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STATUTORY INSTRUMENTS

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**2014 No. 2885**

**The Food Safety and Hygiene (England)  
(Amendment) Regulations 2014**

**Amendments to the Food Safety and Hygiene (England) Regulations 2013**

**2.—**(1) The Food Safety and Hygiene (England) Regulations 2013<sup>(1)</sup> are amended in accordance with paragraphs (2) to (4).

(2) In regulation 19 (offences and penalties)—

- (a) in paragraph (2), for “Subject to paragraph (3)” substitute “Subject to paragraphs (3) and (3A)”;
- (b) after paragraph (3), insert the following paragraph—

“(3A) A person guilty of an offence under paragraph 1A or 1B of Schedule 6 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(3) In regulation 41(2) (review)—

- (a) for “(2)”, substitute “(1)”;
- (b) for “(3)”, substitute “(6)”.

(4) In Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption)—

(a) after paragraph 1, insert the following paragraphs—

**1A.** Any person who sells raw milk in contravention of paragraph 7A commits an offence.

**1B.** Any person who sells raw milk in contravention of paragraph 7B commits an offence.”

(b) after paragraph 7, insert the following paragraphs—

**7A.** Subject to paragraph 7C, and except in cases to which paragraph 7B applies, the container in which any raw milk intended for direct human consumption is sold must be marked or labelled with the words “This milk has not been heat-treated and may therefore contain organisms harmful to health.

**7B.** Subject to paragraph 7C, in the case of any raw milk intended for direct human consumption which is not prepacked and is sold at a catering establishment there must appear—

- (a) on a label attached to the container in which that milk is sold, or
- (b) on a ticket or notice that is readily discernible by an intending purchaser at the place where the purchaser chooses that milk,

the words “Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health”.

**7C.** The provisions of paragraphs 7A and 7B do not apply to raw milk from buffaloes.”

(c) in paragraph 8—

(i) before the definition of “distributor”, insert the following definition—

““catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the final consumer and is ready for consumption without further preparation;”;

(ii) before the definition of “occupier”, insert the following definition—

““labelling”, in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;”;

(iii) after the definition of “occupier”, insert the following definition—

““prepacked”, in relation to a food, means put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and is ready for sale to the final consumer or to a catering establishment, and includes a food which is wholly enclosed in packaging before being offered for sale and which is intended to be cooked without opening the packaging and which is ready for sale to the final consumer or to a catering establishment;”.