

Statutory Instrument 1996 No. 1502

The Food (Lot Marking) Regulations 1996

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STATUTORY INSTRUMENTS

1996 No. 1502

FOOD

The Food (Lot Marking) Regulations 1996

<i>Made</i>	<i>10th June 1996</i>
<i>Laid before Parliament</i>	<i>10th June 1996</i>
<i>Coming into force</i>	<i>1st July 1996</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for 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 on them by sections 6(4), 16(1)(e), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990^[1], and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Food (Lot Marking) Regulations 1996 and shall come into force on 1 July 1996.

Interpretation

2. In these Regulations, except where the context requires otherwise—
- "the Act" means the Food Safety Act 1990;
 - "edible ice" has the same meaning as in the Food Labelling Regulations;
 - "first seller established within the Community" has the same meaning as in Council Directive 89/396/EEC^[2];
 - "food" means food, within the meaning of the Act, intended for sale for human consumption;
 - "the Food Labelling Regulations" means the Food Labelling Regulations 1996^[3] and "indication of minimum durability", "use by" date and "ultimate consumer" have the same meanings as in those Regulations;
 - "lot" means a batch of sales units of food produced, manufactured or packaged under similar conditions;
 - "lot marking indication" means an indication which allows identification of the lot to which a sales unit of food belongs;
 - "prepacked" has the same meaning as in the Food Labelling Regulations, and "pre-packaging" shall be construed accordingly;
 - "prepacked for immediate sale" has the same meaning as "prepacked for direct sale" in the Food Labelling Regulations; and
 - "sell" includes offer or expose for sale and have in possession for sale, and "sale" and "sold" shall be construed accordingly.

Lot marking requirement

3.—(1) Subject to the exceptions specified in regulation 4 below, no person shall sell any food which forms part of a lot unless it is accompanied by a lot marking indication.

(2) For the purposes of this regulation—

(a) a lot shall be determined as a lot to which food in the sales unit belongs by a producer, manufacturer, packager, or the first seller established within the Community, of the food in question; and

(b) a lot marking indication—

(i) shall be determined and affixed under the responsibility of one or other of those operators; and

(ii) shall be preceded by the letter "L", except in cases where that lot marking indication is clearly distinguishable from the other indications on the packaging of the food or on a label attached to its packaging.

(3) A lot marking indication—

(a) for prepacked food shall appear on, or on a label attached to, the packaging of the food; and

(b) for food which is not prepacked shall appear on the container of the food or on a commercial document which accompanies the food, and

shall in all cases appear in such a way as to be easily visible, clearly legible and indelible.

Exceptions for particular types of sale and sales units

4. Regulation 3 above shall not apply to the following—

(a) a sale of an agricultural product which, on leaving the holding of its production—

(i) is sold or delivered to a temporary storage, preparation or packaging station, or to a producer's organisation; or

(ii) is collected for immediate integration into an operational preparation or processing system;

- (b) a sale to the ultimate consumer of food where the food is not prepacked, is packed at the request of the purchaser or is prepacked for immediate sale;
- (c) a sales unit of food which is in a container the area of the largest side of which is less than 10 square centimetres;
- (d) a sales unit of food which is prepacked, sold as an individual portion for immediate consumption and which is intended as a minor accompaniment to either another food or another service;
- (e) a sales unit of an individual portion of an edible ice supplied to its seller in bulk packaging containing more than one such portion and bearing the lot marking indication which that portion would, but for this paragraph, have been required to bear;
- (f) a sale after these Regulations come into force—
 - (i) of a sales unit marked or labelled before 1 July 1992; or
 - (ii) of a sales unit before 1 January 1997 in a glass bottle intended for re-use which is indelibly marked and therefore bears no label, ring or collar; and
- (g) a sales unit of food which is marked or labelled with an indication of minimum durability or "use by" date which consists at least of the uncoded indication of the day and month in that order, whether or not the Food Labelling Regulations require it to be so marked or labelled.

Enforcement

5.—(1) If any person contravenes regulation 3 above he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Each food authority shall enforce and execute these Regulations in its area.

(3) In this regulation "food authority" does not include—

- (a) the council of any district in a non-metropolitan county in England, except where the county functions have been transferred to that council in relation to a structural change; or
- (b) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner and Middle Temple).

(4) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a partner he, as well as the partnership, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Application of provisions of the Food Safety Act

6. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purpose of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to these Regulations—

section 2 (extended meaning of sale);

section 3 (presumption that food is intended for human consumption);

section 20 (offences due to fault of another person);

section 21 (defence of due diligence);

section 33 (obstruction etc. of officers);

section 36 (offences by bodies corporate);

section 44 (protection of officers acting in good faith).

Revocation

7. The Food (Lot Marking) Regulations 1992^[4] are hereby revoked.

Angela Browning

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

10th June 1996

Signed by authority of the Secretary of State for Health

John Horam

Parliamentary Under Secretary of State, Department of Health

6th June 1996

Signed by authority of the Secretary of State for Wales

Jonathan Evans

Parliamentary Under Secretary of State, Welsh Office

6th June 1996

Lindsay

Parliamentary Under Secretary of State, Scottish Office

5th June 1996

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations revoke and replace the Food (Lot Marking) Regulations 1992.

They apply to Great Britain and come into force on 1st July 1996. Like the previous Regulations, these Regulations implement Council Directive 89/396/EEC (OJ No. L186, 30. 06. 89, p. 21) as amended by Council Directives 91/238/EEC (OJ No. L107, 27. 4. 91, p. 50) and 92/11/EEC (OJ No. L65, 11. 3. 92, p. 32).

The new Regulations continue the previous requirements that food which has been produced, prepared or packaged as part of a lot is marked or labelled as to enable the lot to be identified. These Regulations have been made with a view to simplifying the 1992 Regulations.

ISBN 0 11 062671 0

Notes:

[1] 1990 c. 16; "the Ministers" is defined in section 4(1) of the Act; section 6(4)(a) of the Act was amended by the Deregulation and Contracting Out Act 1994 (c. 40) section 31 and

Schedule 9, paragraph 6. [back](#)

[2] OJ No. L186, 30. 06. 89, p. 21, as amended by Council Directives 91/238/EEC (OJ No. L107, 27. 4. 91, p. 50) and 92/11/EEC (OJ No. L65, 11. 3. 92, p. 32). [back](#)

[3] SI 1996/1499. [back](#)

[4] SI 1992/1357. [back](#)