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STATUTORY INSTRUMENTS

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**1995 No. 2200**

**The Food Safety (Temperature Control) Regulations 1995**

**PART IV**

**Penalties, Enforcement and Revocations**

**Offences and penalties**

**17.**—(1) If any person contravenes regulation 4, 6(2), 8, 10, 11, 13, 14, 15 or 16, 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 2 years or both.

**Application of provisions of the Act**

**18.** 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 body 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**

**19.**—(1) Each food authority shall enforce and execute these Regulations within its area.

(2) In executing and enforcing these Regulations, a food authority shall—

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) ensure that food premises are inspected with a frequency which has regard to the risk associated with those premises; and
- (b) without prejudice to regulation 12, 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.

### **Revocations**

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