1994 No. 52

FOOD

The Quick-frozen Foodstuffs (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . *17th February 1994*

Coming into operation . . *1st September 1994*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 15(1), 16(1), 25(1)(*a*), (2)(*a*) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**a**), and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Quick-frozen Foodstuffs (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 1st September 1994.

Amendment of the Quick-frozen Foodstuffs Regulations (Northern Ireland) 1990

2.—(1) The Quick-frozen Foodstuffs Regulations (Northern Ireland) 1990(**b**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation)—

(*a*) after the definition of "catering establishment" there shall be inserted—

" "monitoring", in the context of the monitoring of air temperatures, is the action performed by an instrument for the measurement of air temperatures which instrument then records (either continuously, or at frequent and regular intervals) the measurements it has made;";

(*b*) after the definition of "quick-frozen foodstuff" there shall be inserted—

" "retail display cabinet" means any cabinet from which a quick-frozen foodstuff is offered either for retail sale or for sale in the course of a cash-and-carry business;";

(a) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "the Department concerned"

(b) S.R. 1990 No. 455; the relevant amending Regulations are S.R. 1991 No. 203 and S.R. 1992 No. 464

(*c*) immediately following the definition of sell, ''and'' shall be deleted and there shall be inserted—

'' ''storage'' includes keeping in a warehouse; and''.

(3) For ''the Schedule'' in regulation 3 there shall be substituted ''Schedule 1''.

(4) After regulation 6 there shall be inserted—

''*Air temperature recording instruments in means of storage and transport*

6A.—(1) Each manufacturer, storer, transporter, local distributor and retailer of any quick-frozen foodstuff shall ensure that any means of storage or transport (other than rail transport) used by him in respect of that foodstuff shall, at each stage during which such foodstuff is within his care and control, be fitted with an instrument for the measuring or monitoring of air temperature and which meets the applicable requirements laid down in Schedule 2.

(2) Each manufacturer, storer and transporter (the latter not including any transporter when carrying out local distribution) of any quick frozen foodstuff shall—

(*a*) at frequent and regular intervals record or ensure the recording of, by means of the instrument referred to in paragraph (1), the air temperatures to which such foodstuff is being subjected during its storage or transport;

(*b*) date all records of air temperatures obtained further to sub-paragraph (*a*) and keep such records for one year thereafter or such longer period as shall be justified according to the nature of the foodstuff in question; and

(*c*) upon the request of an authorised officer make such records available to that or another authorised officer.

Sampling and method of measuring temperatures

6B. Where, further to an inspection, an authorised officer has reasonable doubts that the temperatures that are being or have been maintained in respect of any quick frozen foodstuff are not the temperatures prescribed for such foodstuff in paragraphs 1(*e*) and (*f*) (as read with paragraph 2(*c*)) in Schedule 1, he shall further inspect such quick-frozen foodstuff and such temperatures in accordance with the provisions of Commissison Directive 92/2/EEC(**a**).''.

(5) After ''Schedule'' in the heading to the Schedule there shall be added ''1'' and after that Schedule there shall be inserted—

(a) O.J. No. L34, 11.2.92, p. 30

"SCHEDULE 2 Regulation 6A

Requirements for instruments for measuring or monitoring air temperature in any means or storage or transport of quick-frozen foodstuffs

The applicable requirements for instruments for the measuring or monitoring of air temperature that must be fitted in any means of storage or transport (other than rail transport) of any quick-frozen foodstuff are as follows—

(*a*) in respect of any means of storage or transport other than those specified in sub-paragraphs (*b*), (*c*), (*d*), (*e*), (*f*) or (*g*), the instrument shall be a system suitable for the monitoring, at frequent and regular intervals, of air temperatures within such means;

(*b*) in respect of storage in a cold chamber with a capacity of less than $10m^3$ on premises used for the retail sale of quick-frozen foodstuffs, the instrument shall be a thermometer so placed as to be easily visible;

(*c*) in respect of storage in a retail display cabinet (other than an open retail display cabinet), the instrument shall be one or more thermometers so placed as to be easily visible;

(*d*) in respect of storage in an open retail display cabinet, the instrument shall be one or more thermometers so placed as to be easily visible and indicating the temperature at the air return side at the level of the clearly marked maximum load line for that cabinet;

(*e*) in respect of means of transport other than—

(i) in a vehicle registered outside the United Kingdom, or

(ii) a means of transport when being used in the course of local distribution,

the instrument shall be a system for monitoring air temperatures that—

(*aa*) has an accuracy of ±1°C when its sensor is measuring a temperature within the range of −25°C to +30°C;

(*bb*) has a measuring accuracy which does not change by more than ±0.5°C when it is operating in temperatures within the range of −20°C to +30°C;

(*cc*) has a display resolution of not more than 1°C, and

(*dd*) is robust and shockproof;

(*f*) in respect of a vehicle registered outside the United Kingdom, the instrument shall be an instrument which has been approved by the competent authorities in the country in which the vehicle is registered;

(*g*) in respect of means of transport in the course of local distribution, the instrument shall be one or more thermometers so placed as to be easily visible.".

Sealed with the Official Seal of the Department of Health and Social Services on 17th February 1994.

(L.S.) *D. A. Baker*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement Commission Directives 92/1/EEC (O.J. No. L34, 11.2.92, p. 28) on the monitoring of temperatures of quick-frozen foodstuffs during transport, warehousing and storage, and 92/2/EEC (O.J. No. L34, 11.2.92, p. 30) laying down the sampling procedures and the European Economic Community's official method of analysis for the official control of the temperatures of such foodstuffs. This is done by way of amendment to the Quick-frozen Foodstuffs Regulations (Northern Ireland) 1990 (S.R. 1990 No. 455) which implemented the provisions of Council Directive 89/108/EEC (O.J. No. L40, 11.2.89, p. 34) on the approximation of the laws of the member States relating to quick-frozen foodstuffs for human consumption, which the provisions of the two Commission Directives now supplement (regulation 2).

The Regulations provide—

(*a*) that manufacturers, storers, transporters, local distributors and retailers of quick-frozen food should fit their means of storage or transport (excluding rail transport) of such food with appropriate instruments for monitoring or measuring air temperature (new regulation 6A(1)); and

(*b*) that manufacturers, storers and transporters should, by means of such instruments, record air temperatures during the storage and transport of quick-frozen foods, and keep such records for at least one year thereafter (new regulation 6A(2)).

Further requirements as to which instruments must be fitted in particular cases are given in new Schedule 2.