
STATUTORY INSTRUMENTS

1995 No. 2200

The Food Safety (Temperature Control) Regulations 1995

PART II

Temperature Control Requirements in England and Wales

Hot holding defences

9.—(1) In any proceedings for an offence of contravening regulation 8, it shall be a defence for a person charged 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 reheating, 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 a specified period of time; and
- (b) at the time of the commission of the alleged offence, the food was held in a manner which is justified in the light of that scientific assessment.

(2) In any proceedings for an offence of contravening regulation 8, it shall be a defence for a person charged 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.