

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Hygiene (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE 3 **S**

Regulation 29

Bulk transport in sea-going vessels of liquid oils or fats or of raw sugar

Offence **S**

1. Any person who contravenes or fails to comply with any of the requirements of this Schedule is guilty of an offence.

Commencement Information

I1 Sch. 3 para. 1 in force at 1.1.2006, see [reg. 1\(a\)](#)

Liquid oils or fats **S**

2.—(1) The bulk transport in sea-going vessels of liquid oils or fats which are to be processed, and which are intended for or likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions—

- (a) where the oil or fat is transported in a stainless steel tank, or tank lined with epoxy resin or technical equivalent, the immediately previous cargo transported in the tank shall have been a foodstuff or a cargo from the list of acceptable previous cargoes for liquid oils or fats; and
- (b) where the oil or fat is transported in a tank of materials other than those specified in sub paragraph (a), the three previous cargoes transported in the tanks shall have been foodstuffs or from the list of acceptable previous cargoes for liquid oils or fats.

(2) For the purposes of this paragraph “list of acceptable previous cargoes for liquid oils or fats” means the list set out in the Annex to Commission Directive [96/3/EC](#).

Commencement Information

I2 Sch. 3 para. 2 in force at 1.1.2006, see [reg. 1\(a\)](#)

3. The bulk transport in sea-going vessels of liquid oils or fats which are not to be further processed, and which are intended for or are likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions—

- (a) the tank shall be of stainless steel or lined with epoxy resin or technical equivalent; and
- (b) the three previous cargoes transported in the tank shall have been foodstuffs.

Commencement Information

I3 Sch. 3 para. 3 in force at 1.1.2006, see [reg. 1\(a\)](#)

4. The captain of a sea-going vessel transporting, in tanks, bulk liquid oils or fats intended for or likely to be used for human consumption shall keep accurate documentary evidence relating

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to the three previous cargoes carried in the tanks concerned, and the effectiveness of the cleaning process applied between those cargoes.

Commencement Information

I4 Sch. 3 para. 4 in force at 1.1.2006, see [reg. 1\(a\)](#)

5. Where the cargo has been trans-shipped, in addition to the documentary evidence required by virtue of paragraph 4, the captain of the receiving vessel shall keep accurate documentary evidence that the transport of the bulk liquid oil or fat complied with the provisions of paragraph 2 or 3 during previous shipment and of the effectiveness of the cleaning process used between those previous cargoes on the vessel from which the bulk liquid oil or fat was trans-shipped.

Commencement Information

I5 Sch. 3 para. 5 in force at 1.1.2006, see [reg. 1\(a\)](#)

6. Upon request, the captain of the vessel shall provide the enforcement authority with the documentary evidence described in paragraphs 4 and 5.

Commencement Information

I6 Sch. 3 para. 6 in force at 1.1.2006, see [reg. 1\(a\)](#)

Commencement Information

I2 Sch. 3 para. 2 in force at 1.1.2006, see [reg. 1\(a\)](#)

I3 Sch. 3 para. 3 in force at 1.1.2006, see [reg. 1\(a\)](#)

I4 Sch. 3 para. 4 in force at 1.1.2006, see [reg. 1\(a\)](#)

I5 Sch. 3 para. 5 in force at 1.1.2006, see [reg. 1\(a\)](#)

I6 Sch. 3 para. 6 in force at 1.1.2006, see [reg. 1\(a\)](#)

Raw sugar **S**

7. The bulk transport by sea of raw sugar which is not intended for use as food or as a food ingredient without a full and effective refining process is permitted in receptacles, containers or tankers that are not exclusively used for the transport of foodstuffs.

Commencement Information

I7 Sch. 3 para. 7 in force at 1.1.2006, see [reg. 1\(a\)](#)

8. The receptacles, containers or tankers referred to in paragraph 7 shall be subject to the following conditions—

- (a) prior to loading the raw sugar, the receptacle, container or tanker shall be effectively cleaned to remove residues of the previous cargo and other soiling and inspected to establish that such residues have been removed effectively; and
- (b) the immediate previous cargo prior to the raw sugar shall not have been a bulk liquid.

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I18 Sch. 3 para. 8 in force at 1.1.2006, see [reg. 1\(a\)](#)

9. A food business operator who is responsible for the transport of raw sugar by sea under paragraph 7 shall keep documentary evidence, accurately describing in detail the immediate previous cargo carried in the receptacle, container or tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

Commencement Information

I19 Sch. 3 para. 9 in force at 1.1.2006, see [reg. 1\(a\)](#)

10. The documentary evidence shall accompany the consignment of raw sugar during all stages of transport to the refinery and a copy shall be retained by the refinery. The documentary evidence shall be marked as follows in a clearly visible and indelible fashion, in one or more Community languages: “This product must be refined before being used for human consumption”.

Commencement Information

I10 Sch. 3 para. 10 in force at 1.1.2006, see [reg. 1\(a\)](#)

11. On request, a food business operator responsible for the transport of the raw sugar or the refining process shall provide the enforcement authority with the documentary evidence referred to in paragraphs 9 and 10.

Commencement Information

I11 Sch. 3 para. 11 in force at 1.1.2006, see [reg. 1\(a\)](#)

12. Raw sugar which has been transported by sea in receptacles, containers or tankers which are not exclusively reserved for the transport of foodstuffs shall be subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient.

Commencement Information

I12 Sch. 3 para. 12 in force at 1.1.2006, see [reg. 1\(a\)](#)

13. In fulfilling the obligations under Article 5(1) of Regulation 852/2004 (hazard analysis and critical control points) in relation to the bulk transport of raw sugar by sea under paragraph 7, a food business operator who is responsible for the transport or refining of raw sugar shall—

- (a) consider the cleaning process undertaken prior to the loading of the sugar for transport by sea to be a critical control point as referred to in Article 5(2)(b) of Regulation 852/2004; and
- (b) take into account the nature of the previous cargo which has been transported in any receptacle, container or tanker used for the transport of the sugar.

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Commencement Information

I13 Sch. 3 para. 13 in force at 1.1.2006, see [reg. 1\(a\)](#)

Commencement Information

I7 Sch. 3 para. 7 in force at 1.1.2006, see [reg. 1\(a\)](#)

I8 Sch. 3 para. 8 in force at 1.1.2006, see [reg. 1\(a\)](#)

I9 Sch. 3 para. 9 in force at 1.1.2006, see [reg. 1\(a\)](#)

I10 Sch. 3 para. 10 in force at 1.1.2006, see [reg. 1\(a\)](#)

I11 Sch. 3 para. 11 in force at 1.1.2006, see [reg. 1\(a\)](#)

I12 Sch. 3 para. 12 in force at 1.1.2006, see [reg. 1\(a\)](#)

I13 Sch. 3 para. 13 in force at 1.1.2006, see [reg. 1\(a\)](#)

Interpretation **S**

14.—(1) For the purposes of this Schedule any words or expressions used both in this Schedule and in Commission Directive [96/3/EC](#) or Commission Directive [98/28/EC](#) granting a derogation from certain provisions of Directive [93/43/EEC](#) on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar⁽¹⁾ shall bear the same meanings as they respectively have in those Directives.

(2) In this Schedule “Commission Directive [96/3/EC](#)” means Commission Directive [96/3/EC](#) granting a derogation from certain provisions of Council Directive [93/43/EEC](#) on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea⁽²⁾ as amended by Commission Directive [2004/4/EC](#) amending Directive [96/3/EC](#) granting a derogation from certain provisions of Council Directive [93/43/EEC](#) on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea⁽³⁾.

Commencement Information

I14 Sch. 3 para. 14 in force at 1.1.2006, see [reg. 1\(a\)](#)

⁽¹⁾ O.J. No. L 140, 12.5.98, p.10.

⁽²⁾ O.J. No. L 21, 27.1.96, p.42.

⁽³⁾ O.J. No. L 15, 22.1.04, p.25.

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Changes and effects yet to be applied to :

- Sch. 3 para. 1 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 2 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 3 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 4 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 5 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 6 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 7 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 8 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 9 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 10 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 11 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 12 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 13 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 3 para. 14 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Regulations applied by [S.S.I. 2005/616 reg. 13\(7\)](#)
- Regulations revoked by [S.S.I. 2006/3 Sch. 8](#)