
STATUTORY INSTRUMENTS

1991 No. 2825

The Food Premises (Registration) Regulations 1991

Exceptions

3.—(1) Regulation 2 does not apply to premises at which the only commercial operations carried out in relation to food or food sources are one or more of the following—

- (a) killing game (Including deer) for food by way of sport or the non-retail sale of food from game killed there;
 - (b) taking fish for food or the non-retail sale of food from fish taken there;
 - (c) harvesting food in the course of horticulture, viticulture or arable farming, or—
 - (i) the cleaning of food harvested there,
 - (ii) the storage of food harvested there,
 - (iii) the packaging of food harvested there except in a form in which the food is to be sold by retail,
 - (iv) the non-retail sale of food harvested there;
 - (d) collecting honey from bees;
 - (e) the production or packing of eggs or the non-retail sale of eggs produced or packed there;
 - (f) the retail sale of food by means of an automatic vending machine on those premises;
 - (g) the supply of beverages, or of biscuits, potato crisps, confectionery or other similar products, ancillary to a business whose principal activity is not the sale of food;
 - (h) the supply of food in the course of a religious ceremony.
- (2) Subject to paragraph 6 of Schedule 3, regulation 2 also does not apply to premises used only—
- (a) as a dairy or as a dairy farm, in each case within the meaning, in relation to England and Wales, of the Milk and Dairies (General) Regulations 1959 (1) and, in relation to Scotland, of the Milk and Dairies (Scotland) Regulations 1990 (2);
 - (b) in England or Wales, by a person carrying on a food business there only as a distributor within the meaning of the Milk and Dairies (General) Regulations 1959;
 - (c) as a slaughterhouse within the meaning, in England and Wales, of Part I of the Slaughterhouses Act 1974 (3) or, in Scotland, the Slaughter of Animals (Scotland) Act 1980(4);
 - (d) as a slaughterhouse or cutting premises in respect of which a licence is required under regulation 12 of either the Poultry Meat (Hygiene) Regulations 1976 (5) or the Poultry Meat (Hygiene) (Scotland) Regulations 1976(6);

(1) S.I.1959/277 to which there are amendments not relevant to these Regulations.

(2) S.I. 1990/2507.

(3) 1974 c. 3.

(4) 1980 c. 13.

(5) S.I. 1976/1209 to which there are amendments not relevant to these Regulations.

(6) S.I. 1976/1221 to which there are amendments not relevant to these Regulations.

- (e) as export cutting premises, an export cold store or a transhipment centre approved under regulation 4 of either the Fresh Meat Export (Hygiene and Inspection) Regulations 1987 (7) or the Fresh Meat Export (Hygiene and Inspection) (Scotland) Regulations 1987 (8);
 - (f) as an establishment preparing meat products for export to another Member State of the European Economic Community approved in accordance with article 7 of Council Directive 77/99/EEC(9) as amended by Council Directive 88/658/EEC(10)
- (3) Subject to paragraph 6 of Schedule 3, regulation 2 also does not apply to—
- (a) premises controlled by a voluntary organisation or the trustees of a charity and used only for the purposes of such organisations or charities, where no food (other than dry ingredients for the preparation of beverages, sugar, biscuits, potato crisps or other similar dry products) is stored for sale;
 - (b) premises at which—
 - (i) no food intended for sale for human consumption is present, and
 - (ii) no relevant moveable premises are ordinarily kept;
 - (c) premises where food is—
 - (i) stored for sale, or
 - (ii) prepared for sale,and it is intended, when the food first enters those premises, that its sale is to take place only in the event of an emergency or disaster;
 - (d) premises in respect of which a certificate under section 54(4) of the Act has been issued by the Secretary of State.
- (4) Subject to paragraph 6 of Schedule 3, regulation 2 also does not apply to domestic premises used for the purposes of a food business if—
- (a) the proprietor of the business does not reside there, and the business does not consist of or include the peeling of shrimps or prawns;
 - (b) the proprietor of the business does reside there, but the only commercial operations carried out there in relation to food or food sources are—
 - (i) the sale of food ancillary to the provision of accommodation in not more than three bedrooms, or
 - (ii) the sale, or preparation for sale of honey (wherever collected), or of horticultural or viticultural produce harvested on the premises.

(7) S.I. 1987/2237, to which there are amendments not relevant to these Regulations.

(8) S.I. 1987/800, to which there are amendments not relevant to these Regulations.

(9) OJNo. L26, 31.1.1977, p 85. The relevant amending instrument is Council Directive 88/658/EEC, OJ No. L382, 31.12.88, p 15.

(10) OJ No. L 382, 31.12.88, p 15.