

## [<sup>F1</sup>SCHEDULE 1

Regulation 2(1)

### DEFINITIONS OF LEGISLATION

#### Textual Amendments

- F1** Sch. 1 substituted (25.12.2020) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments\) \(England\) Regulations 2020 \(S.I. 2020/1410\)](#), reg. 1(2), **Sch. 5**

“Directive 2004/41” means [Directive 2004/41/EC](#) of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council [Decision 95/408/EC](#);

“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 read with Regulation 931/2011 and Regulation 208/2013;

“Regulation 852/2004” means Regulation [\(EC\) No. 852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs as read with Regulation 2073/2005 and Regulation 210/2013;

“Regulation 853/2004” means Regulation [\(EC\) No. 853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and 2017/185;

“Regulation 1688/2005” means [Commission Regulation \(EC\) No. 1688/2005](#) implementing Regulation [\(EC\) No. 853/2004](#) of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs;

“Regulation 2073/2005” means [Commission Regulation \(EC\) No. 2073/2005](#) on microbiological criteria for foodstuffs;

“Regulation 2074/2005” means [Commission Regulation \(EC\) No. 2074/2005](#) laying down implementing measures for certain products under Regulation [\(EC\) No. 853/2004](#) of the European Parliament and of the Council and for the organisation of official controls under Regulation [\(EC\) No. 854/2004](#) of the European Parliament and of the Council and Regulation [\(EC\) No. 882/2004](#) of the European Parliament and of the Council, derogating from Regulation [\(EC\) No. 852/2004](#) of the European Parliament and of the Council and amending Regulations [\(EC\) No. 853/2004](#) and [\(EC\) No. 854/2004](#);

“Regulation 931/2011” means Commission Implementing Regulation (EU) No. 931/2011 on the traceability requirements set by Regulation [\(EC\) No. 178/2002](#) of the European Parliament and of the Council for food of animal origin;

“Regulation 1169/2011” means 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](#);

“Regulation 208/2013” means Commission Implementing Regulation (EU) No. 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts;

“Regulation 210/2013” means [Commission Regulation \(EU\) No. 210/2013](#) on the approval of establishments producing sprouts pursuant to Regulation (EC) No. 852/2004 of the European Parliament and of the Council;

“Regulation 579/2014” means [Commission Regulation \(EU\) No. 579/2014](#) granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea;

“Regulation 2015/1375” means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for Trichinella in meat;

“Regulation 2017/185” means Commission Regulation (EU) 2017/185 laying down transitional measures for the application of certain provisions of Regulations (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council;

“Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No. 999/2001, (EC) No. 396/2005, (EC) No. 1069/2009, (EC) No. 1107/2009, (EU) No. 1151/2012, (EU) No. 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No. 1/2005 and (EC) No. 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC as read with Regulation 2074/2005, Regulation 2017/185 and the Regulation 2017/625 package;

The Regulation 2017/625 package

“Regulation 2019/478” means Commission Delegated Regulation (EU) 2019/478 amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts;

“Regulation 2019/624” means Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council;

“Regulation 2019/625” means Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption;

“Regulation 2019/626” means Commission Implementing Regulation (EU) 2019/626 concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists;

“Regulation 2019/627” means Commission Implementing Regulation (EU) 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending [Commission Regulation \(EC\) No. 2074/2005](#) as regards official controls;

“Regulation 2019/628” means Commission Implementing Regulation (EU) 2019/628 concerning model official certificates for certain animals and goods and amending Regulation (EC) No. 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates;

“Regulation 2019/1012” means Commission Delegated Regulation (EU) 2019/1012 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on the designation of control points and from the minimum requirements for border control posts;

“Regulation 2019/1013” means Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union;

“Regulation 2019/1014” means Commission Implementing Regulation (EU) 2019/1014 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points;

“Regulation 2019/1081” means Commission Delegated Regulation (EU) 2019/1081 establishing rules on specific training requirements for staff for performing certain physical checks at border control posts;

“Regulation 2019/1602” means Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination;

“Regulation 2019/1666” means Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union;

“Regulation 2019/1715” means Commission Implementing Regulation (EU) 2019/1715 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation);

“Regulation 2019/1793” means Commission Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No. 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No. 669/2009, (EU) No. 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660;

“Regulation 2019/1873” means Commission Implementing Regulation (EU) 2019/1873 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products;

“Regulation 2019/2007” means Commission Implementing Regulation (EU) 2019/2007 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC;

“Regulation 2019/2074” means Commission Delegated Regulation (EU) 2019/2074 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country;

“Regulation 2019/2122” means Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of

goods sent to natural persons which are not intended to be placed on the market and amending [Commission Regulation \(EU\) No. 142/2011](#);

“Regulation 2019/2123” means Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts;

“Regulation 2019/2124” means Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations [\(EC\) No. 798/2008](#), [\(EC\) No. 1251/2008](#), [\(EC\) No. 119/2009](#), (EU) No. 206/2010, (EU) No. 605/2010, (EU) No. 142/2011, (EU) No. 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission [Decision 2007/777/EC](#);

“Regulation 2019/2126” means Commission Delegated Regulation (EU) 2019/2126 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for specific official controls for certain categories of animals and goods, measures to be taken following the performance of such controls and certain categories of animals and goods exempted from official controls at border control posts;

“Regulation 2019/2129” means Commission Implementing Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union;

“Regulation 2019/2130” means Commission Implementing Regulation (EU) 2019/2130 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts;

“Regulation 2020/466” means Commission Implementing Regulation (EU) 2020/466 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States’ control systems due to coronavirus disease;

“Regulation 2020/1158” means Commission Implementing Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station.]

## [F<sup>2</sup>Schedule 2

### Specified EU provisions

#### Textual Amendments

**F2** Sch. 2 substituted (31.12.2020) by [The General Food Law \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/641\)](#), reg. 1, **Sch.** (as amended by [S.I. 2020/1504](#), regs. 1(2), **10(15)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### **1. Provision of retained EU law**

Article 12 of Regulation 178/2002, as it relates to food

#### **2. Subject matter**

Requirement that food exported or re-exported from Great Britain to third countries must

	comply with the relevant requirements of food law, except in certain specified circumstances.
Article 14(1) of Regulation 178/2002	Requirement that unsafe food must not be placed on the market.
Article 16 of Regulation 178/2002, as it relates to food	Requirement that the labelling, advertising and presentation of food must not mislead consumers.
Article 18(2) and (3) of Regulation 178/2002, as it relates to food business operators	Requirement that food business operators must ensure traceability of food, including having systems in place to identify businesses from which they have been supplied and to which they have supplied food.
Article 19 of Regulation 178/2002	Requirement that where there has been a breach of food safety requirements food business operators must, in specified circumstances, recall and/or withdraw the affected food and inform consumers and the competent authorities.
Article 3 of Regulation 852/2004	Requirement that food business operators ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in Regulation 852/2004.
Article 4(1) of Regulation 852/2004	Requirement that food business operators carrying out primary production and specified associated operations comply with the general hygiene provisions laid down in Part A of Annex 1 to Regulation 852/2004 and any specific requirements provided for in Regulation 853/2004.
Article 4(2) of Regulation 852/2004	Requirement that food business operators carrying out any stage of production, processing and distribution of food after those stages to which Article 4(1) applies comply with the general hygiene requirements laid down in Annex 2 to Regulation 852/2004 and any specific requirements provided for in Regulation 853/2004 and Regulation 579/2014.
Article 4(3) of Regulation 852/2004	Requirement that food business operators, as appropriate, adopt certain specific hygiene measures.
Article 5(1) of Regulation 852/2004	Requirement that food business operators put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.
Article 5(2) of Regulation 852/2004	Requirement that when any modification is made in the product, process, or any step, food business operators review the procedure

**Changes to legislation:** There are currently no known outstanding effects for the The Food Safety and Hygiene (England) Regulations 2013. (See end of Document for details)

	referred to in Article 5(1) and make the necessary changes to it.
Article 5(4)(a) of Regulation 852/2004	Requirement that food business operators provide the competent authority with evidence of their compliance with Article 5(1).
Article 5(4)(b) of Regulation 852/2004	Requirement that food business operators ensure that any documents describing the procedures developed in accordance with Article 5 are up to date.
Article 5(4)(c) of Regulation 852/2004	Requirement that food business operators retain documents and records for an appropriate period.
Article 6(1) of Regulation 852/2004	Requirement that food business operators co-operate with the competent authorities in accordance with United Kingdom law.
Article 6(2), first paragraph, of Regulation 852/2004	Requirement that a food business operator notify the competent authority of each establishment under its control that carries out any of the stages of production, processing and distribution of food.
Article 6(2), second paragraph, of Regulation 852/2004	Requirement that food business operators ensure that the competent authority has up to date information on establishments.
Article 6(3) of Regulation 852/2004	Requirement that food business operators ensure that establishments are approved by the competent authority when approval is required.
Article 3(1) of Regulation 853/2004	Requirement that food business operators comply with the relevant provisions of Annexes 2 and 3 to Regulation 853/2004.
Article 3(2) of Regulation 853/2004	Requirement that food business operators do not use any substance other than potable water or, when Regulation 852/2004 or Regulation 853/2004 permits its use, clean water, to remove surface contamination from products of animal origin unless use of the substance has been approved.
Article 4(1) of Regulation 853/2004	Requirement that food business operators place products of animal origin on the market only if they have been prepared and handled exclusively in establishments— (a) that meet the relevant requirements of Regulation 852/2004, those of Annexes 2 and 3 of Regulation 853/2004 and other relevant requirements of food law; and (b) that the competent authority has registered or, where required in accordance with Article 4(2), approved.

Article 4(2) of Regulation 853/2004	Requirement that establishments handling those products of animal origin for which Annex 3 to Regulation 853/2004 lays down requirements do not operate unless the competent authority has approved them in accordance with Article 4(3).
Article 4(3) of Regulation 853/2004	Requirement that establishments subject to approval in accordance with Article 4(2) do not operate unless the competent authority has, in accordance with Regulation 2017/625— (a) granted the establishment approval to operate following an on-site visit; or (b) provided the establishment with conditional approval.
Article 4(4) of Regulation 853/2004	Requirement that food business operators cooperate with the competent authorities in accordance with Regulation 2017/625 including ensuring that an establishment ceases to operate if it is no longer approved.
Article 5(1) of Regulation 853/2004	Requirement that food business operators do not place on the market a product of animal origin handled in an establishment subject to approval in accordance with Article 4(2) unless it has— (a) a health mark applied in accordance with Regulation 2017/625; or (b) when Regulation 2017/625 does not provide for the application of a health mark, an identification mark applied in accordance with Section 1 of Annex 2 to Regulation 853/2004.
Article 5(2) of Regulation 853/2004	Requirement that food business operators apply an identification mark to a product of animal origin only if the product has been manufactured in accordance with Regulation 853/2004 in establishments meeting the requirements of Article 4.
Article 5(3) of Regulation 853/2004	Requirement that food business operators do not remove a health mark applied in accordance with Regulation 2017/625 from meat unless they cut or process it or work upon it in another manner.
Article 6(1) and (2) of Regulation 853/2004	Requirement that food business operators ensure that importation of products of animal origin only takes place where certain conditions are met.
Article 6(3) of Regulation 853/2004	Requirement that food business operators importing products of animal origin shall ensure that— (a) products are made available for control upon importation in accordance with Council Directive <a href="#">97/78/EC</a> ;

**Changes to legislation:** There are currently no known outstanding effects for the The Food Safety and Hygiene (England) Regulations 2013. (See end of Document for details)

Article 6(4) of Regulation 853/2004	(b) importation complies with the requirements of Council Directive <a href="#">2002/99/EC</a> ; and (c) operations under their control that take place after importation are carried out in accordance with the requirements of Annex 3 to Regulation 853/2004.
Article 7 of Regulation 853/2004	Requirement that food business operators importing food containing both products of plant origin and processed products of animal origin ensure that the processed products of animal origin satisfy the requirements of paragraphs (1) to (3) of Article 6.
Article 7 of Regulation 853/2004	Requirement that food business operators ensure that certificates or other documents accompany consignments of products of animal origin when required in accordance with Annex 2 or 3 to Regulation 853/2004.
Article 7(1) of Regulation 2073/2005	Requirement that food business operators take the measures laid down in paragraphs (2) to (4) of Article 7 when the results of testing against the criteria set out in Annex 1 to Regulation 2073/2005 (microbiological criteria for foodstuffs) are unsatisfactory.
Article 9 of Regulation 2015/1375	Requirement that food business operators of holdings officially recognised as applying controlled housing conditions must inform the competent authority of any requirement of Annex 4 to Regulation 2015/1375 that is no longer fulfilled or of any other change that might affect the holdings' Trichinella status.]

SCHEDULE 3

Regulations 19(4) and 31

Bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar

**Offence**

1. A person who contravenes or fails to comply with any of the requirements of this Schedule commits an offence.

**Liquid oils or fats**

<sup>F3</sup>2. ....

<b>Textual Amendments</b>	
<b>F3</b>	Sch. 3 para. 2 omitted (11.11.2014) by virtue of <a href="#">The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2748)</a> , regs. 1, <b>3(6)(a)</b>



**Changes to legislation:** There are currently no known outstanding effects for the The Food Safety and Hygiene (England) Regulations 2013. (See end of Document for details)

<sup>F4</sup>3. ....

**Textual Amendments**

**F4** Sch. 3 para. 3 omitted (11.11.2014) by virtue of The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2748), regs. 1, **3(6)(a)**

<sup>F5</sup>4. ....

**Textual Amendments**

**F5** Sch. 3 para. 4 omitted (11.11.2014) by virtue of The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2748), regs. 1, **3(6)(a)**

<sup>F6</sup>5. ....

**Textual Amendments**

**F6** Sch. 3 para. 5 omitted (11.11.2014) by virtue of The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2748), regs. 1, **3(6)(a)**

<sup>F7</sup>6. ....

**Textual Amendments**

**F7** Sch. 3 para. 6 omitted (11.11.2014) by virtue of The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2748), regs. 1, **3(6)(a)**

**Raw sugar**

7. The bulk transport by sea of raw sugar which is not intended for use as food or as a food ingredient without a full and effective refining process is permitted in receptacles, containers or tankers that are not exclusively used for the transport of foodstuffs.

8. The receptacles, containers or tankers referred to in paragraph 7 shall be subject to the following conditions —

- (a) prior to loading the raw sugar, the receptacle, container or tanker shall be effectively cleaned to remove residues of the previous cargo and other soiling and inspected to establish that such residues have been removed effectively; and
- (b) the immediate previous cargo prior to the raw sugar shall not have been a bulk liquid.

9. A food business operator who is responsible for the transport of raw sugar by sea under paragraph 7 shall keep documentary evidence, accurately describing in detail the immediate previous cargo carried in the receptacle, container or tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

10. The documentary evidence shall accompany the consignment of raw sugar during all stages of transport to the refinery and a copy shall be retained by the refinery. The documentary evidence shall be marked as follows in a clearly visible and indelible fashion, in one or more Community languages: “This product must be refined before being used for human consumption”.

**Changes to legislation:** There are currently no known outstanding effects for the The Food Safety and Hygiene (England) Regulations 2013. (See end of Document for details)

11. On request, a food business operator responsible for the transport of the raw sugar or the refining process shall provide the enforcement authority with the documentary evidence referred to in paragraphs 9 and 10.

12. Raw sugar which has been transported by sea in receptacles, containers or tankers which are not exclusively reserved for the transport of foodstuffs shall be subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient.

13. In fulfilling the obligations under Article 5(1) of Regulation 852/2004 (hazard analysis and critical control points) in relation to the bulk transport of raw sugar by sea under paragraph 7, a food business operator who is responsible for the transport or refining of raw sugar shall —

- (a) consider the cleaning process undertaken prior to the loading of the sugar for transport by sea to be a critical control point as referred to in Article 5(2)(b) of Regulation 852/2004; and
- (b) take into account the nature of the previous cargo which has been transported in any receptacle, container or tanker used for the transport of the sugar.

**Interpretation**

14.—(1) For the purposes of this Schedule any words or expressions used both in this Schedule and in <sup>F8</sup>... Commission Directive 98/28/EC granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar shall bear the same meanings as they respectively have in those Directives.

<sup>F9</sup>(2) .....

Textual Amendments	
<b>F8</b>	Words in Sch. 3 para. 14(1) omitted (11.11.2014) by virtue of The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2748), regs. 1, 3(6)(b)
<b>F9</b>	Sch. 3 para. 14(2) omitted (11.11.2014) by virtue of The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2748), regs. 1, 3(6)(c)

SCHEDULE 4

Regulation 32

Temperature control requirements

**Scope**

- 1.—(1) This Schedule does not apply in relation to —
- (a) any food business operation to which Regulation 853/2004 applies; or
  - (b) any food business operation carried out on a ship or aircraft.

**Chill holding requirements**

- 2.—(1) Subject to sub-paragraph (2) and paragraph 3, any person who keeps any food —
- (a) which is likely to support the growth of pathogenic micro-organisms or the formation of toxins; and
  - (b) with respect to which any commercial operation is being carried out,

at or in food premises at a temperature above 8 °C commits an offence.

(2) Sub-paragraph (1) shall not apply in relation to any food which, as part of a mail order transaction, is being conveyed to the final consumer.

(3) Subject to paragraph 3, no person shall supply by mail order any food which —

- (a) is likely to support the growth of pathogenic micro-organisms or the formation of toxins; and
- (b) is being or has been conveyed by post or by a private or common carrier to the final consumer,

at a temperature which has given rise to or is likely to give rise to a risk to health.

### **General exemptions from the chill holding requirements**

3. Sub-paragraphs (1) and (3) of paragraph 2 shall not apply in relation to —

- (a) food which —
  - (i) has been cooked or reheated,
  - (ii) is for service or on display for sale, and
  - (iii) needs to be kept at or above 63 °C in order to control the growth of pathogenic micro-organisms or the formation of toxins;
- (b) food which, for the duration of its shelf life may be kept at ambient temperatures with no risk to health;
- (c) food which is being or has been subjected to a process such as dehydration or canning intended to prevent the growth of pathogenic micro-organisms at ambient temperatures, but not where —
  - (i) after or by virtue of that process the food was contained in a hermetically sealed container, and
  - (ii) that container has been opened;
- (d) food which must be ripened or matured at ambient temperatures, but not when the process of ripening or maturation is completed;
- (e) raw food intended for further processing (including cooking) before human consumption, but only if that processing, if undertaken correctly, will render that food fit for human consumption;
- (f) food to which Council Regulation 1906/90 applies; and
- (g) food to which Council Regulation 1907/90 applied.

### **Upward variation of the 8 degrees centigrade temperature by manufacturers etc.**

4.—(1) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it shall be a defence for the accused to prove that —

- (a) a food business responsible for manufacturing, preparing or processing the food, including, where relevant, the accused, has recommended that it is kept —
  - (i) at or below a specified temperature between 8 °C and ambient temperatures, and
  - (ii) for a period not exceeding a specified shelf life;
- (b) that recommendation has, unless the accused is that food business, been communicated to the accused either by means of a label on the packaging of the food or by means of some other appropriate form of written instruction;
- (c) the food was not kept by the accused at a temperature above the specified temperature; and

(d) at the time of the commission of the alleged offence, the specified shelf life had not been exceeded.

(2) A food business responsible for manufacturing, preparing or processing food shall not recommend that any food is kept —

- (a) at or below a specified temperature between 8 °C and ambient temperatures; and
- (b) for a period not exceeding a specified shelf life,

unless that recommendation is supported by a well-founded scientific assessment of the safety of the food at the specified temperature.

### **Chill holding tolerance periods**

5.—(1) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it shall be a defence for the accused 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, where a recommendation has been made pursuant to sub-paragraph (1) of paragraph 4, 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 consisting of a contravention of sub-paragraph (1) of paragraph 2, it shall be a defence for the accused to prove that the food —

- (a) was being transferred —
  - (i) from premises at which the food was going to be kept at or below 8 °C or in appropriate circumstances the recommended temperature to a vehicle used for the purposes of a food business, or
  - (ii) to such premises from such a vehicle; 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.

### **Hot holding requirements**

6. Any person who in the course of the activities of a food business keeps at or in food premises at a temperature below 63 °C any food which —

- (a) has been cooked or reheated;
- (b) is for service or on display for sale; and
- (c) needs to be kept at or above 63 °C in order to control the growth of pathogenic micro-organisms or the formation of toxins,

commits an offence.

## Hot holding defences

7.—(1) In any proceedings for an offence consisting of a contravention of paragraph 6, it shall be a defence for the accused to prove that —

- (a) a well-founded scientific assessment of the safety of the food at temperatures below 63 °C has concluded that there is no risk to health if, after cooking or re-heating, the food is held for service or on display for sale —
  - (i) at a holding temperature which is below 63 °C, and
  - (ii) for a period not exceeding any period of time specified in that scientific assessment; and
- (b) at the time of the commission of the alleged offence, the food was held in a manner which was justified in the light of that scientific assessment.

(2) In any proceedings for an offence consisting of a contravention of paragraph 6, it shall be a defence for the accused to prove that the food —

- (a) had been kept for service or on display for sale for a period of less than two hours; and
- (b) had not previously been kept for service or on display for sale by that person.

## Interpretation

8. In this Schedule —

“Council Regulation 1906/90” means Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry as last amended by Council Regulation (EC) No. 1101/98 amending Regulation (EEC) No. 1906/90 on certain marketing standards for poultry meat;

“Council Regulation 1907/90” means Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs as last amended by Council Regulation (EC) No. 2052/2003 amending Regulation (EEC) No. 1907/90 on certain marketing standards for eggs;

“recommended temperature” means a specified temperature which has been recommended in accordance with sub-paragraph (1)(a)(i) of paragraph 4; and

“shelf life” means—

- (a) [F10]in relation to food for which a date of minimum durability is required in accordance with Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as read with Article 24(1) and (2) of that Regulation, the period up to and including the required date of minimum durability;
- (b) in relation to food for which a “use by” date is required in accordance with Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council, as read with Article 24(1) and (2) of that Regulation, the period up to and including the required “use by” date; and]
- (c) in relation to food which is not required to bear an indication of minimum durability or a “use by” date, the period for which the food can be expected to remain fit for sale if it is kept in a manner which is consistent with food safety.

### Textual Amendments

**F10** Words in Sch. 4 para. 8 substituted (13.12.2014) by [The Food Information Regulations 2014 \(S.I. 2014/1855\)](#), [Sch. 7 para. 59](#)

## SCHEDULE 5

Regulation 33

Direct supply by the producer of small quantities of meat  
from poultry or lagomorphs slaughtered on the farm**Scope**

1. The requirements of this Schedule apply in relation to the direct supply by the producer of small quantities of meat from poultry or lagomorphs that have been slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer.

**Requirements**

2.—(1) Where a producer supplies meat in the manner described in paragraph 1, the producer must ensure that it bears a label or other marking clearly indicating the name and address of the farm where the animal from which it is derived was slaughtered.

(2) The producer must —

- (a) keep a record in adequate form to show the number of birds and the number of lagomorphs received into, and the amounts of fresh meat despatched from, his premises during each week;
- (b) retain the record for a period of one year; and
- (c) make the record available to an authorised officer on request.

**Offence**

3. A producer who fails to comply with any requirement of paragraph 2 commits an offence.

## SCHEDULE 6

Regulation 34

## Restrictions on the sale of raw milk intended for direct human consumption

1. Any person who sells raw milk intended for direct human consumption in contravention of paragraph 5 commits an offence.

[<sup>F11</sup>1A. Any person who sells raw milk in contravention of paragraph 7A commits an offence.

**Textual Amendments**

F11 Sch. 6 paras. 1A, 1B inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, 2(4)(a)

1B. Any person who sells raw milk in contravention of paragraph 7B commits an offence.]

**Textual Amendments**

F11 Sch. 6 paras. 1A, 1B inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, 2(4)(a)

2.—(1) Any person, other than the occupier of a production holding or a distributor, who sells raw cows' milk intended for direct human consumption commits an offence.

(2) The occupier of a production holding who sells raw cows' milk intended for direct human consumption in contravention of paragraph 3 commits an offence.

(3) A distributor who sells raw cows' milk intended for direct human consumption in contravention of paragraph 4 commits an offence.

**3.** The occupier of a production holding may only sell raw cows' milk intended for direct human consumption —

- (a) at or from the farm premises where the animals from which the milk has been obtained are maintained; and
- (b) to —
  - (i) the final consumer for consumption other than at those farm premises,
  - (ii) a temporary guest or visitor to those farm premises as or as part of a meal or refreshment, or
  - (iii) a distributor.

**4.** A distributor may only sell raw cows' milk intended for direct human consumption —

- (a) which the distributor has bought pursuant to sub-paragraph (b)(iii) of paragraph 3;
- (b) in the containers in which the distributor receives the milk, with the fastenings of the containers unbroken;
- (c) from a vehicle which is lawfully used as a shop premises; and
- (d) direct to the final consumer.

**5.** The raw milk must meet the following standards:

Plate count at 30 °C (cfu per ml)	≤ 20,000
Coliforms (cfu per ml)	< 100

**6.** In the case where farm premises are being used for the sale of raw cows' milk intended for direct human consumption pursuant to sub-paragraph (a) of paragraph 3, the Agency shall carry out such sampling, analysis and examination of the milk as it considers necessary to ensure that it meets the standards specified in paragraph 5.

**7.** In any case where the Agency carries out sampling, analysis and examination of raw cows' milk in accordance with paragraph 6, there shall be due to the Agency from the occupier of the production holding who is selling the milk a fee of £63, which is payable by the occupier to the Agency on demand.

**[<sup>F12</sup>7A.** Subject to paragraph 7C, and except in cases to which paragraph 7B applies, the container in which any raw milk intended for direct human consumption is sold must be marked or labelled with the words “This milk has not been heat-treated and may therefore contain organisms harmful to health.

**Textual Amendments**

**F12** Sch. 6 paras. 7A-7C inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(b)**

**7B.** Subject to paragraph 7C, in the case of any raw milk intended for direct human consumption which is not prepacked and is sold at a catering establishment there must appear—

- (a) on a label attached to the container in which that milk is sold, or

- (b) on a ticket or notice that is readily discernible by an intending purchaser at the place where the purchaser chooses that milk,

the words “Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health”.

#### Textual Amendments

**F12** Sch. 6 paras. 7A-7C inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(b)**

**7C.** The provisions of paragraphs 7A and 7B do not apply to raw milk from buffaloes.]

#### Textual Amendments

**F12** Sch. 6 paras. 7A-7C inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(b)**

**8.** In this Schedule —

[<sup>F13</sup>“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the final consumer and is ready for consumption without further preparation;]

“distributor” means a person who sells raw cows' milk that has been produced on a production holding of which he is not the occupier;

“farm premises” means a farm occupied by the occupier of a production holding as a single farm and includes the production holding and any other building situated on that farm and occupied by the same occupier;

[<sup>F14</sup>“labelling”, in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;]

“occupier” means any person carrying on the business of producing or handling raw cows' milk or his duly authorised representative;

[<sup>F15</sup>“prepacked”, in relation to a food, means put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and is ready for sale to the final consumer or to a catering establishment, and includes a food which is wholly enclosed in packaging before being offered for sale and which is intended to be cooked without opening the packaging and which is ready for sale to the final consumer or to a catering establishment;]

“production holding” means premises at which milk-producing cows are kept; and

“shop premises” means premises from which any food is sold to the final consumer.

#### Textual Amendments

**F13** Words in Sch. 6 para. 8 inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(c)(i)**

**F14** Words in Sch. 6 para. 8 inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(c)(ii)**



**F15** Words in Sch. 6 para. 8 inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(c)(iii)**

## SCHEDULE 7

Regulation 19

### Derogations relating to low throughput establishments

## PART 1

### Requirements referred to in regulation 19(5)

1. The requirements are that —
  - (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 <sup>M1</sup>;
  - (b) the condition of meat derived from domestic ungulates slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;
  - (c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse;
  - (d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked ‘detained meat’ and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information—
    - (i) name and address of slaughterhouse of origin;
    - (ii) name and address of alternative detention facility;
    - (iii) number of carcasses or cuts; and
    - (iv) species of animal; and
  - (e) no processing for human consumption of bovine animals that, in accordance with point 2 of Part I of Chapter A of Annex III to the EU TSE Regulation, require BSE testing at slaughter or of swine (domestic and farmed game), solipeds and other species susceptible to Trichinosis that, [<sup>F16</sup>under Article 18(2) of Regulation 2017/625 as read with Article 31 of Regulation 2019/627, require that examination for Trichinella takes place in accordance with Article 2 of Regulation 2015/1375].

#### Textual Amendments

**F16** Words in Sch. 7 para. 1(e) substituted (14.12.2019) by [The Official Feed and Food Controls \(England\) \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1476\)](#), regs. 1, **37**

#### Marginal Citations

**M1** [S.I. 1995/539](#), revoked by [S.I. 2005/2059](#).

2. For the purposes of this Part the “EU TSE Regulation” means Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies <sup>M2</sup>, as read with —

- (a) Commission Decision [2007/411/EC](#) prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. [999/2001](#) and repealing Decision [2005/598/EC](#)<sup>M3</sup>,
- (b) Commission Decision [2007/453/EC](#) establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk <sup>M4</sup>, and
- (c) Commission Decision [2009/719/EC](#) authorising certain Member States to revise their annual BSE monitoring programmes <sup>M5</sup>.

#### Marginal Citations

- M2** OJ No. L147, 31.5.2001, p.1. This instrument was last amended by Commission Regulation (EU) No. 630/2013 (OJ No. L179, 29.6.2013, p.60).
- M3** OJ No. L155, 15.6.2007, p.74.
- M4** OJ No. L 172, 30.6.2007, p. 84. This instrument was last amended by Commission Implementing Decision 2012/489/EU (OJ No. L231, 28.8.2012, p.13).
- M5** OJ L 256, 29.9.2009, p. 35. This instrument was last amended by Commission Implementing Decision 2013/76/EU (OJ No. L35, 6.2.2013, p.6).

## PART 2

### Requirements referred to in regulation 19(6)

1. The requirements are that —
  - (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 <sup>M6</sup>;
  - (b) the condition of meat derived from poultry or lagomorphs slaughtered at the slaughterhouse is only rarely such that it is necessary to detain such meat after post-mortem inspection for further inspection by the official veterinarian;
  - (c) where such further inspection is considered necessary by the official veterinarian, the meat concerned is destroyed or is detained at an alternative detention facility in the locality of the slaughterhouse; and
  - (d) when meat is transported from the slaughterhouse to the alternative detention facility referred to in paragraph (c), it shall be marked ‘detained meat’ and accompanied by a document that has been signed by the official veterinarian, declares that the meat is detained meat and contains the following information —
    - (i) name and address of slaughterhouse of origin;
    - (ii) name and address of alternative detention facility;
    - (iii) number of carcasses or cuts; and
    - (iv) species of animal.

#### Marginal Citations

- M6** [S.I. 1995/540](#), revoked by [S.I. 2005/2059](#).

## PART 3

### Requirements referred to in regulation 19(7)

1. The requirements are that —
  - (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995;
  - (b) the food business operator at the slaughterhouse only accepts domestic ungulates that have been transported direct from the holding of origin or from a market;
  - (c) the food business operator responsible for transporting the domestic ungulates undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;
  - (d) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (c) for one year; and
  - (e) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.

## PART 4

### Requirements referred to in regulation 19(8)

1. The requirements are that —
  - (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995;
  - (b) the food business operator at the holding of origin of the poultry or lagomorphs transports them from that holding direct to the slaughterhouse and undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;
  - (c) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (b) for one year; and
  - (d) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.

.....

#### Textual Amendments

**F17** Sch. 8 revoked (11.11.2014) by The Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2748), regs. 1, 3(7)

**Changes to legislation:** There are currently no known outstanding effects for the The Food Safety and Hygiene (England) Regulations 2013. (See end of Document for details)

## SCHEDULE 9

Regulation 40

## Revocations

<i><b>Instrument</b></i>	<i><b>Provisions</b></i>
The Food (Cheese) (Emergency Control) Order 1998 (S.I. 1998/1277)	The whole Order
The Food (Cheese) (Emergency Control) (Amendment) Order 1998 (S.I. 1998/1284)	The whole Order
The Food (Cheese) (Emergency Control) (Amendment) Order 1998 (S.I. 1998/1673)	The whole Order
The General Food Regulations 2004 (S.I.2004/3279)	Regulations 3, 4, 5, 6, 6A and 7
The Food Hygiene (England) Regulations 2006 (S.I. 2006/14)	The whole Regulations
The Food Hygiene (England) (Amendment) Regulations 2010 (S.I. 2010/534)	The whole Regulations
The Food Hygiene (England) (Amendment) Regulations 2012 (S.I. 2012/1742)	The whole Regulations

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Safety and Hygiene (England) Regulations 2013.