STATUTORY INSTRUMENTS

1970 No. 1172

FOOD AND DRUGS

The Food Hygiene (General) Regulations 1970

Made - - -	3*rd August* 1970
Laid before Parliament	18*th August* 1970
Coming into Operation	1*st March* 1971

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Social Services, acting jointly, in exercise of the powers conferred on them by sections 13 and 123 of the Food and Drugs Act 1955(**a**), as read with the Secretary of State for Social Services Order 1968(**b**), and of all other powers enabling them in that behalf, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82 of that Act, hereby make the following regulations :—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Food Hygiene (General) Regulations 1970, and shall come into operation on 1st March 1971.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires

"the Act" means the Food and Drugs Act 1955 ;

"animal feed" means feed for sale for consumption by animals, fish or birds, but does not include food fit for and commonly used for human consumption ;

"business" includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority ;

"catering business" means a food business consisting wholly or partly of the supply of food intended by the supplier for immediate consumption ;

"certificate of exemption" in relation to food premises, means a certificate for the time being in force in relation to the premises for the purposes of regulation 28 ;

"container" includes any basket, pail, tray, box, package or receptacle of any kind, whether open or closed ;

"equipment" includes apparatus, furnishings and utensils ;

"fish" includes whalemeat ;

(**a**) 4 & 5 Eliz. 2. c. 16. (**b**) S.I. 1968/1699 (1968 III, p. 4585).

"food" means food intended for sale or sold for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(*a*) milk ;

(*b*) water, live animals or birds ; or

(*c*) articles or substances used only as drugs ;

"food business" has the meaning assigned to it by regulation 3 ;

"food premises" means any premises in or from which there is carried on any food business ;

"food room" means any room (being, or being part of, any food premises), in which any person engages in the handling of food for the purposes of a food business, but does not include—

(*a*) a room used as a sleeping place if the only handling of food which occurs in a room is in the course of serving food there to, or at the request of, any person occupying it as a sleeping place ;

(*b*) a room communicating with a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to, or at the request of, any person (not being a person carrying on a food business at the premises which include the room or a person employed by him) by whom the room is occupied as a sleeping place ; or

(*c*) a day room in a hospital or in a home for the reception of aged or disabled persons ;

"home-going ship" means a boat or craft plying exclusively in inland waters or engaged exclusively in coastal excursions ; and for the purposes of this definition "inland waters" means any canal, river, lake, navigation or estuary and "coastal excursion" means an excursion lasting not more than one day which starts and ends in Great Britain and does not involve calling at any place outside Great Britain ;

"hospital" means any premises for the reception and treatment of persons suffering from illness (including mental disorder within the meaning of the Mental Health Act 1959)(a), any maternity home and any institution for the reception and treatment of persons during convalescence or of persons requiring medical rehabilitation ;

"local authority" means—

(*a*) as respects any borough and any urban district or rural district, the council of the borough or district ;

(*b*) as respects the City of London, the Common Council ;

(*c*) as respects the Inner Temple and Middle Temple, the respective overseers thereof ;

"meat" means the flesh (including edible offal and fat) of animals and birds which is sold or intended for sale for human consumption ;

"milk" includes cream and separated milk but does not include dried milk or condensed milk or food containing milk ;

"open food" means food which is not in a container of such materials and so closed as to exclude the risk of contamination, but does not include any food mentioned in column (1) of the Schedule to these regulations which has been wrapped in the manner described opposite thereto in column (2) ;

(a) 1959 c. 72.

"premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building ;

"preparation" in relation to food includes manufacture and any form of treatment ; and "prepared" shall be construed accordingly ;

"sanitary convenience" means a water closet, urinal, chemical closet or similar convenience ;

"ship" means—

(*a*) a home-going ship, and

(*b*) any other boat or craft which is moored in any place,

on or from which there is carried on any catering business or other retail food business.

(2) In these regulations, unless the context otherwise requires, the handling of food means the carrying out or assisting in the carrying out for the purposes of a food business of any process or operation in the sale of food or in the preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food, and includes the cleaning of articles or equipment with which food comes into contact.

(3) For the purposes of these regulations, the supply of food otherwise than by sale at, in or from any place where food is supplied in the course of a business, shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly ; and where in connection with any business in the course of which food is supplied the place where the food is served to the customers is different from the place where the food is consumed, both those places shall be deemed to be places in which food is sold.

(4) In determining for the purposes of these regulations whether any matter involves a risk of contamination to any food, regard shall be had to the extent to which such contamination is immaterial because of—

(*a*) the nature of the food ;

(*b*) the manner in which the food is packed ; or

(*c*) any process to which the food is to be subjected before sale to the consumer, being a process to which food of that nature is normally so subjected.

(5) The Interpretation Act 1889(**a**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament and as if these regulations and the regulations hereby revoked were Acts of Parliament.

(6) Unless the context otherwise requires, references in these regulations to the provisions of any enactment or regulations shall be construed as references thereto as amended by any subsequent enactment or regulations.

(7) Any reference in these regulations to a numbered regulation or Part shall be construed as a reference to the regulation or Part bearing that number in these regulations.

(8) Any reference in these regulations to a numbered paragraph shall, unless the reference is to a paragraph of a specified regulation, be construed as a reference to the paragraph bearing that number in the first-mentioned regulation.

(**a**) 1889 c. 63.

Meaning of "food business"

3.—(1) In these regulations, unless the context otherwise requires, the expression "food business" means, subject to the succeeding provisions of this regulation, any trade or business for the purposes of which any person engages in the handling of food.

(2) The expression "food business" does not include so much of any trade or business as consists of the handling of food—

(*a*) in the course of any agricultural activity, except as provided by Part VII ;

(*b*) at any premises or place to which the Food Hygiene (Docks, Carriers, etc.) Regulations 1960(**a**), as amended (**b**), or the Slaughterhouses (Hygiene) Regulations 1958(**c**), as amended (**d**), apply ;

(*c*) at or upon any premises, place, market, stall or delivery vehicle to which the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966(**e**), as amended (**f**), apply ; or

(*d*) on any ship upon which food is handled solely with a view to its consumption by the crew of the ship or by persons permanently resident thereon.

(3) In this regulation, "agricultural activity" includes horticulture, fruit growing, dairy farming, the use of land as market gardens and nursery grounds and the breeding and keeping of livestock but not its slaughtering and subsequent processing.

Application to ships and to certain agricultural activities

4. These regulations shall apply in relation to ships to the extent and in the manner provided by Part VI, and shall apply in relation to agricultural activities to the extent and in the manner provided by Part VII.

Enforcement

5. Except as provided in Part VI each local authority shall enforce and execute the provisions of these regulations in their district.

PART II

GENERAL REQUIREMENTS

Food business not to be carried on at insanitary premises or place

6. No food business shall be carried on at any insanitary premises or place or at any premises or place the condition, situation or construction of which is such that food is exposed to the risk of contamination.

Cleanliness of articles or equipment

7.—(1) Articles or equipment with which food comes into contact, or is liable to come into contact, in the course of a food business shall be kept clean, and with the exception of non-returnable containers, shall be so constructed, be of such materials and be kept in such good order, repair and condition as to—

(**a**) S.I. 1960/1602 (1960 II, p. 1515).
(**b**) The amendment does not relate expressly to the subject matter of these Regulations.
(**c**) S.I. 1958/2168 (1958 I, p. 1182).
(**d**) The relevant amending instrument is S.I. 1959/1543 (1959 I, p. 1344).
(**e**) S.I. 1966/791 (1966 II, p. 1823). (**f**) S.I. 1966/1487 (1966 III, p. 4093).

(*a*) enable them to be thoroughly cleaned ;

(*b*) prevent, so far as is reasonably practicable, any matter being absorbed by them ; and

(*c*) prevent, so far as is reasonably practicable, any risk of contamination of the food.

(2) Without prejudice to paragraph (1), all containers intended for containing food in the course of a food business, whether or not they come into contact, or are liable to come into contact, with food, shall so far as is reasonably practicable, be protected and kept free from contamination.

(3) In determining for the purposes of this regulation whether any article or equipment is clean, regard shall be had to the nature and packing of the food for which the article or equipment is required and to the use which is made of the article or equipment.

Restriction on preparation and packing of food on domestic premises

8.—(1) Except as this regulation provides, a person carrying on a food business shall not for the purposes of that business give out any food or permit any food to be given out for preparation or packing by another person at any domestic premises other than those of the person carrying on the business.

(2) This regulation shall not apply in relation to shrimps or prawns which are given out for the purpose of peeling, if the premises at which the peeling is to be carried out (in this regulation called "the relevant premises"), are registered under section 16 of the Act for the preparation of the food in question and provided that the requirements of sub-paragraphs (*a*), (*b*) and (*c*) of this paragraph are complied with by the person carrying on the food business.

(*a*) Before making the arrangements for giving out the food the person carrying on the food business—

(i) shall satisfy himself that the person to whom he proposes to give out the food is aware of the requirements mentioned in paragraph (3) of this regulation and is able to comply with them ; and

(ii) shall give notice of his intention to make the arrangement to the local authority for the area in which the relevant premises are situated ;

(*b*) shall personally or by an authorised agent visit the relevant premises at intervals of not more than three months and satisfy himself that the person to whom the food has been given out remains able to comply with paragraph (3) of this regulation ; and

(*c*) shall at intervals of not more than six months send to each local authority within whose area any relevant premises are situated a list showing for each of those premises the names of all persons who work there for the purposes of the arrangement.

(3) Any person carrying out any peeling under any such arrangement shall be subject, in addition to the requirements imposed by Part III on persons engaged in the handling of food—

(*a*) to the same requirements with respect to articles and equipment used in carrying out the peeling as are applicable under regulation 7 with respect to articles and equipment used in the course of a food business ; and

(*b*) to the same requirements with respect to the relevant premises as are

applicable under regulations 17 and 18 with respect to the provision of a water supply and wash-hand basins in food premises and under regulation 25 with respect to a food room.

PART III

REQUIREMENTS RELATING TO FOOD HANDLERS AND THE HANDLING OF FOOD

Food to be protected from risk of contamination

9. A person who engages in the handling of food shall, while so engaged, take all such steps as may be reasonably necessary to protect the food from risk of contamination, and in particular (without prejudice to the generality of the foregoing)—

(*a*) shall not so place the food as to involve any risk of contamination ;

(*b*) shall, before offering any food for sale, ensure that any food which is unfit for human consumption is kept apart from any other food ;

(*c*) shall not in or about any forecourt or yard, place any food lower than eighteen inches from the ground unless it is adequately protected from risk of contamination ;

(*d*) shall ensure where reasonably necessary that open food while exposed for sale or during sale or delivery is kept covered or is otherwise effectively screened from possible sources of contamination ;

(*e*) shall not keep in any food room any animal feed unless it is in a container of such material and so closed as to prevent the risk of contaminating the food in the room :

Provided that paragraph (*b*) shall not apply where food is intended to be sold by wholesale either by sample or description.

Personal cleanliness

10. A person who engages in the handling of food, shall while so engaged—

(*a*) keep as clean as may be reasonably practicable all parts of his person which are liable to come into contact with the food ;

(*b*) keep as clean as may be reasonably practicable all parts of his clothing or overclothing which are liable to come into contact with the food ;

(*c*) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing ;

(*d*) refrain from spitting ;

(*e*) refrain from the use of tobacco or any other smoking mixture or snuff while he is handling any open food or is in any food room in which there is open food.

Persons handling open food to wear overclothing etc.

11. A person who engages in the handling of open food, other than raw vegetables, intoxicating liquor or soft drinks, shall while so engaged wear sufficient clean and washable overclothing, and every person who carries meat which is open food and which is liable to come into contact with his neck or head shall, while so engaged, also wear a clean and washable neck and head covering :

Provided that this regulation shall not apply—

(*a*) to waiters in catering businesses ;

(*b*) to any person so long as he is engaged only in the carrying of unskinned rabbits or hares or unplucked game or poultry ;

(*c*) to transport of food—

(i) by railway undertakers ; or

(ii) in the course of the business of a carrier other than a railway undertaker in which the vehicle used for the transport of food is not ordinarily so used ;

if in either case the person carrying the food takes all such other precautions as are reasonable and practicable to prevent the food from coming into contact with any exposed part of his person or with any clothing other than overclothing.

Carriage and wrapping of food

12. A person who engages in the handling of food shall not while so engaged—

(*a*) carry any food in a container together with any article from which there is a risk of contamination of the food, or with any live animal or live poultry, without taking all such precautions as are reasonably practicable to avoid risk of contamination, and in particular, (without prejudice to the generality of the foregoing), shall not allow any live animal or live poultry to come into contact with any food ;

(*b*) use for wrapping or containing any open food any paper or other wrapping material or container which is not clean or which is liable to contaminate the food, and shall not allow any printed material, other than printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables or unskinned rabbits or hares or unplucked game or poultry.

Persons suffering from certain infections

13.—(1) Immediately a person engaged in the handling of food becomes aware that he is suffering from, or is the carrier of, typhoid, paratyphoid or any other salmonella infection or amoebic or bacillary dysentery or any staphylococcal infection likely to cause food poisoning, he shall inform the person carrying on the food business and that person shall immediately notify the appropriate medical officer of health accordingly :

Provided that where the person required to give such information is himself the person carrying on the food business he shall give the information immediately to the appropriate medical officer of health.

(2) In this regulation—

"appropriate medical officer of health" means—

(*a*) in the case of a person engaged in the handling of food at or from food premises, the medical officer of health of the district in which the premises are situated ; and

(*b*) in any other case, either the medical officer of health of the district in which the person resides or the medical officer of health of the district in which the food business is situated.

PART IV

REQUIREMENTS RELATING TO FOOD PREMISES

Soil drainage systems

14.—(1) No fresh air intake of any ventilation pipe included in the soil drainage system of food premises shall be situated in a food room.

(2) Every inlet into any such system situated in any such room shall be trapped.

Cisterns for supplying water to food rooms

15. No cistern for the supply of water to a food room shall supply a sanitary convenience otherwise than through an efficient flushing cistern or some other flushing apparatus equally efficient and suitable for preventing contamination of water supplies.

Sanitary conveniences

16.—(1) Every sanitary convenience situated in, or regularly used in connection with, any food premises—

(*a*) shall be kept clean and in efficient order;

(*b*) shall be so placed that no offensive odours therefrom can penetrate into any food room.

(2) Any room or other place which contains a sanitary convenience shall be suitably and sufficiently lighted and ventilated and shall be kept clean.

(3) No room which contains a sanitary convenience shall be used as a food room.

(4) No food room which communicates directly with a room or other place which contains a sanitary convenience shall be used for the handling of open food.

(5) There shall be fixed and maintained in a prominent and suitable position near every sanitary convenience provided or made regularly available for use by persons employed in the handling of food in or about food premises, a clearly legible notice requesting users to wash their hands after using the convenience.

Water supply to be provided

17.—(1) Subject to the provisions of any certificate of exemption, a supply of water sufficient in quantity to enable these regulations to be complied with shall be provided at all food premises.

(2) Any such supply of water shall—

(*a*) be clean and wholesome;

(*b*) be constant, if the provision of a constant supply is reasonably practicable and is in accordance with good practice at premises used for business of a similar class.

Wash-hand basins to be provided

18.—(1) There shall be provided in all food premises suitable and sufficient wash-hand basins for the use of all persons engaged in the handling of food in or about those premises and such basins shall be placed in a position conveniently accessible to such persons.

(2) There shall be provided for every such wash-hand basin an adequate supply of hot and cold water or of hot water at a suitably controlled temperature, or in the case of food premises where no open food is handled, of cold water.

(3) There shall be provided for use at every such wash-hand basin an

adequate supply of soap or other suitable detergent, nail-brushes and clean towels or other suitable drying facilities.

(4) Every such wash-hand basin shall be kept clean and in good working condition.

(5) The washing facilities provided under this regulation shall not be used for any purpose other than for securing the personal cleanliness of the user.

First-aid materials to be provided

19. There shall be provided at all food premises a sufficient supply of suitable bandages, dressings (including waterproof dressings) and antiseptic for first-aid treatment of persons engaged in the handling of food in or about those premises and such supply shall be kept in a place readily accessible to those persons.

Accommodation for clothing, etc.

20.—(1) Subject to the provisions of any certificate of exemption, there shall be provided in all food premises where open food is handled suitable and sufficient accommodation for outdoor or other clothing and footwear not being worn during working hours by persons engaged in the handling of food in or about those premises ; and such clothing and footwear shall not be kept in any place on or about the premises other than in the accommodation so provided.

(2) Where such accommodation is situated in a food room it shall be in the form of lockers or cupboards.

Facilities for washing food and equipment

21.—(1) There shall be provided in all food premises where open food is handled sinks or other washing facilities suitable and sufficient for any necessary washing of food and equipment used in the food business ; and in this regulation reference to a sink shall include a reference to any other suitable washing facility.

(2) There shall be provided for every such sink an adequate supply of hot and cold water or of hot water at a suitably controlled temperature, or cold water only where the sink is used—

(*a*) only for washing fish, fruit or vegetables ; or

(*b*) for washing with a suitable bactericidal agent only drinking vessels, or only ice cream formers or servers.

(3) Every such sink shall be kept clean and in good working condition.

Lighting of food rooms

22. Suitable and sufficient means of lighting shall be provided in every food room and every such room shall be suitably and sufficiently lighted.

Ventilation of food rooms

23. Except in the case of a room in which the humidity or temperature is controlled, suitable and sufficient means of ventilation shall be provided in every food room and suitable and sufficient ventilation shall be maintained there.

Food room not to be, or communicate with, a sleeping place

24.—(1) No food room shall be used as a sleeping place.

(2) Subject to the provisions of any certificate of exemption, no food room which communicates directly with a sleeping place shall be used for the handling of open food.

Cleanliness and repair of food rooms

25. The walls, floors, doors, windows, ceiling, woodwork and all other parts of the structure of every food room shall be kept clean and shall be kept in such good order, repair and condition as to—

(*a*) enable them to be effectively cleaned ; and

(*b*) prevent, so far as is reasonably practicable, any risk of infestation by rats, mice or insects.

Accumulation of refuse, etc.

26.—(1) The layout of food premises shall be such as to provide adequate space, suitably sited, for the purpose of the removal of waste from food and the separation of unfit food in compliance with the requirements of regulation 9(*b*), and the storage of any such waste and unfit food prior to disposal.

(2) No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in a food room except so far as may be unavoidable for the proper carrying on of the trade or business.

Temperature at which certain foods are to be kept

27.—(1) The provisions of this regulation shall apply to all food consisting of meat, fish, gravy or imitation cream, or prepared from or containing any of those substances or any egg or milk, but shall not apply to—

(*a*) bread, biscuits, cake or pastry by reason only of the use of egg or milk as an ingredient thereof introduced prior to baking ;

(*b*) chocolate or sugar confectionery ;

(*c*) ice-cream to which the provisions of any regulations with respect to heat treatment of ice-cream in force under section 4 of the Act apply ;

(*d*) food canned, bottled or otherwise preserved in an effectively closed container of metal, glass or other impermeable material, so long as the container remains effectively closed ;

(*e*) butter, margarine, lard, shortening, cooking fats or beef suet ;

(*f*) cheese, uncooked bacon, uncooked ham, dry pasta, dry pudding mixes, dry soup mixes or dry mixtures for the preparation of beverages ;

or

(*g*) any unskinned rabbits or hares or unplucked game or poultry.

In this paragraph "egg" includes whole egg, yolk or albumen whether or not the egg, yolk or albumen is dried, frozen or otherwise preserved and "milk" includes separated or skimmed milk, dried milk, condensed milk and cream.

(2) Subject to the provisions of this regulation, when food to which this regulation applies is brought into any food premises, on or from which is carried on a catering business, it shall, if it is not already at a temperature of 145°F (62·7°C) or above on the one hand or below 50°F (10°C) on the other hand, be brought to one or other of those temperatures without any avoidable delay after arrival.

(3) Subject to the provisions of this regulation, food which has been cooked or partly cooked at any such food premises and food such as is mentioned in the last preceding paragraph shall either be kept at a temperature of not less than 145°F (62·7°C) until it is required for serving for immediate consumption, or if the temperature is brought or allowed to fall below 145°F (62·7°C) be cooled to a temperature below 50°F (10°C) under hygienic conditions as quickly as is reasonably practicable, and thereafter kept below 50°F (10°C) until it is required for serving or is further cooked or is reheated for service.

(4) This regulation shall not apply in relation to—

(*a*) any food the temperature of which is below 145°F (62·7°C) or at 50°F (10°C) or above, so long as—

(i) that temperature is reached only during the carrying out of some step in preparation or in movement from one part of the food premises to another ; and

(ii) on completion of that process it is restored as quickly as is reasonably practicable to a temperature of not less than 145°F (62·7°C) or below 50°F (10°C) as the case may be ;

(*b*) any food which is exposed for sale or which, if the food is brought to any such premises as are mentioned in paragraph (2) within four hours before they are open for business, will be exposed for sale upon their being open for that purpose ; or

(*c*) any food which is kept available for the replenishment as it is sold of food of a similar kind which is exposed for sale or will be exposed for sale as aforesaid if the keeping available of such a supply is in accordance with good practice in such premises as aforesaid and the quantity so kept available is not greater than is reasonably necessary.

PART V

ADMINISTRATIVE PROVISIONS

Exemption of premises from certain requirements

28.—(1) The appropriate authority for the purposes of this regulation shall be the local authority in whose district the food premises are situated.

(2) While there is in force in relation to any food premises a certificate of the appropriate authority to the effect that compliance with any provisions specified in paragraph (6) cannot reasonably be required with respect to those premises or any activities carried on therein, those premises shall be exempt from the provisions mentioned in the certificate.

(3) A certificate of exemption shall not be granted by the appropriate authority with respect to any food premises unless the authority is satisfied that by reason of restricted accommodation or other special circumstances affecting the premises it is reasonable that such a certificate should be in force.

(4) A certificate of exemption shall be withdrawn by the authority if at any time they cease to be satisfied as aforesaid.

(5) If the person carrying on a food business is aggrieved by the refusal or withdrawal of a certificate of exemption he may appeal to a magistrates' court and that court may make such order concerning the certificate as appears to the court, having regard to the matters with respect to which the authority are required to be satisfied as aforesaid, to be just and equitable.

(6) The provisions referred to in paragraph (2) are regulation 17 (water supply to be provided), regulation 20 (accommodation for clothing, etc.), and regulation 24(2) (food room not to be, or communicate with, a sleeping place).

(7) Section 120 of the Act (which relates to the right to carry on business while an appeal is pending), shall apply for the purposes of these regulations, with the modification that references therein to refusing or revoking a licence shall include references to refusing or withdrawing a certificate of exemption.

Offences

29.—(1) A person engaged in the handling of food shall be guilty of an offence against these regulations if he fails to comply with any provision of these regulations which imposes obligations on a person so engaged.

(2) A person carrying on a food business shall be guilty of an offence against these regulations if—

(*a*) as respects that food business, any provision of these regulations (other than the requirements imposed by regulations 10 and 13 on persons engaged in the handling of food) is contravened ; or

(*b*) he fails to take all reasonable steps to secur the compliance by any person employed by him or under his control with the provisions of regulations 10 and 13.

(3) Any person for the time being having the control or management of persons engaged in the handling of food, not being himself a person carrying on a food business, shall be guilty of an offence against these regulations if he fails to take all reasonable steps to secure the compliance by any person under his control or management with any provision of these regulations which imposes obligations on a person engaged in the handling of food.

(4) Section 113 (which relates to a contravention due to some person other than the person charged), section 115(2) (which relates to conditions under which a warranty may be pleaded as a defence) and section 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under the Act shall include references to proceedings taken or brought for an offence under these regulations.

Penalties

30. Any person guilty of an offence against these regulations shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

PART VI

SHIPS

Application and enforcement

31.—(1) The provisions of these regulations shall apply in relation to ships, and to food businesses carried on in ships, as they apply in relation to food premises and to food businesses carried on therein, subject to the modifications and further provisions specified in this regulation and in regulation 32.

(2) Subject to paragraph (3) of this regulation, the authority responsible for enforcing and executing the provisions of these regulations in relation to ships shall be each port health authority, in relation to any ships in their district.

(3) In relation to a ship requiring annual survey pursuant to section 271 of the Merchant Shipping Act 1894(a), the authority responsible for enforcing and executing the provisions as to structural and other requirements specified in paragraph (7) of this regulation shall be the port health authority for the port in which that survey is being, or was last, carried out or if there is no such port health authority, the local authority for the port.

(4) Except as otherwise provided in paragraphs (2) and (3) of this regulation each local authority will enforce and execute the provisions of these regulations in relation to any ship in their district.

(5) A local authority or port health authority shall furnish any authority responsible under paragraph (3) of this regulation with any information in their possession which will be likely to assist that authority in their duties.

(6) The person having command or charge of any ship described in paragraph (3) of this regulation shall, on being requested to do so, furnish any authorised officer of the authority responsible under that paragraph with the name of the authority in whose area the survey mentioned therein is being, or was last, carried out.

(7) The provisions referred to in paragraph (3) of this regulation are—

(*a*) regulation 6 (food business not to be carried on at insanitary premises or place) and regulation 15 (cisterns for supplying water to food rooms);

(*b*) so much of paragraphs (1) and (2) of regulation 16 (sanitary conveniences) as relates to the placing of sanitary conveniences and to the lighting and ventilation of rooms containing them ; and

(*c*) regulation 17 (water supply to be provided),

paragraphs (1) and (2) of regulation 18 (wash-hand basins to be provided),

regulation 20 (accommodation for clothing, etc.),

paragraphs (1) and (2) of regulation 21 (facilities for washing food and equipment),

regulation 22 (lighting of food rooms),

regulation 23 (ventilation of food rooms),

paragraph (1) of regulation 26 (provision of adequate space for sorting food).

Modification of the regulations in relation to ships

32.—(1) For the purposes of the definition of "food room" as contained in regulation 2(1), reference to any room shall be construed as references to any room or space.

(2) For the purposes of regulation 13(2), a food business which is carried on from or on a ship shall be deemed to be situated in the district or port health district in which the ship is for the time being moored.

(3) The reference in regulation 17(2)(*b*) to premises used for business of a similar class shall be construed as a reference to ships of a similar type.

(4) The appropriate authority for the purposes of regulation 28 shall be—

(a) 57 & 58 Vict. c. 60.

(*a*) in relation to any ship described in regulation 31(3), the port health authority or, if there is no port health authority, the local authority for the port in which the survey mentioned therein is being, or was last, carried out ; and

(*b*) in relation to any other ship the authority for the time being responsible under regulation 31(2).

(5) The reference in regulation 28(5) to a person carrying on a food business shall be construed as a reference to the owner of a ship.

(6) The owner of a ship shall be guilty of an offence if as respects the food business carried on there any provision of the regulations mentioned in regulation 31(7) is contravened.

PART VII

AGRICULTURAL ACTIVITIES

33.—(1) The provisions specified in paragraph (2) shall apply in relation to premises comprised in an agricultural unit (within the meaning of section 109(2) of the Agriculture Act 1947(**a**)) and in which is carried on the business of packing or storing eggs, fruit or vegetables, as they apply in relation to food premises and to food businesses carried on there.

(2) The provisions referred to in paragraph (1) are—
regulation 7 (cleanliness of articles or equipment),
paragraphs (*a*) and (*b*) of and the proviso to regulation 9 (food to be protected from risk of contamination),
regulation 10 (personal cleanliness),
regulation 12 (carriage and wrapping of food),
regulation 13 (persons suffering from certain infections),
regulation 17 (water supply to be provided).

PART VIII

REVOCATIONS, ETC.

Revocations

34. The Food Hygiene (General) Regulations 1960(**b**) and 1962(**c**) are hereby revoked :

Provided that, without prejudice to the application of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals), in so far as any application made, or any resolution passed, or any approval given under any regulation revoked by these regulations, or any proceedings instituted or any other thing done under such regulation could have been made, passed, given, instituted or done under a corresponding provision of these regulations, it shall not be invalidated by these regulations but shall have effect as if it had been made, passed, given, instituted or done under that corresponding provision.

Amendment of Food and Drugs (Legal Proceedings) Regulations 1962

35. The Food and Drugs (Legal Proceedings) Regulations 1962(**d**), as amended (**e**), shall be further amended by deleting from Part II of the Schedule thereto the item relating to the Food Hygiene (General) Regulations 1960 as amended.

(**a**) 1947 c. 48.
(**b**) S.I. 1960/1601 (1960 II, p. 1499).
(**c**) S.I. 1962/228 (1962 I, p. 225).
(**d**) S.I. 1962/1287 (1962 II, p. 1378).
(**e**) The amending Regulations are not relevant to the subject matter of this Regulation.

Regulation 2(1) SCHEDULE Regulation 2(1)

FOOD NOT TO BE REGARDED AS OPEN FOOD

(1) *Food*	(2) *Mode of wrapping or enclosure*
Butter, margarine and cooking fat	Any total enclosure of greaseproof paper or foil.
Meat, except meat which has been cooked or otherwise prepared for sale by any similar process	Any total wrapping of mutton cloth, hessian, jute, paper or film.
Fish	Any total enclosure of greaseproof paper or film.
Vegetables	Any box, bag, sack, string container or pliable film pack.
Flour confectionery and bakery goods	Any total enclosure.
Ice-cream	Any total greaseproof enclosure of paper, foil, film, cardboard, carton, cup or similar wrapping.
Ice lollies	Any total greaseproof enclosure of paper, foil, film or similar wrapping ; or any bag made of such materials to contain the ice lolly and which may or may not be sealed at the end from which the stick or holder protrudes.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 3rd August 1970.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Keith Joseph,
Secretary of State for Social Services.

30th July 1970.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate and amend the Food Hygiene (General) Regulations 1960 and 1962.

Their principal requirements relate to—

(*a*) the cleanliness of premises and ships used for the purposes of a food business and of the equipment that is used ;

(*b*) the hygienic handling of food ;

(*c*) the cleanliness of persons engaged in the handling of food and of their clothing, and the action to be taken where they suffer from or are the carriers of certain infections likely to cause food poisoning ;

(*d*) the construction of premises and ships used for the purposes of a food business and their repair and maintenance ;

(*e*) the provision of water supply and washing facilities ;

(*f*) the proper disposal of waste material ;

(*g*) the temperatures at which certain foods are to be kept on catering premises.

The principal changes from the requirements of the Food Hygiene (General) Regulations 1960 and 1962 are—

(i) raw food which has to be milled or refined to make it fit for human consumption is no longer outside the scope of the regulations (definition of "food", regulation 2(1)) ;

(ii) before food is offered for sale it must be separated from any food which is unfit for human consumption (regulation 9(*b*)) ;

(iii) animal feed must not be kept in a food room unless it is in a closed container that eliminates the risk of contamination (regulation 9(*e*)) ;

(iv) any person handling open food (food not adequately protected by wrappings, etc.) must wear clean and washable overclothing, except in specified cases (regulation 11) ;

(v) the business of packing or storing eggs, fruit or vegetables on farm premises is made subject to certain requirements (regulation 33).

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