of contravening regulation 4(1), it shall be a defence for a person charged to prove that the food—

- (a) was for service or on display for sale;
- (b) had not previously been kept for service or on display for sale at a temperature above 8°C or, in appropriate circumstances, the recommended temperature; and
- (c) had been kept for service or on display for sale for a period of less than four hours.

(2) In any proceedings for an offence of contravening regulation 4(1), it shall be a defence for the person charged to prove that the food—

- (a) was being transferred—
 - (i) to a vehicle used for the purposes of the activities of a food business from, or
 - (ii) from a vehicle used for the purposes of the activities of a food business to, premises (which includes vehicles) at which the food was going to be kept at or at below 8°C or, in appropriate circumstances, the recommended temperature; or
- (b) was kept at a temperature above 8°C or, in appropriate circumstances, the recommended temperature for an unavoidable reason, such as—
 - (i) to accommodate the practicalities of handling during and after processing or preparation,
 - (ii) the defrosting of equipment, or
 - (iii) temporary breakdown of equipment,

and was kept at a temperature above 8°C or, in appropriate circumstances, the recommended temperature for a limited period only and that period was consistent with food safety.