

## SCHEDULE 4

Regulation 30

### Temperature control requirements

#### Scope

1.—(1) Subject to sub-paragraph (2), this Schedule applies in relation to any person to whose food business operations Regulation 852/2004 applies but Regulation 853/2004 does not apply.

(2) This Schedule does not apply to food business operations on any ship or aircraft.

#### Chill and hot holding requirements

2.—(1) Subject to sub paragraph (2), any person who keeps food with respect to which any commercial operation is being carried out at or in food premises otherwise than—

- (a) in a refrigerator or refrigerating chamber or in a cool ventilated place; or
- (b) at a temperature above 63°C,

is guilty of an offence.

(2) Sub paragraph (1) shall not apply to any food—

- (a) which is undergoing preparation for sale;
- (b) which is exposed for sale or has been sold to a consumer whether for immediate consumption or otherwise;
- (c) which, immediately following any process of cooking to which it is subjected or the final processing stage if no cooking process is applied, is being cooled under hygienic conditions as quickly as possible to a temperature which would not result in a risk to health;
- (d) which, in order that it may be conveniently available for sale on the premises to consumers, it is reasonable to keep otherwise than as referred to in sub-paragraph (1);
- (e) which, for the duration of its shelf life, may be kept at ambient temperatures with no risk to health;
- (f) to which Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry<sup>M1</sup>, as last amended by Council Regulation (EC) No. 1101/98<sup>M2</sup>, applies; or
- [<sup>F1</sup>(g) to which [<sup>F2</sup>the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007] and Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs applies.]

#### Textual Amendments

- F1** Sch. 4 para. 2(2)(g) substituted (19.12.2008) by [The Eggs and Chicks \(Scotland\) \(No. 2\) Regulations 2008 \(S.S.I. 2008/395\)](#), regs. 1(2), 23, **sch. 3 para. 3**
- F2** Words in sch. 4 para. 2(2)(g) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **16(2)**

#### Marginal Citations

- M1** O.J. No. L 173, 6.7.90, p.1.
- M2** O.J. No. L 157, 30.5.98, p.12.

**Reheating of food**

3.—(1) Food which in the course of a commercial operation has been heated and which is thereafter reheated before being served for immediate consumption or exposed for sale shall, on being reheated, be raised to a temperature of not less than 82°C.

(2) Any person who contravenes the provisions of sub paragraph (1) is guilty of an offence.

(3) In any proceedings for an offence under sub paragraph (2), it shall be a defence for the accused to prove that the food could not have been raised to a temperature of not less than 82°C without a deterioration of its qualities.

**Interpretation**

4. In this Schedule, “shelf life” means—

- (a) in relation to food with respect to which an indication of minimum durability is required in accordance with [<sup>F3</sup>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, and point 1 of Annex X to, that Regulation], the period up to and including the date required to be included in that indication;
- (b) in relation to food with respect to which a “use by” date is assigned in the form required in accordance with [<sup>F4</sup>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, and point 2 of Annex X to, that Regulation], the period up to and including that 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**

- F3** Words in sch. 4 para. 4 substituted (13.12.2014) by [The Food Information \(Scotland\) Regulations 2014 \(S.S.I. 2014/312\)](#), reg. 1(2), **sch. 5 para. 12(a)**
- F4** Words in sch. 4 para. 4 substituted (13.12.2014) by [The Food Information \(Scotland\) Regulations 2014 \(S.S.I. 2014/312\)](#), reg. 1(2), **sch. 5 para. 12(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Hygiene (Scotland) Regulations 2006, SCHEDULE 4.