
STATUTORY INSTRUMENTS

1995 No. 1763

FOOD

The Food Safety (General Food Hygiene) Regulations 1995

Made - - - - *12th July 1995*
Laid before Parliament *12th July 1995*
Coming into force - - *15th September 1995*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales, acting jointly in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred upon them by sections 6(4), 16(1), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(1), and in each case in exercise of all other powers respectively enabling them in that behalf, after consultation in accordance with section 48(4) of the Act with such organisations as appear to them to be representative of interests likely to be substantially affected, hereby make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Food Safety (General Food Hygiene) Regulations 1995 and shall come into force on 15th September 1995.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“the Directive” means Council Directive [93/43/EEC](#) of 14th June 1993 on the hygiene of foodstuffs(2); “food authority” does not include—

(a) the council of a non-metropolitan county in England or Wales, unless that council is a unitary authority; or

(b) as respects the Inner Temple or the Middle Temple, the appropriate Treasurer;

“food business” means any undertaking, whether carried on for profit or not and whether public or private, carrying out any or all of the following operations, namely, preparation, processing,

(1) 1990 c. 16; section 6(4) of the 1990 was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40). See section 4(1) of the 1990 Act, which contains a definition of “the Ministers” which is relevant to the powers being exercised in the making of these Regulations.

(2) OJNo. L75, 19.7.93, p.1.

manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply, of food;

“hygiene” means all measures necessary to ensure the safety and wholesomeness of food during preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer, and “hygienic” shall be construed accordingly;

“potable water” means water which at the time of supply is or was not likely in a given case to affect adversely the wholesomeness of a particular foodstuff in its finished form, and which is or was either—

- (a) of the quality demanded in order for it to be regarded as wholesome for the purposes of—
 - (i) Part VIA of the Water (Scotland) Act 1980(3), or
 - (ii) Chapter III of Part III of the Water Industry Act 1991(4); or
- (b) not of that quality, but the water is or was derived—
 - (i) from a public supply in Scotland and the Secretary of State is not required, by virtue of section 76E of the Water (Scotland) Act 1980, to make an order under section 11(2) of the Water (Scotland) Act 1980 in relation to the authority supplying that water,
 - (ii) from a public supply in England or Wales and the Secretary of State is not required to make or confirm (with or without modifications) an enforcement order under section 18 of the Water Industry Act 1991 in relation to the company supplying that water, or
 - (iii) from a private supply in relation to which a private supply notice has been served or the option of a private supply notice has been considered and rejected by the local authority with remedial powers in relation to that private supply, unless since the time of supply the quality of the water has deteriorated in a way which, in a given case, has adversely affected or is likely to affect adversely the wholesomeness of a particular foodstuff in its finished form;

“primary production” includes harvesting, slaughter and milking;

“private supply” has—

- (a) in Scotland, the same meaning as in section 76L(1) of the Water (Scotland) Act 1980(5);
- (b) in England and Wales, the same meaning as in section 93(1) of the Water Industry Act 1991;

“private supply notice” means—

- (a) in Scotland, a notice under section 76G of the Water (Scotland) Act 1980(6);
- (b) in England and Wales, a notice under section 80 of the Water Industry Act 1991;

“public supply” means a supply of water which is not a private supply;

“unitary authority” means—

- (a) in England, any authority which is the sole principal council for its local government area;

(3) 1980 c. 45; amended by section 168 of and paragraph 1 of Schedule 22 to the Water Act 1989 (c. 15). See the definition of “wholesome” in section 76L of that Act, the Water Supply (Water Quality) (Scotland) Regulations 1990 (S.I. 1990/119; amended by S.I. 1991/1333 and 1992/575) and the Private Water Supplies (Scotland) Regulations 1992 (S.I. 1992/575) which are relevant to the meaning of “wholesome” in this context.

(4) 1991 c. 56; see the definition of “wholesome” in section 93 of that Act, the Water Supply (Water Quality) Regulations 1989 (S.I. 1989/1147; amended by S.I. 1989/1837 and 2790) and the Private Water Supplies Regulations 1991 (S.I. 1991/2790) which are all relevant to the meaning of “wholesome” in this context.

(5) Inserted by section 168 and paragraph 1 of Schedule 22 to the Water Act 1989.

(6) Inserted by section 168 of and paragraph 1 of Schedule 22 to the Water Act 1989.

- (b) in Wales, a county or county borough council established under the Local Government (Wales) Act 1994(7);

“water” includes water in any form, but does not include water which is—

- (a) recognised as a natural mineral water under the Natural Mineral Water Regulations 1985(8);
- (b) a medicinal product within the meaning of the Medicines Act 1968(9) (“the 1968 Act”) or is a product in respect of which any provision of the 1968 Act has effect in relation to it as if it were a medicinal product within the meaning of the 1968 Act(10); or
- (c) drinking water within the meaning of the Drinking Water in Containers Regulations 1994(11);

“wholesomeness” means, in relation to food, its fitness for human consumption so far as hygiene is concerned, and any other words and expressions used both in these Regulations and in the Directive shall bear the same meaning in these Regulations as they have in the Directive.

(2) In determining for the purposes of these Regulations whether any matter involves a risk to food safety or wholesomeness, regard shall be had to the nature of the food, the manner in which it is handled and packed, any process to which the food is subjected before supply to the consumer, and the conditions under which it is displayed or stored.

(3) In Schedule 1, “where appropriate” and “where necessary” mean where appropriate and where necessary respectively for the purposes of ensuring the safety and wholesomeness of food.

(4) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph of that regulation or Schedule bearing that number; and
- (c) in a paragraph to a numbered or lettered sub-paragraph is to the sub-paragraph in that paragraph bearing that number or letter.

Application of provisions of these Regulations

3.—(1) Subject to paragraphs (3) and (4), regulations 4 and 5 shall apply to neither—

- (a) primary production; nor
- (b) a person carrying on any activity which is regulated by or under any of the Regulations listed in paragraph (2), but only with respect to the carrying on of that activity.

(2) The Regulations referred to in paragraph (1)(b) are—

- (a) the Food Safety (Fishery Products) (Derogations) Regulations 1992(12);
- (b) the Food Safety (Live Bivalve Molluscs) (Derogations) Regulations 1992(13);
- (c) the Food Safety (Fishery Products) Regulations 1992(14);
- (d) the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992(15);

(7) 1994 c. 19.

(8) S.I. 1985/71; amended by S.I. 1990/2486, 1991/1476, 1992/2596 and 1994/3144.

(9) 1968 c. 67.

(10) See sections 104 and 105 of the Medicines Act 1968, and regulation 9(9) of the Medicines for Human Use (Marketing Authorisations Etc.) Regulations 1994 (S.I. 1994/3144).

(11) S.I. 1994/743; amended by S.I. 1994/144.

(12) S.I. 1992/1507.

(13) S.I. 1992/1508.

(14) S.I. 1992/3163.

(15) S.I. 1992/3164.

- (e) the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992⁽¹⁶⁾;
- (f) the Egg Products Regulations 1993⁽¹⁷⁾;
- (g) the Meat Products (Hygiene) Regulations 1994⁽¹⁸⁾;
- (h) the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽¹⁹⁾;
- (i) the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽²⁰⁾;
- (j) the Dairy Products (Hygiene) Regulations 1995⁽²¹⁾;
- (k) the Dairy Products (Hygiene) (Scotland) Regulations 1995⁽²²⁾.

(3) Notwithstanding paragraph (1)(b), the provisions of paragraph 1 of Chapter VII of Schedule 1 and of regulation 4(2)(d) in so far as it relates to that paragraph of that Chapter shall apply to a proprietor of a food business, unless—

- (a) he is carrying on an activity which relates to a particular stage in the production of a product and a provision in any of the Regulations listed in paragraph (2) imposes a further or alternative requirement in relation to the supply and use of potable water in connection with that stage in the production of that product; or
- (b) he is carrying out commercial operations on board a fishing vessel.

(4) Notwithstanding paragraph (1)(b), the provisions of Chapter X of Schedule 1 and of regulation 4(2)(d) in so far as it relates to that Chapter shall apply to a proprietor of a food business, unless a provision in any of the Regulations listed in paragraph (2) imposes a further or alternative requirement in relation to the instruction or training of food handlers.

Obligations upon proprietors of food businesses

4.—(1) A proprietor of a food business shall ensure that any of the following operations, namely, the preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply, of food are carried out in a hygienic way.

(2) A proprietor of a food business shall ensure that—

- (a) the requirements set out in Chapter I of Schedule 1 are complied with as respects any food premises used for the purposes of that business;
- (b) the requirements set out in Chapter II of Schedule 1 are complied with as respects any room where food is prepared, treated or processed in the course of activities of that business, other than dining areas and premises covered by Chapter III of Schedule 1;
- (c) the requirements set out in Chapter III of Schedule 1 are complied with as respects any of the following used for the purposes of that business—
 - (i) movable or temporary premises (such as marquees, market stalls and mobile sales vehicles),
 - (ii) premises used primarily as a private dwelling house,
 - (iii) premises used occasionally for catering purposes, and
 - (iv) vending machines; and

⁽¹⁶⁾ S.I. 1992/3165.

⁽¹⁷⁾ S.I. 1993/1520.

⁽¹⁸⁾ S.I. 1994/3082.

⁽¹⁹⁾ S.I. 1995/539.

⁽²⁰⁾ S.I. 1995/540.

⁽²¹⁾ S.I. 1995/1086.

⁽²²⁾ S.I. 1995/1372.

(d) the requirements set out in Chapters IV to X of Schedule 1 are complied with as respects that business.

(3) A proprietor of a food business shall identify any step in the activities of the food business which is critical to ensuring food safety and ensure that adequate safety procedures are identified, implemented, maintained and reviewed on the basis of the following principles—

- (a) analysis of the potential food hazards in a food business operation;
- (b) identification of the points in those operations where food hazards may occur;
- (c) deciding which of the points identified are critical to ensuring food safety (“critical points”);
- (d) identification and implementation of effective control and monitoring procedures at those critical points; and
- (e) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the food business’s operations change.

Persons suffering from certain medical conditions

5.—(1) Subject to paragraph (2), a person working in a food handling area who—

- (a) knows or suspects that he is suffering from or that he is a carrier of a disease likely to be transmitted through food; or
- (b) is afflicted with an infected wound, a skin infection, sores, diarrhoea or with any analogous medical condition,

in circumstances where there is any likelihood of him directly or indirectly contaminating any food with pathogenic micro-organisms, shall report that knowledge, suspicion or affliction to the proprietor of the food business at which he is working.

(2) This regulation shall not apply to a person unless he is working in a food handling area in which a food business proprietor, seeking to comply with regulation 4(2)(d) and paragraph 2 of Chapter VIII of Schedule 1, may be required to refuse him permission to work.

Offences and penalties

6.—(1) If any person contravenes regulation 4 (including any provision of Schedule 1) or 5, he shall be guilty of an offence against these Regulations.

(2) Any person guilty of an offence against these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Application of provisions of the Act

7. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 and 15 of the Act, and unless the context otherwise requires, a reference in them to the Act shall for the purposes of these Regulations be construed as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumptions that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence);

- (e) section 30(8) (which relates to documentary evidence);
- (f) section 33 (obstruction etc. of officers);
- (g) section 34 (time limit for prosecutions);
- (h) section 36 (offences by bodies corporate), subject to the following modifications—
 - (i) after the words “body corporate”, at the three places where they occur in section 36(1) of the Act, there shall be inserted the words “or Scottish partnership”, and
 - (ii) for the word “secretary” there shall be substituted the words “secretary, partner”;
- (i) section 44 (protection of officers acting in good faith).

Enforcement and execution

- 8.**—(1) Each food authority shall enforce and execute these Regulations within its area.
- (2) In executing and enforcing these Regulations, a food authority shall—
- (a) ensure that—
 - (i) food premises are inspected with a frequency which has regard to the risk associated with those premises, and
 - (ii) inspections include a general assessment of the potential food safety hazards associated with the food business being inspected;
 - (b) pay particular attention to the critical control points identified by food businesses to assess whether the necessary monitoring and verification controls are being operated;
 - (c) give due consideration to whether the proprietor of a food business has acted in accordance with any relevant guide to good hygiene practice which has been—
 - (i) forwarded by the Secretary of State to the Commission pursuant to article 5.5 of the Directive, unless the Secretary of State has announced that it no longer complies with article 3 of the Directive, or
 - (ii) developed in accordance with article 5.6 and 7 of the Directive and published in accordance with article 5.8 of the Directive.

Amendments to other Regulations

9. The Regulations mentioned in Schedule 2 shall have effect subject to the amendments there specified.

Revocations

10. The Regulations specified in column (1) of Schedule 3 are hereby revoked to the extent specified in column (3) of that Schedule.

12th July 1995

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health

4th July 1995

Baroness Cumberlege
Parliamentary Under Secretary of State,
Department of Health

10th July 1995

William Hague
Secretary of State for Wales

5th July 1995

Sir Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 4(2)

RULES OF HYGIENE

Chapter 1

General requirements for food premises (other than those specified in Chapter III)

1. Food premises must be kept clean and maintained in good repair and condition.
2. The layout, design, construction and size of food premises shall—
 - (a) permit adequate cleaning and/or disinfection;
 - (b) be such as to protect against the accumulation of dirt, contact with toxic materials, the shedding of particles into food and the formation of condensation or undesirable mould on surfaces;
 - (c) permit good food hygiene practices, including protection against cross contamination between and during operations, by foodstuffs, equipment, materials, water, air supply or personnel and external sources of contamination such as pests; and
 - (d) provide, where necessary, suitable temperature conditions for the hygienic processing and storage of products.
3. An adequate number of washbasins must be available, suitably located and designated for cleaning hands. An adequate number of flush lavatories must be available and connected to an effective drainage system. Lavatories must not lead directly into rooms in which food is handled.
4. Washbasins for cleaning hands must be provided with hot and cold (or appropriately mixed) running water, materials for cleaning hands and for hygienic drying. Where necessary, the provisions for washing food must be separate from the hand-washing facility.
5. There must be suitable and sufficient means of natural or mechanical ventilation. Mechanical air flow from a contaminated area to a clean area must be avoided. Ventilation systems must be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible.
6. All sanitary conveniences within food premises shall be provided with adequate natural or mechanical ventilation.
7. Food premises must have adequate natural and/or artificial lighting.
8. Drainage facilities must be adequate for the purpose intended; they must be designed and constructed to avoid the risk of contamination of foodstuffs.
9. Adequate changing facilities for personnel must be provided where necessary.

Chapter II

Specific requirements in rooms where foodstuffs are prepared, treated or processed (excluding dining areas and those premises specified in Chapter III)

1. In rooms where food is prepared, treated or processed (excluding dining areas)—
 - (a) floor surfaces must be maintained in a sound condition and they must be easy to clean and, where necessary, disinfect. This will require the use of impervious, non-absorbent washable and non-toxic materials, unless the proprietor of the food business can satisfy the

food authority that other materials used are appropriate. Where appropriate, floors must allow adequate surface drainage;

- (b) wall surfaces must be maintained in a sound condition and they must be easy to clean and, where necessary, disinfect. This will require the use of impervious, non-absorbent, washable and non-toxic materials and require a smooth surface up to a height appropriate for the operations, unless the proprietor of the food business can satisfy the food authority that these materials used are appropriate;
- (c) ceilings and overhead fixtures must be designed, constructed and finished to prevent the accumulation of dirt and reduce condensation, the growth of undesirable moulds and the shedding of particles;
- (d) windows and other openings must be constructed to prevent the accumulation of dirt. Those which can be opened to the outside environment must where necessary be fitted with insect-proof screens which can be easily removed for cleaning. Where open windows would result in contamination of foodstuffs, windows must remain closed and fixed during production;
- (e) doors must be easy to clean and, where necessary, disinfect. This will require the use of smooth and non-absorbent surfaces, unless the proprietor of the food business can satisfy the food authority that other materials used are appropriate;
- (f) surfaces (including surfaces of equipment) in contact with food must be maintained in a sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable and non-toxic materials, unless the proprietor of the food business can satisfy the food authority that other materials used are appropriate.

2. Where necessary, adequate facilities must be provided for the cleaning and disinfecting of work tools and equipment. These facilities must be constructed of materials resistant to corrosion and must be easy to clean and have an adequate supply of hot and cold water.

3. Where appropriate, adequate provision must be made for any necessary washing of the food. Every sink or other such facility provided for the washing of food must have an adequate supply of hot and/or cold potable water as required, and be kept clean.

Chapter III

Requirements for movable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles) premises used primarily as a private dwelling house, premises used occasionally for catering purposes and vending machines.

1. Premises and vending machines shall be so sited, designed, constructed, and kept clean and maintained in good repair and condition, as to avoid the risk of contaminating foodstuffs and harbouring pests, so far as is reasonably practicable.

2. In particular and where necessary—

- (a) appropriate facilities must be available to maintain adequate personal hygiene (including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities);
- (b) surfaces in contact with food must be in a sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable, non-toxic materials, unless the proprietor of the food business can satisfy the food authority that other materials used are appropriate;
- (c) adequate provision must be made for the cleaning and, where necessary, disinfecting of work utensils and equipment;

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- (d) adequate provision must be made for the cleaning of foodstuffs;
- (e) an adequate supply of hot and/or cold potable water must be available;
- (f) adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (whether liquid or solid) must be available;
- (g) adequate facilities and/or arrangements for maintaining and monitoring suitable food temperature conditions must be available;
- (h) foodstuffs must be so placed as to avoid, so far as is reasonably practicable, the risk of contamination.

Chapter IV

Transport

1. Conveyances and/or containers used for transporting foodstuffs must be kept clean and maintained in good repair and condition in order to protect foodstuffs from contamination, and must, where necessary, be designed and constructed to permit adequate cleaning and/or disinfection.

2.—(1) Receptacles in vehicles and/or containers must not be used for transporting anything other than foodstuffs where this may result in contamination of foodstuffs.

(2) Bulk foodstuffs in liquid, granular or powder form must be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs if otherwise there is a risk of contamination. Such containers must be marked in a clearly visible and indelible fashion, in one or more Community languages, to show that they are used for the transport of foodstuffs, or must be marked “for foodstuffs only”.

3. Where conveyances and/or containers are used for transporting anything in addition to foodstuffs or for transporting different foodstuffs at the same time, there must be effective separation of products where necessary, to protect against the risk of contamination.

4. Where conveyances and/or containers have been used for transporting anything other than foodstuffs or for transporting different foodstuffs, there must be effective cleaning between loads to avoid the risk of contamination.

5. Foodstuffs in conveyances and/or containers must be so placed and protected as to minimize the risk of contamination.

6. Where necessary, conveyances and/or containers used for transporting foodstuffs, must be capable of maintaining foodstuffs at appropriate temperatures and, where necessary, designed to allow those temperatures to be monitored.

Chapter V

Equipment requirements

1. All articles, fittings and equipment with which food comes into contact shall be kept clean and—

- (a) be so constructed, be of such materials, and be kept in such good order, repair and condition, as to minimize any risk of contamination of the food;
- (b) with the exception of non-returnable containers and packaging, be so constructed, be of such materials, and be kept in such good order, repair and condition, as to enable them to

- be kept thoroughly cleaned and, where necessary, disinfected, sufficient for the purposes intended;
- (c) be installed in such a manner as to allow adequate cleaning of the surrounding area.

Chapter VI

Food waste

1. Food waste and other refuse must not be allowed to accumulate in food rooms, except so far as is unavoidable for the proper functioning of the business.
2. Food waste and other refuse must be deposited in closable containers unless the proprietor of the food business can satisfy the food authority that other types of containers used are appropriate. These containers must be of an appropriate construction, kept in sound condition, and where necessary be easy to clean and disinfect.
3. Adequate provision must be made for the removal and storage of food waste and other refuse. Refuse stores must be designed and managed in such a way as to enable them to be kept clean, and to protect against access by pests, and against contamination of food, drinking water, equipment or premises.

Chapter VII

Water supply

1. There must be an adequate supply of potable water. This potable water must be used whenever necessary to ensure foodstuffs are not contaminated.
2. Where appropriate, ice must be made from potable water. This ice must be used whenever necessary to ensure foodstuffs are not contaminated. It must be made, handled and stored under conditions which protect it from all contamination.
3. Steam used directly in contact with food must not contain any substance which presents a hazard to health, or is likely to contaminate the product.
4. Water unfit for drinking used for the generation of steam, refrigeration, fire control and other similar purposes not relating to food, must be conducted in separate systems, readily identifiable and having no connection with, nor any possibility of reflux into, the potable water systems.

Chapter VIII

Personal hygiene

1. Every person working in a food handling area shall maintain a high degree of personal cleanliness and shall wear suitable, clean and, where appropriate, protective clothing.
2. No person, known or suspected to be suffering from, or to be a carrier of, a disease likely to be transmitted through food or while afflicted, for example with infected wounds, skin infections, sores or with diarrhoea, shall be permitted to work in any food in any food handling area in any capacity in which there is any likelihood of directly or indirectly contaminating food with pathogenic micro-organisms.

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Chapter IX

Provisions applicable to foodstuffs

1. No raw materials or ingredients shall be accepted by a food business if they are known to be, or might reasonably be expected to be, so contaminated with parasites, pathogenic micro-organisms, or toxic, decomposed or foreign substances, that after normal sorting and/or preparatory or processing procedures hygienically applied by food businesses, they would still be unfit for human consumption.
2. Raw materials and ingredients stored in the establishment shall be kept in appropriate conditions designed to prevent harmful deterioration and to protect them for contamination.
3. All food which is handled, stored, packaged, displayed and transported, shall be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state. In particular, food must be so placed and/or protected as to minimize any risk of contamination. Adequate procedures must be in place to ensure pests are controlled.
4. Hazardous and/or inedible substances, including animal feedstuffs, shall be adequately labelled and stored in separate and secure containers.

Chapter X

Training

1. The proprietor of a food business shall ensure that food handlers engaged in the food business are supervised and instructed and/or trained in food hygiene matters commensurate with their work activities.

SCHEDULE 2

Regulation 9

AMENDMENTS TO OTHER REGULATIONS

The Ice Cream (Scotland) Regulations 1948

1.—(1) In paragraph (3) of regulation 1 of the Ice Cream (Scotland) Regulations 1948(23) (interpretation, etc.), before the definition of “vehicle” there shall be inserted the following definition

—
““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

(2) In regulation 8 of the Ice Cream (Scotland) Regulations 1948(24) (manufacture and sale of ice cream), for the word “wholesome” there shall be substituted the word “potable”.

(23) S.I. 1948/960; the relevant amending instrument is S.I. 1990/2625.

(24) The relevant amending instrument is S.I. 1960/2108.

The Ice-Cream (Heat Treatment, etc.) Regulations 1959

2.—(1) In paragraph (1) of regulation 2 of the Ice-Cream (Heat Treatment, etc.) Regulations 1959(25) (interpretation), after the definition of “mixture” there shall be inserted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

(2) In regulation 4 of the Ice-Cream (Heat Treatment, etc.) Regulations 1959 (reconstitution of a complete cold mix), for the words “wholesome drinking” there shall be substituted the word “potable”.

The Food Safety (Fishery Products) (Derogations) Regulations 1992

3.—(1) In paragraph (1) of regulation 2 of the Food Safety (Fishery Products) (Derogations) Regulations 1992(26) (interpretation), after the definition of “food authority” there shall be inserted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

(2) In the Schedule to the Food Safety (Fishery Product to) (Derogations) Regulations 1992 (requirements of Chapters I to IV of the Annex), in column (1)—

- (a) in paragraph 1(g) of Section I of Chapter I (conditions applicable to factory vessels—conditions concerning design and equipment), the words from “within the meaning” to “human consumption” shall be omitted;
- (b) in paragraph 7 of Section I of Chapter III (general conditions for establishments on land—general conditions relating to premises and equipment), for the words “drinking water within the meaning of Directive 80/778/EEC” there shall be substituted the words “potable water”; and
- (c) in paragraph 4 of Section IIA of Chapter III (general conditions for establishments on land—general conditions of hygiene), for the words “Drinking water, within the meaning of Directive 80/778/EEC,” there shall be substituted the words “Potable water”.

The Food Safety (Live Bivalve Molluscs) (Derogations) Regulations 1992

4.—(1) In paragraph (1) of regulation 2 of the Food Safety (Live Bivalve Molluscs) (Derogations) Regulations 1992(27) (interpretation), after the definition of “food authority” there shall be inserted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

(2) In the Schedule to the Food Safety (Live Bivalve Molluscs) (Derogations) Regulations 1992 (requirements of Chapter IV of the Annex), in column (1)—

- (a) in paragraph 4 of Section I (general conditions relating to premises and equipment), the words from “within the meaning” to “human consumption” shall be omitted;
- (b) in paragraph 4 of Section III (requirements for purification centres) for the words from “potable water” to “80/778/EEC” there shall be substituted the words “fresh water used to prepare sea water from its major constituent chemicals must be potable water”.

(25) S.I. 1959/734; the relevant amending instruments are S.I. 1963/1083 and 1990/2486.

(26) S.I. 1992/1507; amended by S.I. 1992/3163 and 1994/2783.

(27) S.I. 1992/1508; amended by S.I. 1992/3164.

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The Food Safety (Fishery Products) Regulations 1992

5. In paragraph (1) of regulation 2 of the Food Safety (Fishery Products) Regulations 1992(28) (interpretation), the definition of “drinking water” shall be omitted.

The Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992

6. In paragraph (1) of regulation 2 of the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992(29) (interpretation), for the definition of “potable water” there shall be substituted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

The Food Safety (Fishery Products on Fishing Vessels) Regulations 1992

7. In paragraph 3 of Part I of the Schedule to the Food Safety (Fishery Products on Fishing Vessels) Regulations 1992(30) (general hygiene conditions applicable to fishery products on board fishing vessels), for the words “in Annexes D and E” to the end of that paragraph there shall be substituted the words—

“in—

- (a) in England and Wales, tables B and C of Schedule 2 to the Water Supply (Water Quality) Regulations 1989(31); or
- (b) in Scotland, tables B and C of Schedule 2 to the Water Supply (Water Quality) (Scotland) Regulations 1990(32),

or clean seawater, so as not to impair their quality or wholesomeness.”.

The Egg Products Regulations 1993

8.—(1) In paragraph (1) of regulation 2 of the Egg Products Regulations 1993(33) (interpretation), after the definition of “occupier” there shall be inserted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

(2) In paragraph 4(1) of Part I of Schedule 8 to the Egg Products Regulations 1993 (approval of establishments used for the manufacture of egg products), the words from “within the meaning” to “human consumption” shall be omitted.

The Meat Products (Hygiene) Regulations 1994

9. The Meat Products (Hygiene) Regulations 1994(34) shall be amended as follows—

- (a) in paragraph (1) of regulation 2 (interpretation), for the definition of “potable water” there shall be substituted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;” and

(28) S.I. 1992/3163; amended by S.I. 1994/2783.

(29) S.I. 1992/3164; amended by S.I. 1994/2782.

(30) S.I. 1992/3165; there are no relevant amending instruments.

(31) S.I. 1989/1147.

(32) S.I. 1990/119.

(33) S.I. 1993/1520.

(34) S.I. 1994/3082.

- (b) in paragraph B(e) of Part VIII of Schedule 2 (special conditions for pasteurised or sterilised meat products in cans and other hermetically sealed containers), for the words “fulfils the requirements of Directive [80/778/EEC](#)” there shall be substituted the words “is potable water”.

The Fresh Meat (Hygiene and Inspection) Regulations 1995

10.—(1) In paragraph (1) of regulation 2 of the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽³⁵⁾ (interpretation), after the definition of “packaging” there shall be inserted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

(2) In paragraph 1(i)(i) of Schedule 1 to the Fresh Meat (Hygiene and Inspection) Regulations 1995 (construction, layout and equipment of slaughterhouses (except low throughput slaughterhouses), cutting premises (except low throughput cutting premises) and cold stores—general requirements)

- (a) before the word “water”, at both places where it occurs, there shall be inserted the word “potable”; and

- (b) the words from “and in each” to “Council Directive [80/778/EEC](#)” shall be omitted.

(3) In paragraph 1(j)(i) of Part I of Schedule 5 to the Fresh Meat (Hygiene and Inspection) Regulations 1995 (construction, layout and equipment of low throughput slaughterhouses and low throughput cutting premises—general requirements)—

- (a) before the word “water”, at both places where it occurs, there shall be inserted the word “potable”; and

- (b) the words from “and in each” to “Council Directive [80/778/EEC](#),” shall be omitted.

(4) In paragraph 1(j)(i) of Part II of Schedule 6 to the Fresh Meat (Hygiene and Inspection) Regulations 1995 (general requirements applicable to farmed game processing facilities)—

- (a) before the word “water”, at both places where it occurs, there shall be inserted the word “potable”; and

- (b) the word from “and in each” to “Council Directive [80/778/EEC](#),” shall be omitted

(5) In paragraph 1(i)(i) of Part III of Schedule 6 to the Fresh Meat (Hygiene and Inspection) Regulations 1995 (general requirements applicable to low throughput farmed game processing facilities)—

- (a) before the word “water”, at both places where it occurs, there shall be inserted the word “potable”; and

- (b) the words from “, and in each” to “Council Directive [80/778/EEC](#)” shall be omitted.

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995

11. The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽³⁶⁾ shall be amended as follows—

- (a) in paragraph (1) of regulation 2 (interpretation), alter the definition of “post-mortem health inspection” there shall be inserted the following definition—

(35) S.I. 1995/539.

(36) S.I. 1995/540.

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““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;” and

(b) in the following provisions—

- (i) paragraphs 6 and 7 of Schedule 1 (construction, layout and equipment of slaughterhouses (except low throughput slaughterhouses), cutting premises (except low throughput slaughterhouses), cutting premises cold stores and rewrapping centres—general requirements), and
- (ii) paragraphs 6 and 7 of Schedule 5 (construction, layout and equipment of low throughput slaughterhouses and low throughput cutting premises).

the words “within the meaning of Directive 80/778/EEC”, at each place where they occur, shall be omitted.

The Dairy Products (Hygiene) Regulations 1995

2. In paragraph (1) of regulation 2 of the Dairy Products (Hygiene) Regulations 1995⁽³⁷⁾ (interpretation), for the definition of “potable water” there shall be substituted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

The Dairy Products (Hygiene) (Scotland) Regulations 1995

13. In paragraph (1) of regulation 2 of the Dairy Products (Hygiene) (Scotland) Regulations 1995⁽³⁸⁾, for the definition of “potable water” there shall be substituted the following definition—

““potable water” has the same meaning as in the Food Safety (General Food Hygiene) Regulations 1995;”.

SCHEDULE 3

Regulation 10

REVOCATIONS

Column (1) Regulations Revoked	Column (2) References	Column (3) Extent of Revocation
The Food Hygiene (Scotland) Regulations 1959	S.I. 1959/413	Regulations 5 to 13 and 16 to 31
The Food Hygiene (Docks, Carriers, etc.) Regulations 1960	S.I. 1960/1602	The whole Regulations
The Food Hygiene (Scotland) Amendment Regulations 1961	S.I. 1961/622	Regulations 5 to 7
The Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966	S.I. 1966/791	Regulations 4 to 11 and 13 to 24

⁽³⁷⁾ [S.I. 1995/1086](#).

⁽³⁸⁾ [S.I. 1995/1372](#).

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Column (1) Regulations Revoked	Column (2) References	Column (3) Extent of Revocation
The Food Hygiene (Scotland) Amendment Regulations 1966	S.I. 1966/967	Regulations 3 and 4(2) and (3)
The Food Hygiene (Markets, Stalls and Delivery Vehicles) (Amendment) Regulations 1966	S.I. 1966/1487	Regulation 3(2) to (4)
The Food Hygiene (General) Regulations 1970	S.I. 1970/1172	Regulations 6 to 26, 28 and 33
The Food Hygiene (Scotland) Amendment Regulations 1978	S.I. 1978/173	Regulation 3(b) to (e)
The Food Hygiene (Ships) Regulations 1979	S.I. 1979/27	The whole Regulations
The Food (Revision of Penalties) Regulations 1982	S.I. 1982/1727	The reference in Schedule 2 to the Food Hygiene (Docks, Carriers, etc.) Regulations 1960
The Food Hygiene (Amendment) Regulations 1990	S.I. 1990/1431	Regulation 2
The Food Premises (Registration) Regulations 1991	S.I. 1991/2825	Regulation 10
The Food Safety Amendment (Metrication) Regulations 1992	S.I. 1992/2597	Regulation 5
The Food Safety (Fishery Products) (Import Conditions and Miscellaneous Amendments) Regulations 1994	S.I. 1994/2783	Regulation 6
The Meat Products (Hygiene) Regulations 1994	S.I. 1994/3082	Regulation 27(1)
The Fresh Meat (Hygiene and Inspection) Regulations 1995	S.I. 1995/539	Regulation 26(1)
The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995	S.I. 1995/540	The reference in Schedule 23 to the Food Hygiene (Docks, Carriers, etc.) Regulations 1960

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive [93/43/EEC](#) of the 14th June 1993 on the hygiene of foodstuffs, except for the requirements of paragraphs 4 and 5 of Chapter IX of the Annex to that Directive (which relate to temperature controls) and for the requirements in that Directive which relate to imports which are likely to pose a serious risk to human health and which come from countries that are not of the European Community. They also implement the provisions of Council Directive [80/778/EEC](#) of 15th July 1980 relating to the quality of water intended for human consumption⁽³⁹⁾ (“the Water Quality Directive”) which relate to the use of water for food production purposes.

Regulation 2 is an interpretation provision. Amongst other definitions, it includes a definition of “potable water” which sets the quality standard for water used for food production purposes.

Regulation 3 deals with the application of regulations 4 and 5 of these Regulations: they apply to all stages of food production except primary production, but subject to certain exceptions they do not apply to the activities of food businesses which are regulated under the Regulations listed in regulation 3(2). The exceptions relate to circumstances where the listed Regulations make no alternative provision with respect to either the supply and use of potable water or the instruction or training of persons engaged in handling food at the business.

Regulation 4 imposes various obligations on the proprietor of a food business. Regulation 4(1) requires him to ensure that specified operations are carried out in a hygienic way. Regulation 4(2) imposes obligations on him to comply with the rules of hygiene set out in Schedule 1 to the Regulations. Chapter I to III of Schedule 1 set out the requirements for food premises, rooms where food is prepared, treated or processed, temporary premises etc and vending machines. The rules of hygiene also cover transportation, requirements as to equipment, food waste, water supply and personal hygiene, provisions applicable to foodstuffs and training (Chapters IV to X respectively). Regulation 4(3) requires a proprietor of a food business to identify steps in the activities of the business which are critical to ensuring food safety and ensure that adequate safety procedures are identified, implemented, maintained and reviewed.

Regulation 5 is a notification requirement for certain food handlers suffering from medical conditions if there is any likelihood of them directly or indirectly contaminating any food with pathogenic micro-organisms.

Regulation 6 deals with offences and penalties; regulation 7 applies certain provisions of the Food Safety Act 1990; and regulation 8 deals with enforcement issues.

Regulation 9 gives effect to Schedule 2, which contains a set of amendments to other Regulations which are necessary for the purpose of implementing the Water Quality Directive in so far as it relates to the use of water for food production purposes.

Regulation 10 is a revocation provision. The provisions revoked are listed in schedule 3 to these Regulations.

An assessment of the cost to business of complying with these Regulations has been prepared and copies may be obtained from the Department of Health, Room 630B, Skipton House, 80 London Road, London SE1 6LW, or the Scottish Office Agriculture and Fisheries Department, Room 347,

⁽³⁹⁾ OJ No. L 229, 30.8.80, p. 11; as last amended by Council Directive [91/692/EEC](#) (OJ No. L 377, 31.12.91, p. 48).

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