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STATUTORY INSTRUMENTS

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**1995 No. 2200**

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

**PART II**

Temperature Control Requirements in England and Wales

**Upward variation of the 8°C temperature by manufacturers etc.**

**6.—(1)** In any proceedings for an offence of contravening regulation 4(1), it shall be a defence for a person charged (for the purposes of this regulation called “the defendant”) to prove that—

- (a) a food business responsible for manufacturing, preparing or processing the food has recommended that it is kept—
  - (i) at or below a specified temperature between 8°C and ambient temperatures, and
  - (ii) for a period not exceeding a specified shelf life;
- (b) that recommendation has, unless the defendant is that food business, been communicated to the defendant either by means of a label on the packaging of the food or by means of some other appropriate form of written instruction;
- (c) the food was not kept by the defendant at a temperature above the specified temperature; and
- (d) at the time of the commission of the alleged offence, the specified shelf life had not been exceeded.

**(2)** A food business responsible for manufacturing, preparing or processing food shall not recommend that any food is kept—

- (a) at or below a specified temperature between 8°C and ambient temperatures; and
- (b) for a period not exceeding a specified shelf life,

unless that recommendation is supported by a well-founded scientific assessment of the safety of the food at the specified temperature.