

Statutory Instrument 1995 No. 1763

The Food Safety (General Food Hygiene) Regulations 1995

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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, 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;

(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];
- (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
- (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.

Angela Browning

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

12th July 1995

Signed by authority of the Secretary of State for Health

Baroness Cumberlege

Parliamentary Under Secretary of State, Department of Health

4th July 1995

William Hague

Secretary of State for Wales

10th July 1995

Sir Hector Monro

Parliamentary Under Secretary of State, Scottish Office

5th July 1995

Notes:

[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. [back](#)

[2] OJ No. L75, 19.7.93, p.1. [back](#)

[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. [back](#)

[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. [back](#)

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

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

[7] 1994 c. 19. [back](#)

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

[9] 1968 c. 67. [back](#)

[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). [back](#)

[11] S.I. 1994/743; amended by S.I. 1994/144. [back](#)

[12] S.I. 1992/1507. [back](#)

- [13] S.I. 1992/1508. back
- [14] S.I. 1992/3163. back
- [15] S.I. 1992/3164. back
- [16] S.I. 1992/3165. back
- [17] S.I. 1993/1520. back
- [18] S.I. 1994/3082. back
- [19] S.I. 1995/539. back
- [20] S.I. 1995/540. back
- [21] S.I. 1995/1086. back
- [22] S.I. 1995/1372. back



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