
STATUTORY INSTRUMENTS

1995 No. 3202

FOOD

The Bread and Flour Regulations 1995

Made - - - - *8th December 1995*
Laid before Parliament *11th December 1995*
Coming into force - - *1st January 1996*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for 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 sections 6(4), 16(1)(a), (e) and (f), 18(1)(c), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Bread and Flour Regulations 1995 and shall come into force on 1st January 1996.

Interpretation

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

“the Act” means the Food Safety Act 1990;

“bread” means a food of any size, shape or form which—

(a) is usually known as bread, and

(b) consists of a dough made from flour and water, with or without other ingredients, which has been fermented by yeast or otherwise leavened and subsequently baked or partly baked,

but does not include buns, bunloaves, chapatis, chollas, pitta bread, potato bread or bread specially prepared for coeliac sufferers;

(1) 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act. Section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40).

“EEA Agreement” means the Agreement on the European Economic Area⁽²⁾ signed at Oporto on 2 May 1992, as adjusted by the Protocol⁽³⁾ signed at Brussels on 17 March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“flour” means the product which is derived from, or separated during, the milling or grinding of cleaned cereal whether or not the cereal has been malted or subjected to any other process, and includes meal, but does not include other cereal products, such as separated cereal bran, separated cereal germ, semolina or grits;

“flour bleaching agent” means any food additive primarily used to remove colour from flour;

“flour treatment agent” means any food additive which is added to flour or dough to improve its baking quality;

“food additive” has the meaning assigned to it by the Miscellaneous Food Additives Regulations 1995⁽⁴⁾;

“food authority” does not include—

- (a) the council of a district in a non-metropolitan county in England except where the county functions have been transferred to that council pursuant to a structural change;
- (b) until 1st April 1996, the council of a district in Wales; or
- (c) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple);

“ingredient” has the meaning assigned to it by the Food Labelling Regulations 1984⁽⁵⁾;

“labelling” has the meaning assigned to it by the Food Labelling Regulations 1984;

“the labelling regulations” means—

- (a) in relation to England and Wales, the Food Labelling Regulations 1984, and
- (b) in relation to Scotland, the Food Labelling (Scotland) Regulations 1984⁽⁶⁾;

“member State” means a member State of the European Community;

“sell” includes offer or expose for sale and includes have in possession for sale, and “sale” shall be construed accordingly.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the reference is to a regulation of, or Schedule to, specified regulations, be construed as a reference to the regulation or Schedule so numbered in these Regulations.

Exemptions

3.—(1) These Regulations, except in so far as they relate to advertising, shall not apply to any food which is not intended for sale for human consumption.

(2) These Regulations shall not apply in respect of—

- (a) any bread which is brought into Great Britain from an EEA State in which it was lawfully produced and sold or from a member State in which it was in free circulation and lawfully sold; or
- (b) any flour which is brought into Great Britain from a member State in which it was lawfully produced and sold or in which it was in free circulation and lawfully sold; and

which is suitably labelled to give the nature of the bread or flour.

(2) OJ No. L1, 3.1.94, p. 1.

(3) OJ No. L1, 3.1.94, p. 571.

(4) S.I. 1995/3187.

(5) S.I. 1984/1305; relevant amending instrument is S.I. 1990/2489.

(6) S.I. 1984/1519; relevant amending instrument is S.I. 1990/2502.

(3) For the purposes of paragraph (2) above, “free circulation” shall be construed in accordance with Article 9.2 of the Treaty establishing the European Community.

Composition of flour

4.—(1) Subject to paragraph (2) below, flour derived from wheat and from no other cereal, whether or not mixed with other flour, shall contain the substances specified in column 1 of Schedule 1 in accordance with the proportions and conditions prescribed in column 2 of that Schedule and with Schedule 2.

- (a) (2) (a) The requirements specified for item 1 in column 2 of Schedule 1 shall not apply in the case of—
 - (i) wholemeal flour,
 - (ii) self raising flour which has a calcium content of not less than 0.2 per cent, and
 - (iii) wheat malt flour.
- (b) The substances specified in items 2—4 of Schedule 1 shall, in the case of—
 - (i) wholemeal flour, be naturally present in the quantities specified in column 2 of that Schedule, and not added;
 - (ii) flour other than wholemeal, be added where such addition is necessary in accordance with the conditions prescribed in column 2 of that Schedule.

(3) Subject to paragraph (4) below—

- (a) no manufacturer of flour shall sell any flour which does not comply with this regulation; and
- (b) no importer of flour shall—
 - (i) import into Great Britain any flour, or
 - (ii) sell any flour imported by him,which does not comply with this regulation.

(4) This regulation shall not apply as respects any sale or importation into Great Britain of flour for use in the manufacture of communion wafers, matzos, gluten, starch or any concentrated preparation for use for the purpose of facilitating the addition to flour of the substances referred to in Schedule 1.

Additional ingredients

5.—(1) Subject to paragraph (2) below, no person shall use as an ingredient in the preparation of flour or bread any enzyme preparation, flour bleaching agent or flour treatment agent other than an enzyme preparation, flour bleaching agent or flour treatment agent specified in column 1 of Schedule 3.

(2) No person shall use as an ingredient in the preparation of flour or bread any enzyme preparation, flour bleaching agent or flour treatment agent specified in column 1 of Schedule 3 unless—

- (a) the flour or bread is of a type specified in column 2 of that Schedule in relation to that enzyme preparation, flour bleaching agent or flour treatment agent; and
- (b) the quantity of the enzyme preparation, flour bleaching agent or flour treatment agent used in the flour or bread does not exceed the maximum quantity, if any, specified in the appropriate entry in column 3 of that Schedule, or, if no maximum quantity is so specified, the quantity of the enzyme preparation, flour bleaching agent or flour treatment agent used in the flour or bread accords with good manufacturing practice.

(3) Notwithstanding regulation 18 of the labelling regulations, where a flour treatment agent has been used as an ingredient of any bread an indication of the presence of flour treatment agent shall appear—

- (a) in the list of ingredients of the bread as prescribed by regulation 15 of the labelling regulations, where the bread is marked or labelled with a list of ingredients; or
- (b) on a label, ticket or notice as prescribed by regulation 33 of the labelling regulations, where by virtue of regulation 24 of the labelling regulations the bread is not marked or labelled with a list of ingredients.

Restrictions on the use of the words 'wholemeal' and 'wheat germ'

6.—(1) There shall not be used in the labelling or advertising of bread, as part of the name of the bread, whether or not qualified by other words—

- (a) the word 'wholemeal' unless all the flour used as an ingredient in the preparation of the bread is wholemeal;
- (b) the word 'wheat germ' unless the bread has an added processed wheat germ content of not less than 10 per cent calculated on the dry matter of the bread.

(2) No person shall sell or advertise for sale any bread in contravention of this regulation.

Offences and penalties

7.—(1) If any person contravenes or fails to comply with regulation 4(3), 5 or 6(2) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Enforcement

8. Each food authority shall enforce and execute these Regulations in its area.

Defence in relation to exports

9. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation.

Transitional provisions

10. In any proceedings for an offence against these Regulations it shall be a defence to prove that—

- (a) the act was committed before 1st July 1997; and
- (b) the matters constituting the offence would not have constituted an offence against the Bread and Flour Regulations 1984 or the Bread and Flour (Scotland) Regulations 1984 if those Regulations had been in operation when the act was committed.

Application of various sections of the Act

11. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 or 15 of the Act and unless the context otherwise requires any reference in them to the Act shall be construed as a reference to these Regulations—

- Section 2 (extended meaning of `sale' etc.);
- Section 3 (presumption that food is intended for human consumption);
- Section 20 (offences due to fault of another person);
- Section 21 (defence of due diligence);
- Section 22 (defence of publication in the course of business);
- Section 30(8) (which relates to documentary evidence);
- Section 33 (obstruction etc. of officers);
- Section 36 (offences by bodies corporate); and
- Section 44 (protection of officers acting in good faith).

Amendments

12. In the Regulations specified in Schedule 4, for the words “the Bread and Flour Regulations 1984” and the words “the Bread and Flour (Scotland) Regulations 1984” in each place where they occur there shall be substituted the words “the Bread and Flour Regulations 1995”.

Revocations

13.—(1) The Regulations specified in column 1 of Schedule 5 are hereby revoked to the extent specified in column 3 of that Schedule.

(2) For the purposes of column 3 of Schedule 5 “the 1984 Regulations” means the Bread and Flour Regulations 1984(7) and “the Scottish 1984 Regulations” means the Bread and Flour (Scotland) Regulations 1984(8).

7th December 1995

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health

3rd December 1995

Cumberlege
Parliamentary Under Secretary of State,
Department of Health

(7) S.I. 1984/1304; relevant amending instruments are S.I. 1985/67, 1989/533, 1989/876, 1990/399, 1990/2486, 1991/1476 and 1992/2596.

(8) S.I. 1984/1518; relevant amending instruments are S.I. 1985/1068, 1989/581, 1989/945, 1990/395, 1990/2625, 1991/1476 and 1992/2596.

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Signed by authority of the Secretary of State for Wales

7th December 1995

Rod Richards
Parliamentary Under Secretary of State, Welsh
Office

8th December 1995

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 4(1) and (2)

ESSENTIAL INGREDIENTS OF FLOUR

Column 1 Substance	Column 2 Required quantity, in milligrams per hundred grams of flour, and conditions of use
<p>1. Calcium carbonate</p>	<p>(a) (a) not less than 235, and (b) not more than 390, (c) conforming to the following— Description Fine white microcrystalline or amorphous powder. Content Not less than 97 per cent of CaCO₃ on a volatile matter-free basis Volatile matter Not more than 1 per cent (determined by drying at 105°C to constant weight). Matter insoluble in hydrochloric acid Shall comply with the requirement for aluminium, iron, phosphate and matter insoluble in hydrochloric acid in the monograph for chalk in the British Pharmacopoeia 1973 at page 93. Arsenic Not more than 5 mg per kg. Lead Not more than 20 mg per kg. Other inorganic impurities Not more than 100 mg per kg of any of the following substances, namely antimony, copper, chromium, zinc or barium sulphate, or more than 200 mg per kg of any combination of those substances. Particle size Not more than 0.1 per cent to remain on a sieve of nominal aperture size 150 µm and not more than 0.2 per cent to remain on a sieve of nominal aperture size 63 µm.</p>
<p>2. Iron</p>	<p>(a) (a) not less than 1.65 (b) in the form of any, or any combination of two or more, of the following—</p>

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Column 1 Substance	Column 2 Required quantity, in milligrams per hundred grams of flour, and conditions of use
	<ul style="list-style-type: none"> (i) ferric ammonium citrate conforming to the criteria in the monograph for ferric ammonium citrate contained in the British Pharmacopoeia 1973 at page 201; (ii) green ferric ammonium citrate conforming to the criteria for ammonium ferric citrate contained in the British Pharmaceutical Codex 1973 at page 194; (iii) ferrous sulphate conforming to the criteria in the monograph for ferrous sulphate contained in the British Pharmacopoeia 1988 at page 245; (iv) dried ferrous sulphate conforming to the criteria in the monograph for dried ferrous sulphate contained in the British Pharmacopoeia 1988 at page 245; (v) iron powder conforming to the description, specification and requirements contained in Schedule 2.
3. Thiamin (Vitamin B ₁)	<ul style="list-style-type: none"> (a) (a) not less than 0.24 (b) in a form conforming to the criteria in the monograph for thiamine hydrochloride contained in the British Pharmacopoeia 1980 at page 451.
4. Nicotinic acid	<ul style="list-style-type: none"> (a) (a) not less than 1.60 (b) in a form conforming to the criteria in the monograph for nicotinic acid contained in the British Pharmacopoeia 1973 at page 318.
or Nicotinamide	<ul style="list-style-type: none"> (a) (a) not less than 1.60 (b) in a form conforming to the criteria in the monograph for nicotinamide contained in the British Pharmacopoeia 1980 at page 303.

SCHEDULE 2

Regulation 4(1)

SPECIFICATION FOR IRON POWDER

Definition

Iron powder shall consist essentially of finely-divided metallic iron containing not less than 90 per cent by weight of iron and conform to the following requirements.

<i>Chemical name</i>	Iron
<i>Symbol</i>	Fe

Description

Fine greyish-black powder of such granularity that not more than 0.1 per cent by weight shall remain on a British Standard 410:1969 wire sieve nominal aperture size 150 µm and not more than 5 per cent by weight on a British Standard 410:1969 wire sieve nominal aperture size 53 µm.

Assay

Accurately weigh 0.25 g of sample into a stoppered flask. Add a hot solution of 1.25 g of copper sulphate pentahydrate in 20 ml of water and shake for ten minutes. Filter rapidly and wash the filter with water; acidify the mixed filtrate and washings with sulphuric acid, and titrate with N/10 potassium permanganate. Each ml of N/10 potassium permanganate is equivalent to 0.005585 g of iron.

Solubility

Not less than 95 per cent of the iron content when determined by the following method.

Accurately weigh 0.1 g of sample into a 750 ml conical flask. Add 450 ml 0.2 per cent weight in weight hydrochloric acid previously warmed to 37°C. Stir continuously for three hours, maintaining the temperature at 37°C. Cool to room temperature and dilute to 500 ml with distilled water. Filter; determine the iron content of the filtrate by a suitable method. Calculate the total iron in solution as a percentage of the metallic iron content of the sample taken.

SCHEDULE 3

Regulation 5

INGREDIENTS PERMITTED IN FLOUR AND BREAD

Column 1 Ingredient	Column 2 Types of flour and bread in which ingredient may be used	Column 3 Maximum quantity, if any, in milligrams per kilogram of flour
E220 Sulphur dioxide	All flour intended for use in the manufacture of biscuits or pastry except wholemeal	The total quantity of these additives used must not exceed 200 calculated as sulphur dioxide
E223 Sodium metabisulphite	All flour except wholemeal	200

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Column 1 Ingredient	Column 2 Types of flour and bread in which ingredient may be used	Column 3 Maximum quantity, if any, in milligrams per kilogram of flour
	All bread	
920 L-Cysteine hydrochloride	(a) (a) All flour used in the manufacture of biscuits, except wholemeal or flour to which E220 Sulphur dioxide or E223 Sodium metabisulphite has been added. (b) Other flour, except wholemeal. All bread, except wholemeal	300 75
925 Chlorine	All flour intended for use in the manufacture of cakes, except wholemeal	2,500
926 Chlorine dioxide	All flour, except wholemeal	30
<i>alpha</i> -Amylases	All bread, except wholemeal All flour	
Proteinases	All bread	
Hemicellulases		

SCHEDULE 4

Regulation 12

AMENDMENT

Column 1 Regulations	Column 2 References	Column 3 Provisions Amended
The Arsenic in Food Regulations 1959	S.I.1959/831	The definition of “flour” in regulation 2(1)
The Arsenic in Food (Scotland) Regulations 1959	S.I. 1959/928	The definition of “flour” in regulation 2(1)

SCHEDULE 5

Regulation 13

REVOCATION

Column 1 Regulations Revoked	Column 2 References	Column 3 Extent of Revocation
The Food (Revision of Penalties) Regulations 1982	S.I. 1982/1727	The reference to the Bread and Flour Regulations 1963 in column 2 of Schedule 1 together with the entries corresponding thereto in columns 1, 3 and 4
The Bread and Flour Regulations 1984	S.I. 1984/1304	The whole Regulations
The Bread and Flour (Scotland) Regulations 1984	S.I. 1984/1518	The whole Regulations
The Food (Revision of Penalties) Regulations 1985	S.I. 1985/67	The reference to the 1984 Regulations in column 2 of Part I of the Schedule together with the entries corresponding thereto in column 1 and 3
The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985	S.I. 1985/1068	The reference to the Scottish 1984 Regulations in column 2 of Schedule 1 together with the entries corresponding thereto in column 1 and 3
The Food Safety (Exports) Regulations 1991	S.I. 1991/1476	The reference to the 1984 Regulations in column 2 of Part I of Schedule 1 together with the entries corresponding thereto in column 1 and 3; the reference to the Scottish 1984 Regulations in column 2 of Schedule 2 together with the entries corresponding thereto in column 1 and 3
The Food (Forces Exemptions) Revocations) Regulations 1992	S.I. 1992/2596	The reference to the 1984 Regulations in column 2 of Part I of the Schedule together with the entries corresponding thereto in column 1 and 3; the reference to the Scottish 1984 Regulations in column 2 of Part II of the Schedule together with the entries corresponding thereto in column 1 and 3

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede the Bread and Flour Regulations 1984 and the Bread and Flour (Scotland) Regulations 1984 (together “the revoked Regulations”).

The Regulations—

- (a) provide for exemptions from the Regulations (regulation 3);
- (b) continue to require that wheat flour (subject to certain exceptions) be fortified with specified essential ingredients (regulation 4, Schedule 1 and 2);
- (c) restrict the use of specified ingredients in the preparation of flour and bread and require that an indication of the presence of a flour treatment agent be given in the case both of prepacked and of non-prepacked bread (regulation 5, Schedule 3);
- (d) reserve the names ‘wholemeal’ and ‘wheat germ’ for bread which complies with specified compositional requirements and prohibit the sale or advertising for sale using these names of bread which does not comply with the compositional requirements (regulation 6);
- (e) create offences and prescribe penalties (regulation 7);
- (f) specify the enforcement authorities (regulation 8);
- (g) provide a defence in relation to exports in implementation of Article 2 and 3 of, as read with the ninth recital to, Council Directive [89/397/EEC](#) (OJNo. L186, 30.6.89, p. 23) on the official control of foodstuffs (regulation 9);
- (h) provide that for a transitional period a defence is available where there would not have been any contravention of the revoked Regulations (regulation 10);
- (i) apply various sections of the Food Safety Act 1990 (regulation 11);
- (j) amend and revoke specified Regulations (regulation 12 and 13).

The British Pharmacopoeia 1973, 1980 and 1988 and the British Pharmaceutical Codex 1973, referred to in Schedule 1 may be inspected at the British Library Lending Division Boston Spa, Wetherby, West Yorks LS23 7BQ, Tel. 01937 546 060 and by appointment at the library of the Ministry of Agriculture, Fisheries and Food, 3 Whitehall Place, London SW1A 2HH, Tel. 0171-270 8419.

In Scotland the British Pharmacopoeia 1973, 1980 and 1988 may be inspected at the Erskine Medical Library, University of Edinburgh, Hugh Robson Building, George Square, Edinburgh EH8 9XE, Tel. 0131-650 3685. The British Pharmaceutical Codex 1973 may be inspected at the National Library of Scotland, the Lending Division, 33 Salisbury Place, Edinburgh EH9 1SL, Tel. 0131-226 4531 Ext. 3329.

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Food Labelling and Standards Division Branch B, of the Ministry of Agriculture, Fisheries and Food, Ergon House, 17 Smith Square, London SW1P 3JR.