
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 3

FOOD

The Food Hygiene (Scotland) Regulations 2006

Made - - - - *9th January 2006*
Laid before the Scottish
Parliament - - *10th January 2006*
Coming into force *11th January 2006*

THE FOOD HYGIENE (SCOTLAND) REGULATIONS 2006

PART 1

PRELIMINARY

1. Citation, commencement and extent
2. Interpretation
3. Presumptions that food is intended for human consumption
4. Competent authority for the purposes of the Community Regulations
5. Enforcement

PART 2

MAIN PROVISIONS

6. Hygiene improvement notices
7. Hygiene prohibition orders
8. Hygiene emergency prohibition notices and orders
9. Remedial action notices and detention notices
10. Offences due to fault of another person
11. Defence of due diligence

PART 3

ADMINISTRATION AND ENFORCEMENT

12. Procurement of samples
13. Analysis etc. of samples
14. Powers of entry
15. Obstruction etc. of officers
16. Time limit for commencement of prosecutions
17. Offences and penalties

Changes to legislation: There are currently no known outstanding effects for the
The Food Hygiene (Scotland) Regulations 2006. (See end of Document for details)

18. Offences by bodies corporate
19. Offences by Scottish partnerships
20. Right of appeal
21. Appeal to Court of Session
22. Appeals against hygiene improvement notices and remedial action notices
23. Application of section 9 of the Food Safety Act 1990

PART 4

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

24. Power to issue codes of recommended practice
25. Protection of officers acting in good faith
26. Revocation and suspension of designations and appointments
27. Food which has not been produced, processed or distributed in accordance with the Hygiene Regulations
28. Service of documents
29. Bulk transport in sea-going vessels of liquid oils or fats and of raw sugar
30. Temperature control requirements
31. Direct supply by the producer of small quantities of meat from poultry and lagomorphs slaughtered on the farm
32. Restrictions on the placing on the market of raw milk and raw cream intended for direct human consumption
- 32A Special health mark
33. Consequential amendments
34. Revocations
35. Savings
Signature

SCHEDULE 1 DEFINITIONS OF EU LEGISLATION

SCHEDULE 2 Specified Community provisions

SCHEDULE 3 Bulk transport in sea-going vessels of liquid oils or fats or of raw sugar

1. Offence
2. Liquid oils or fats
3. The bulk transport in sea-going vessels of liquid oils or...
4. The captain of a sea-going vessel transporting, in tanks, bulk...
5. Where the cargo has been trans-shipped, in addition to the...
6. Upon request, the captain of the vessel shall provide the...
7. Raw sugar
8. The receptacles, containers or tankers referred to in paragraph 7...
9. A food business operator who is responsible for the transport...
10. The documentary evidence shall accompany the consignment of raw sugar...
11. On request, a food business operator responsible for the transport...
12. Raw sugar which has been transported by sea in receptacles,...
13. In fulfilling the obligations under Article 5(1) of Regulation 852/2004...
14. Interpretation

SCHEDULE 3A REQUIREMENTS REFERRED TO IN REGULATION
17(5)

- SCHEDULE 3B REQUIREMENTS REFERRED TO IN REGULATION 17(6)
- SCHEDULE 3C REQUIREMENTS REFERRED TO IN REGULATION 17(7)
- SCHEDULE 3D REQUIREMENTS REFERRED TO IN REGULATION 17(8)
- SCHEDULE 4 Temperature control requirements
1. Scope
 2. Chill and hot holding requirements
 3. Reheating of food
 4. Interpretation
- SCHEDULE 5 Direct supply by the producer of small quantities of meat from poultry and lagomorphs slaughtered on the farm
1. Scope
 2. Offence
 3. Requirements
 4. The producer shall– (a) keep a record in adequate form...
- SCHEDULE 6 Restrictions on the placing on the market of raw milk and raw cream intended for direct human consumption
1. No person shall place on the market raw milk, or...
 2. Any person who contravenes paragraph 1 is guilty of an...
 3. In any proceedings for an offence in respect of a...
- SCHEDULE 6A THE SPECIAL HEALTH MARK
- ... The special health mark shall consist of a square mark...
- SCHEDULE 7 Consequential amendments
1. The Colours in Food Regulations 1995
 2. The Animal By-Products (Identification) Regulations 1995
 3. In regulation 2(1) (interpretation)– (a) for the definition of “animal...
 4. In regulation 3(1)(iv) (meaning of “animal by product”) for “in...
 5. In regulation 4(a) (scope) for “in accordance with the Poultry...
 6. In regulation 5(2)(c) (exemptions) for the words “cold store, cutting...
 7. For regulation 6 (staining of animal by-products in cold stores,...
 8. For regulation 8 (freezing of animal by-products in any animal...
 9. In regulation 9 (storage and packaging of animal by-products)–
 10. In regulation 10 (restriction on movement of animal by-products)–
 11. In regulation 12 (enforcement)– (a) in paragraph (a), for “in...
 12. The Food Labelling Regulations 1996
 13. In regulation 2 (interpretation), omit the definition of “raw milk”....
 14. In each of regulations 23(2)(b) (food which is not prepacked...
 15. Omit regulation 31 (raw milk).
 16. In regulation 37 (milk)– (a) in paragraph (1), omit “Subject...
 17. In regulation 39 (field of vision), omit paragraph (d).
 18. In Schedule 3 (generic names in list of ingredients), Part...
 19. The Products of Animal Origin (Import and Export) Regulations 1996
 20. The Specified Risk Material Order 1997
 21. In article 2(1) (interpretation) after the definition of “specified solid...
 22. In Schedule 1 (foods and feeding stuffs requiring import certificates)–...
 23. The Beef Bones (Scotland) Regulations 1999
 24. In regulation 2(1) (interpretation)– (a) after the definition of “carcase”,...
 25. In regulation 10 (enforcement)– (a) for paragraph (1) substitute–
 26. Amendments to the Cattle Identification Regulations 1998
 27. In regulation 2(1), for the definition of “official veterinary surgeon”...
 28. In regulation 2(1) after the definition of “official veterinary surgeon”...

Changes to legislation: There are currently no known outstanding effects for the
The Food Hygiene (Scotland) Regulations 2006. (See end of Document for details)

29. In regulation 2(1), in the definition of “licensed slaughterhouse”, for...
30. The Bovine and Bovine Products (Trade) Regulations 1999
31. In regulation 10(3) for sub-paragraph (a) substitute “ (a) the...
32. In regulation 10(3)(b) for “in the OVS room (as defined...
33. In regulation 10 after paragraph 6 insert–
34. In regulation 11(2)(a) for “the Fresh Meat (Hygiene and Inspection)...
35. The TSE (Scotland) Regulations 2002
36. In regulation 3(1) (interpretation)– (a) after the definition of “The...
37. In regulation 43(1)(c), for “the Fresh Meat (Hygiene and Inspection)...
38. In regulation 55(4)(a) (licensing of premises), for “cutting premises”
substitute...
39. In regulations 4(3), 10A(1) and (3), 41(3)(a) and (c) and...
40. For regulation 49 (mechanically recovered meat) substitute– Mechanically
separated meat...
41. In regulations 81(1), 88(2) and 89(1), for “premises licensed under...
42. In regulation 99 (enforcement), for paragraph (1) substitute–
43. The Condensed Milk and Dried Milk (Scotland) Regulations 2003
(2003/311)
44. The Animal By-Products (Scotland) Regulations 2003
45. The Eggs (Marketing Standards) (Enforcement) Scotland Regulations 2005
46. The Official Feed and Food Control (Scotland) Regulations 2005
47. In regulation 2(1), for “and “Regulation 1688/2005”” substitute “, “...
48. In regulation 15, for “the staff” substitute “ a member...
49. In regulation 43(2)(a), for “a 7 days” substitute “ a...
50. In regulations 4(5) and (6) and 13(7), Schedule 2, paragraph...
51. For the definitions contained in Schedule 1, substitute– “Directive
2004/41”...

SCHEDULE 8 Revocations

Explanatory Note

Changes to legislation:

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