
STATUTORY INSTRUMENTS

1995 No. 2200

The Food Safety (Temperature Control) Regulations 1995

PART I

General

Citation and commencement

1. These Regulations may be cited as the Food Safety (Temperature Control) Regulations 1995 and shall come into force on 15th September 1995.

Intepretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“the Directive” means Council Directive [93/43/EEC](#) of 14th June 1993 on the hygiene of foodstuffs⁽¹⁾;

“food authority” does not include—

(a) the council of a non-metropolitan county in England or Wales, unless that council is a unitary authority; or

(b) as respects the Inner Temple or the Middle Temple, the appropriate Treasurer;

“food business” means any undertaking, whether carried on for profit or not and whether public or private, carrying out any or all of the following operations, namely, preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply of food;

“primary production” includes harvesting, slaughter and milking;

“recommended temperature” means a specified temperature which has been recommended in accordance with regulation 6(1)(a);

“shelf life” means—

(a) in relation to food with respect to which an indication of minimum durability is required in accordance with—

(i) regulation 21 of the Food Labelling Regulations 1984⁽²⁾(indication of minimum durability), or

(ii) regulation 21 of the Food Labelling (Scotland) Regulations 1984⁽³⁾(indication of minimum durability),

the period up to and including the date required to be included in that indication;

⁽¹⁾ OJNo. L 175, 19.7.93, p.1.

⁽²⁾ S.I.1984/1305; the relevant amending instrument is S.I. 1990/2488.

⁽³⁾ S.I. 1984/1519; the relevant amending instrument is S.I. 1990/2506.

- (b) in relation to food with respect to which a 'use by' date is assigned in the form required in accordance with—
- (i) regulation 21A of the Food Labelling Regulations(4)(form of indication of 'use by' date), or
 - (ii) regulation 21A of the Food Labelling (Scotland) Regulations 1984(5)(form of indication of 'use by' date),
- the period up to and including that date;

- (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;

“special storage conditions” shall be construed in accordance with regulation 6(d) of the Food Labelling Regulations 1984;

“ultimate consumer” means any person who buys otherwise than—

- (a) for the purpose of resale;
- (b) for the purposes of a catering establishment; or
- (c) for the purposes of a manufacturing business;

“unitary authority” means—

- (a) in England, any authority which is the sole principal council for its local government area;
- (b) in Wales, a county or county borough council established under the Local Government (Wales) Act 1994(6).

(2) In determining for the purposes of these Regulations whether any matter involves a risk to food safety, regard shall be had to the nature of the food, the manner in which it is handled and packed, any process to which the food is subjected before supply to the consumer, and the conditions under which it is displayed or stored.

(3) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered Part is to the Part of these Regulations bearing that number;
- (b) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (c) in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number; and
- (d) in a paragraph to a lettered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter.

Application of provisions of these Regulations

3.—(1) Subject to paragraph (3), regulations 4 to 16 shall apply to neither—

- (a) primary production; nor
- (b) a person carrying on any activity which is regulated by or under any of the Regulations listed in paragraph (2), but only with respect to the carrying on of that activity.

(2) The Regulations referred to in paragraph (1)(b) are—

- (a) the Food Safety (Fishery Products) (Derogations) Regulations 1992(7);

(4) The relevant amending instrument is S.I. [1990/2488](#).

(5) The relevant amending instrument is S.I. [1990/2506](#).

(6) [1994 c. 19](#).

(7) S.I. [1992/1507](#).

- (b) the Food Safety (Live Bivalve Molluscs) (Derogations) Regulations 1992**(8)**;
- (c) the Food Safety (Fishery Products) Regulations 1992**(9)**;
- (d) the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992**(10)**;
- (e) the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992**(11)**;
- (f) the Egg Products Regulations 1993**(12)**;
- (g) the Meat Products (Hygiene) Regulations 1994**(13)**;
- (h) the Fresh Meat (Hygiene and Inspection) Regulations 1995**(14)**;
- (i) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995**(15)**;
- (j) the Dairy Products (Hygiene) Regulations 1995**(16)**;
- (k) the Dairy Products (Hygiene) (Scotland) Regulations 1995**(17)**.

(3) Notwithstanding paragraph (1)(b), the provisions of regulations 4 to 13 and 16 shall apply to a person carrying on any activity which is regulated by—

- (a) the Food Safety (Fishery Products) (Derogations) Regulations 1992;
- (b) the Food Safety (Fishery Products) Regulations 1992;
- (c) the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992,

unless, in the case of a particular product at a particular stage in its production, a provision in any of those Regulations imposes a further or alternative requirement in relation to the temperature at which that product is to be kept at that stage in its production.

(4) Part II shall apply only to England and Wales, and Part III shall apply only to Scotland.

(8) S.I. 1992/1508.
(9) S.I. 1992/3163.
(10) S.I. 1992/3164.
(11) S.I. 1992/3165.
(12) S.I. 1993/1520.
(13) S.I. 1994/3082.
(14) S.I. 1995/539.
(15) S.I. 1995/540.
(16) S.I. 1995/1086.
(17) S.I. 1995/1372.