

SCHEDULE 4

TEMPERATURE CONTROL REQUIREMENTS

Chill holding requirements

- 2.—(1) Subject to paragraph 2(2) and paragraph 3, any person who keeps any food—
- (a) which is likely to support the growth of pathogenic micro-organisms or the formation of toxins; and
 - (b) with respect to which any commercial operation is being carried out,
- at or in food premises at a temperature above 8°C shall be guilty of an offence.
- (2) Sub-paragraph (1) shall not apply in relation to any food which, as part of a mail order transaction, is being conveyed to an ultimate consumer.
- (3) Subject to paragraph 3, no person shall supply by mail order any food which—
- (a) is likely to support the growth of pathogenic micro-organisms or the formation of toxins; and
 - (b) is being or has been conveyed by post or by a private or common carrier to an ultimate consumer,
- at a temperature which has given rise to or is likely to give rise to a risk to health.