

SCHEDULE 4

Temperature control requirements

Chill holding tolerance periods

5.—(1) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it shall be a defence for the accused to prove that the food —

- (a) was for service or on display for sale;
- (b) had not previously been kept for service or on display for sale at a temperature above 8°C or, where a recommendation has been made pursuant to sub-paragraph (1) of paragraph 4, the recommended temperature; and
- (c) had been kept for service or on display for sale for a period of less than four hours.

(2) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it shall be a defence for the accused to prove that the food —

- (a) was being transferred —
 - (i) from premises at which the food was going to be kept at or below 8°C or in appropriate circumstances the recommended temperature to a vehicle used for the purposes of a food business, or
 - (ii) to such premises from such a vehicle; or
- (b) was kept at a temperature above 8°C or, in appropriate circumstances, the recommended temperature for an unavoidable reason, such as —
 - (i) to accommodate the practicalities of handling during and after processing or preparation,
 - (ii) the defrosting of equipment, or
 - (iii) temporary breakdown of equipment,

and was kept at a temperature above 8°C or, in appropriate circumstances, the recommended temperature for a limited period only and that period was consistent with food safety.