STATUTORY INSTRUMENTS

1999 No. 1360

FOOD

The Food Safety (General Food Hygiene) (Amendment) Regulations 1999

Made - - - -	*11th May 1999*
Laid before Parliament	*14th May 1999*
Coming into force	*7th June 1999*

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 on them by section 17(1) of the Food Safety Act 1990**(a)**, and in exercise of all other powers respectively enabling them in that behalf, after consultation with such organisations as appear to them to be representative of interests likely to be substantially affected as required by section 48(4) of the Food Safety Act 1990, hereby make the following Regulations–

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Safety (General Food Hygiene) (Amendment) Regulations 1999 and shall come into force on 7th June 1999.

(2) In these Regulations "the general Regulations" means the Food Safety (General Food Hygiene) Regulations 1995**(b)**.

Amendment of regulation 2(1) of the general Regulations

2. In regulation 2(1) of the general Regulations (interpretation), for the words which follow the definition of "wholesomeness" there shall be substituted the following words–

> "and any other words and expressions used both in these Regulations and in the Directive, Commission Directive 96/3/EC**(c)** or Commission Directive 98/28/EC**(d)**, shall bear the same meaning in these Regulations as they have in those Directives.".

Amendment of paragraph 2 of Chapter IV of Schedule 1 to the general Regulations

3. In sub-paragraph (2) of paragraph 2 of Chapter IV of Schedule 1 to the general Regulations (transportation of certain bulk foodstuffs) after the words "sub-paragraphs (3) and (4)" there shall be inserted the words "and paragraph 2B".

Insertion of paragraphs 2B and 2C

4. After paragraph 2A of Chapter IV of Schedule 1 to the general Regulations there shall be inserted the following paragraphs–

(a) 1990 c. 16.
(b) S.I. 1995/1763, the relevant amending instrument is S.I. 1997/2537.
(c) OJ No. L21, 27.1.96, p.42.
(d) OJ No. L140, 12.5.98, p.10.

"**2B.**—(1) The bulk transport of raw sugar by sea which is not intended for use as food nor as a food ingredient without a full and effective refining process is permitted in receptacles, containers or tankers that are not exclusively used for the transport of foodstuffs.

(2) The receptacles, containers or tankers referred to in sub-paragraph (1) shall be subject to the following conditions–

(a) prior to loading the raw sugar, the receptacle, container or tanker shall be effectively cleaned to remove residues of the previous cargo and other soiling and inspected to establish that such residues have been removed effectively;

(b) the immediate previous cargo prior to the raw sugar shall not have been a bulk liquid.

2C.—(1) A proprietor of a food business which is responsible for the transport of raw sugar by sea under paragraph 2B shall keep documentary evidence, accurately describing in detail the immediate previous cargo carried in the receptacle, container or tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

(2) The documentary evidence shall accompany the consignment during all stages of transport to the refinery and a copy shall be retained by the refinery. The documentary evidence shall be marked in a clearly visible and indelible fashion, in one or more Community languages, 'This product must be refined before being used for human consumption'.

(3) On request, a proprietor of a food business responsible for the transport of the raw sugar or the refining process shall provide the competent official food control authorities with the documentary evidence referred to in sub-paragraphs (1) and (2).

(4) Raw sugar which has been transported by sea in receptacles, containers or tankers which are not exclusively reserved for the transport of foodstuffs shall be subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient.

(5) Regulation 4(3) shall apply to the transport of raw sugar by sea under paragraph 2B subject to the following modifications–

(a) a proprietor of any food business which is responsible for the transport or refining of raw sugar shall consider the cleaning process undertaken prior to the loading of the sugar for transport by sea to be a critical step in ensuring the safety and wholesomeness of food within the meaning of paragraph (3) of regulation 4, and

(b) in addition to the requirements of that paragraph, he shall also take into account the nature of the previous cargo which has been transported in any receptacle, container or tanker used for the transport of the sugar.".

Jeff Rooker
Minister of State,
Ministry of Agriculture, Fisheries and Food

10th May 1999

Signed by authority of the Secretary of State for Health

Tessa Jowell
Minister of State for Public Health,
Department of Health

6th May 1999

Jon Owen Jones
Parliamentary Under Secretary of State,
11th May 1999 Welsh Office

Sewel
Parliamentary Under Secretary of State,
11th May 1999 Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Food Safety (General Food Hygiene) Regulations 1995 ("the general Regulations") to implement Commission Directive 98/28/EC (OJ No. L 140, 12.5.98, p.10) which grants a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs (OJ No. L 175, 19.7.93, p.1). They permit, subject to certain conditions, the bulk transport of raw sugar by sea in receptacles, containers or tankers that are not used exclusively for the transport of foodstuffs.

A Compliance Cost Assessment has not been prepared as these Regulations do not impose any new financial burden on industry.

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