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STATUTORY INSTRUMENTS

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**1994 No. 298**

**FOOD**

**The Quick-frozen Foodstuffs (Amendment) Regulations 1994**

*Made* - - - - *9th February 1994*  
*Laid before Parliament* *11th February 1994*  
*Coming into force* - - *1st September 1994*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 16(1), 17(1), 26(1)(a), (2)(a) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Regulations, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Quick-frozen Foodstuffs (Amendment) Regulations 1994 and shall come into force on 1st September 1994.

**Amendment of the Quick-frozen Foodstuffs Regulations 1990**

2. The Quick-frozen Foodstuffs Regulations 1990<sup>(2)</sup> shall be amended as follows—
- (a) after the definition of “the Act” in paragraph (1) of regulation 2 there shall be inserted the following definition—

““authorised officer” means an authorised officer of a food authority;”;
  - (b) after the definition of “catering establishment” in paragraph (1) of regulation 2 there shall be inserted the following definition—

““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;”;

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(1) 1990 c. 16, “the Ministers” is defined in section 4(1) of the Act.  
(2) S.I.1990/2615, amended by S.I. 1992/2596.

- (c) the word “and” immediately following the definition of “quick-frozen foodstuff” in paragraph (1) of regulation 2 shall be deleted and there shall be inserted the following definitions—
  - ““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;
  - “storage” includes keeping in a warehouse, and “storer” shall be construed accordingly; and”;
- (d) for the words “the Schedule” in regulation 3 there shall be substituted the words “Schedule 1”;
- (e) after regulation 6 there shall be inserted the following regulation—

**“Air temperature recording instruments in means of storage and transport**

**6A.**—(1) Each manufacturer, storer, transporter, local distributor and retailer of any quick-frozen foodstuff shall ensure that any means of storage or transport (other than rail transport) used by him in respect of that foodstuff shall, at each stage during which such foodstuff is within his care and control, be fitted with an instrument for the measuring or monitoring of air temperature and which meets the applicable requirements laid down in Schedule 2 to these Regulations.

(2) Each manufacturer, storer and transporter (the latter not including any transporter when carrying out local distribution) of any quick-frozen foodstuff shall—

- (a) at frequent and regular intervals record or ensure the recording of, by means of the instrument referred to in paragraph (1) above, the air temperatures to which such foodstuff is being subjected during its storage or transport,
  - (b) date all records of air temperatures obtained further to sub-paragraph (a) above and keep such records for one year thereafter or such longer period as shall be justified according to the nature of the foodstuff in question, and
  - (c) upon the request of an authorised officer make such records available to that or another authorised officer.”;
- (f) after regulation 7 there shall be inserted the following regulation—

**“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(3).”;

- (g) after the word “Schedule” in the heading to the Schedule there shall be added the number “1” and after that Schedule there shall be inserted the following Schedule—

“SCHEDULE 2

Regulation 6A

REQUIREMENTS FOR INSTRUMENTS FOR MEASURING  
OR MONITORING AIR TEMPERATURE IN ANY MEANS OF  
STORAGE OR TRANSPORT OF QUICK-FROZEN FOODSTUFFS

The applicable requirements for instruments for the measuring or monitoring of air temperature that must be fitted in any means of storage or transport (other than rail transport) of any quick-frozen foodstuff are as follows—

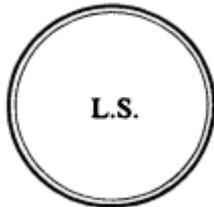
- (a) in respect of any means of storage or transport other than those specified in subparagraphs (b), (c), (d), (e), (f) or (g) below, the instrument shall be a system suitable for the monitoring, at frequent and regular intervals, of air temperatures within such means;
- (b) in respect of storage in a cold chamber with a capacity of less than 10m on premises used for the retail sale of quick-frozen foodstuffs, the instrument shall be a thermometer so placed as to be easily visible;
- (c) in respect of storage in a retail display cabinet (other than an open retail display cabinet), the instrument shall be one or more thermometers so placed as to be easily visible;
- (d) in respect of storage in an open retail display cabinet, the instrument shall be one or more thermometers so placed as to be easily visible and indicating the temperature at the air return side at the level of the clearly marked maximum load line for that cabinet;
- (e) in respect of means of transport other than—
  - (i) a vehicle registered outside the United Kingdom, or
  - (ii) a means of transport when being used in the course of local distribution,the instrument shall be a system for monitoring air temperatures that—
  - (aa) has an accuracy of  $+1^{\circ}\text{C}$  when its sensor is measuring a temperature within the range of  $-25^{\circ}\text{C}$  to  $+30^{\circ}\text{C}$ ;
  - (bb) has a measuring accuracy which does not change by more than  $\pm 0.5^{\circ}\text{C}$  when it is operating in temperatures within the range of  $-20^{\circ}\text{C}$  to  $+30^{\circ}\text{C}$ ;
  - (cc) has a display resolution of not more than  $1^{\circ}\text{C}$ , and
  - (dd) is robust and shockproof,
- (f) in respect of a vehicle registered outside the United Kingdom, the instrument shall be an instrument or instruments which has or have been approved by the competent authorities in the country in which the vehicle is registered;
- (g) in respect of means of transport when being used in the course of local distribution, the instrument shall be one or more thermometers so placed as to be easily visible.”.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 24th January 1994.



*Gillian Shephard*  
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health:

Department of Health  
9th February 1994

*Cumberlege*  
Parliamentary Under Secretary of State,

9th February 1994

*John Redwood*  
Secretary of State for Wales

Scottish Office  
25th January 1994

*Hector Monro*  
Parliamentary Under Secretary of State,

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to Great Britain, come into force on 1st September 1994. The Regulations implement Commission Directives [92/1/EEC](#) (OJNo. L34, 11.2.92, p.28) on the monitoring of temperatures of quick-frozen foodstuffs during transport, warehousing and storage, and [92/2/EEC](#) (OJ No. L34, 11.2.92, p.30) laying down the sampling procedures and the European Economic Community's official method of analysis for the official control of the temperatures of such foodstuffs. This is done by way of amendment to the [Quick-frozen Foodstuffs Regulations 1990 \(S. I. 1990/2615\)](#) which implemented the provisions of Council Directive [89/108/EEC](#) (OJ No. L40, 11.2.89, p. 34) on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption, which the provisions of the two Commission Directives now supplement (Regulation 2).

The Regulations provide—

- (a) that manufacturers, storers, transporters, local distributors and retailers of quick-frozen food should fit their means of storage or transport (excluding rail transport) of such food with appropriate instruments for monitoring or measuring air temperature (new regulation 6A(1)); and
- (b) that manufacturers, storers and transporters should, by means of such instruments, record air temperatures during the storage and transport of quick-frozen foods, and keep such records for at least one year thereafter (new regulation 6A(2)).

Further requirements as to which instruments must be fitted in particular cases are given in new Schedule 2.