STATUTORY INSTRUMENTS

1961 No. 622 (S. 38)

FOOD AND DRUGS

FOOD HYGIENE—SCOTLAND

The Food Hygiene (Scotland) Amendment Regulations, 1961

Made - - - -	*24th March*, 1961
Laid before Parliament	*10th April*, 1961
Coming into Operation	*11th April*, 1961

In exercise of the powers conferred on me by sections 13 and 56 of the Food and Drugs (Scotland) Act, 1956(a), and of all other powers enabling me in that behalf, I hereby make the following regulations after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and reference to the Scottish Food Hygiene Council under section 25 of that Act:—

Citation and Commencement

1.—(1) These regulations may be cited as the Food Hygiene (Scotland) Amendment Regulations, 1961, and shall come into operation on the eleventh day of April, 1961.

(2) These regulations, the principal regulations(b) and the Food Hygiene (Scotland) Amendment Regulations, 1959(c), may be cited together as the Food Hygiene (Scotland) Regulations, 1959 and 1961.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"the Act" means the Food and Drugs (Scotland) Act, 1956;

"the principal regulations" means the Food Hygiene (Scotland) Regulations, 1959.

(2) The Interpretation Act, 1889(d), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of Principal Regulations

3. The principal regulations shall be amended in manner set out in the following regulations.

4. For paragraph (3) of regulation 2 of the principal regulations there shall be substituted the following paragraph—

"(3) Any reference in these regulations to a person being engaged in the handling of food shall not be treated as being a reference to a person so engaged otherwise than for the purposes of a food business but a person who carries out or assists in the carrying out of any process or operation for the purposes of such a business in the course of which his person or his clothing is liable to come into contact with any food or with any equipment

(a) 4 & 5 Eliz. 2. c. 30. (b) S.I. 1959/413 (1959 I, p. 1331).
(c) S.I. 1959/1153 (1959 I, p. 1343). (d) 52 & 53 Vict. c. 63.

used in such a process or operation, shall be deemed to be engaged in the handling of food while carrying out or assisting in carrying out the process or operation although he is not for the time being so engaged."

5. For regulation 10 there shall be substituted the following regulation—

"10.—(1) A utensil in or upon which food sold for immediate consumption is served to a consumer, and a utensil supplied by the owner of a food business for use in the consumption of food so sold, shall, after each occasion on which it has been used for the service of food, or has been so supplied, unless it is—

(*a*) not to be used again for the service of food, or

(*b*) a drinking vessel to which the next succeeding paragraph applies which is cleaned in the manner specified in that paragraph

be cleaned—

(i) by being washed in clean hot water and thereafter rinsed with clean water having a temperature not lower than 170°F.; or

(ii) by being washed in clean hot water, washed a second time in clean water containing an efficient bactericidal agent in suitable quantity and thereafter rinsed with clean water; or

(iii) by being washed in clean hot water containing an efficient bactericidal agent in suitable quantity and thereafter rinsed with clean water;

and, after being rinsed, shall be dried with a clean cloth or allowed to dry by evaporation.

(2) A drinking vessel other than one used for the service of milk or of a liquid containing not less than four per cent. by weight of fat as a constituent, may be cleaned by being washed after each occasion on which it is used for the service of any liquid food in an apparatus manufactured and sold for the cleaning of such vessels and employing a process which secures that the vessel is—

(*a*) washed in clean water containing in suitable quantity an efficient bactericidal agent and thereafter

(*b*) either rinsed with clean water and dried with a clean cloth or allowed to dry by evaporation or, if not rinsed, dried in such a manner as to remove all traces of the bactericidal agent.

(3) The water used for washing and rinsing shall be changed as often as is necessary to maintain the efficiency of the process."

6. For the proviso to paragraph (2) of regulation 23 of the principal regulations there shall be substituted the following proviso—

"Provided that a supply of cold water shall be sufficient—

(*a*) at any sink or other facility not used for any purpose other than the washing of fish, tripe, animal casings, fruit or vegetables; and

(*b*) for the purposes of any facility consisting of an apparatus to which paragraph (2) of regulation 10 of these regulations applies."

7. At the end of paragraph (4) of regulation 23 of the principal regulations there shall be inserted the following proviso—

"Provided that this paragraph shall not require the provision of cloths or other hygienic drying facilities at an apparatus to which paragraph (2) of regulation 10 of these regulations applies and which incorporates a means of hygienic drying."

Dated this 24th day of March, 1961.

John S. Maclay,

One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These amending regulations, which apply to Scotland only, substitute for paragraph (3) of regulation 2 of the Food Hygiene (Scotland) Regulations, 1959, a new provision setting out the circumstances in which a person shall be deemed to be engaged in the handling of food. They also amend the previous provisions relating to the cleaning of utensils and permit drinking vessels not used for the service of milk, or a liquid containing not less than four per cent. of fat as a constituent, to be cleaned in machines which make use of cold water containing an efficient bactericidal agent.