

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Hygiene (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE 4

Regulation 30

Temperature control requirements

Scope

1.—(1) Subject to sub paragraph (2), this Schedule applies in relation to any person to whose food business operations Regulation 852/2004 applies but Regulation 853/2004 does not apply.

(2) This Schedule does not apply to food business operations on any ship or aircraft.

Commencement Information

II Sch. 4 para. 1 in force at 1.1.2006, see [reg. 1\(a\)](#)

Chill and hot holding requirements

2.—(1) Subject to sub paragraph (2), any person who keeps food with respect to which any commercial operation is being carried out at or in food premises otherwise than—

- (a) in a refrigerator or refrigerating chamber or in a cool ventilated place; or
- (b) at a temperature above 63°C,

is guilty of an offence.

(2) Sub paragraph (1) shall not apply to any food—

- (a) which is undergoing preparation for sale;
- (b) which is exposed for sale or has been sold to a consumer whether for immediate consumption or otherwise;
- (c) which, immediately following any process of cooking to which it is subjected or the final processing stage if no cooking process is applied, is being cooled under hygienic conditions as quickly as possible to a temperature which would not result in a risk to health;
- (d) which, in order that it may be conveniently available for sale on the premises to consumers, it is reasonable to keep otherwise than as referred to in sub paragraph (1);
- (e) which, for the duration of its shelf life, may be kept at ambient temperatures with no risk to health;
- (f) to which Council Regulation ([EEC](#)) No. 1906/90 on certain marketing standards for poultry⁽¹⁾, as last amended by Council Regulation ([EC](#)) No. 1101/98⁽²⁾, applies; or
- (g) to which Council Regulation ([EEC](#)) No. 1907/90 on certain marketing standards for eggs⁽³⁾, as last amended by Council Regulation ([EC](#)) No. 2052/2003⁽⁴⁾, applies.

(1) O.J. No. L 173, 6.7.90, p.1

(2) O.J. No. L 157, 30.5.98, p.12.

(3) O.J. No. L 173, 6.7.90, p.5.

(4) O.J. No. L 305, 22.11.03, p.1.

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Commencement Information

I2 Sch. 4 para. 2 in force at 1.1.2006, see [reg. 1\(a\)](#)

Reheating of food

3.—(1) Food which in the course of a commercial operation has been heated and which is thereafter reheated before being served for immediate consumption or exposed for sale shall, on being reheated, be raised to a temperature of not less than 82°C.

(2) Any person who contravenes the provisions of sub paragraph (1) is guilty of an offence.

(3) In any proceedings for an offence under sub paragraph (2), it shall be a defence for the accused to prove that the food could not have been raised to a temperature of not less than 82°C without a deterioration of its qualities.

Commencement Information

I3 Sch. 4 para. 3 in force at 1.1.2006, see [reg. 1\(a\)](#)

Interpretation

4. In this Schedule—

“shelf life” means—

- (a) in relation to food with respect to which an indication of minimum durability is required in accordance with regulation 20 of the Food Labelling Regulations 1996⁽⁵⁾ (form of indication of minimum durability), the period up to and including the date required to be included in that indication;
- (b) in relation to food with respect to which a “use by” date is assigned in the form required in accordance with regulation 21 of the Food Labelling Regulations 1996 (form of indication of “use by” date), the period up to and including that date; and
- (c) in relation to food which is not required to bear an indication of minimum durability or a “use by” date, the period for which the food can be expected to remain fit for sale if it is kept in a manner which is consistent with food safety.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.1.2006, see [reg. 1\(a\)](#)

(5) S.I.1996/1499, to which there are amendments not relevant to these Regulations.

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Changes and effects yet to be applied to :

- Sch. 4 para. 1 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 4 para. 2 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 4 para. 3 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Sch. 4 para. 4 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)
- Regulations applied by [S.S.I. 2005/616 reg. 13\(7\)](#)
- Regulations revoked by [S.S.I. 2006/3 Sch. 8](#)