

SUMMARY GUIDANCE ON THE NEW FOOD HYGIENE REGULATIONS FOR RESTAURANTS, CATERERS AND BUSINESSES SELLING FOOD TO THE FINAL CONSUMER

A NOTE ON THIS GUIDANCE

This guidance is intended to help you to understand the most significant requirements of the new hygiene legislation. It is intended to be used with the legislation and with the more comprehensive FSA guidance (see “Details” below).

INTRODUCTION

1. If you run or intend to start up a business which prepares, handles and sells food, you must comply with hygiene rules to make sure the food is safe to eat. These rules changed from 1 January 2006. While many of the rules did not change from the previous requirements, there are some differences.
2. This guidance outlines what the law requires you to do and gives links to where you can get additional guidance to help you. More detailed guidance on the requirements of the new food hygiene legislation is contained in “FSA guidance on the requirements of food hygiene legislation” (see “Details” below).
3. While this guidance is not legally binding, it does nevertheless represent the considered views of the Agency and is issued for the purpose of providing advice and information to food businesses about the new food hygiene rules. But only the courts can give a definitive view on the law.

REGISTERING YOUR PREMISES

4. Food business operators must register their establishments i.e. each separate unit of their food business with the relevant Local Authority and should do so at least 28 days before they commence trading. This provides new food businesses with an opportunity to obtain further information and guidance from the Local Authority on food law issues. If your establishment is already registered and there have been no changes since registration or since the last inspection visit by the Local Authority, then you need take no further action to comply with this requirement.
 5. When registering, food business operators must provide full details of the activities undertaken in their establishments and must then ensure that any subsequent changes e.g. a change of food business operator, a change to the food operations, closure of an existing establishment etc. are notified to the Local Authority. Such notifications should be made as soon as possible and in any event no later than 28 days after the change has happened.
- If you need to notify any changes you should contact the relevant Local Authority.

- If you are setting up a new business, you should complete a registration form and submit it to your Local Authority at least 28 days before trading commences.

For more information contact your Local Authority.

HYGIENE REQUIREMENTS

6. In order to produce food safely, you must ensure that where and how it is produced is hygienic. You must make sure that your premises are kept clean and are properly equipped. Foods must be hygienically handled. Staff must be appropriately supervised, and be instructed and/or trained in food hygiene matters so that they can carry out their work hygienically. Those responsible for developing and maintaining the procedure referred to in paragraphs 8 and 9 below need to have received adequate training. The rules describe in general the requirements you need to meet.

7. The FSA publishes a wide range of guidance to help you make food safely. FSA guidance and where to find it is set out in Annex B to “FSA guidance on the requirements of food hygiene legislation”. Further information may also be available from your Local Authority or trade associations (if you are a member).

MANAGING FOOD SAFETY

8. Producing food safely doesn’t happen by accident. You need to manage the process in order to protect your customers and your reputation and to comply with the law. The hygiene rules require you to have a procedure in place for doing this which respects certain principles.

9. The procedure you operate will need to show to your enforcement officer that you have effective food safety management in place. This requires the following;

- Hazards to food safety which might be present within your business are identified (“What can go wrong, when and where?”).
- Controls are in place to deal with these hazards. (“What can I do about it and where?”)
- Controls are carried out and checked. If something goes wrong everyone is clear what to do about it and then does it. (“What is acceptable?” “How can I check?” “What can I do about it?”)
- Procedures are kept up to date (“If I change my way of preparing food, do I need to change my food safety controls?”).
- Documents are kept, which are necessary to show what the procedures are, (“What documents should I keep to show what my procedures are?”).

- Records necessary to show the procedures are working are kept (“What records should I keep to show my procedures are working and any problems have been put right”?)

10. In order to help caterers comply with the new legislation, the FSA has developed guidance packs. These are ‘Safer food, better business’ in England, ‘Safe catering – your guide to HACCP’ in Northern Ireland and ‘Cooksafe’ in Scotland.

Please note that catering businesses do not have to use an FSA pack, but many businesses will find them helpful.

Full details of how to obtain one these packs can be found in “FSA guidance on the requirements of food hygiene legislation” or contact your Local Authority.

General FSA advice on food safety management, can also be found on the web site at www.food.gov.uk/foodindustry/hygiene/sfbb. This page also links to downloadable information about ‘Safer food, better business’ and ‘Cooksafe’.

Further help for businesses on producing food safely can be found in the FSA booklet ‘Food Hygiene – a guide for businesses’. See www.food.gov/multimedia/pdfs/hygienebusinessguide.pdf.

GOOD PRACTICE GUIDES

11. The food hygiene regulations provide for the development of guides to good practice for hygiene and the application of HACCP principles. Food business operators may use these guides as a voluntary aid to compliance with their obligations under the food hygiene legislation. Enforcement officers must take account of these particular guides when assessing compliance with food law. Further information on good practice guides and their development can be found on the FSA web site at www.food.gov.uk/foodindustry/hygiene/goodpractice.

DETAILS

The rules referred to in this guidance are contained in:

- Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs.

This is part of a package of EU legislation on food hygiene, the other elements of which are:

- Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin; and
- Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

This legislation was published in the Official Journal of the European Union of 30 April 2004, L139. Corrected versions were published in the Official Journal Of the European Union of 25 June 2004, L226.

In addition, a number of more detailed measures, including implementing and transitional measures have been published. These are:

- Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs;
- Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs;
- Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004, for the organisation of official controls under Regulations (EC) Nos. 854/2004 and 882/2004, derogating from Regulation (EC) No. 852/2004 and amending Regulations (EC) Nos. 853/2004 and 854/2004;
- Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat; and
- Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) Nos. 854/2004 and 882/2004 of the European Parliament and of the Council and amending Regulations (EC) Nos. 853/2004 and 854/2004.

Regulation 1688/2005 was published in the Official Journal of the European Union of 15 October 2005, L271. Regulations 2073/2005, 2074/2005, 2075/2005 and 2076/2005 were published in the OJ of 22 December 2005, L 338.

Copies of the EC Regulations in pdf format can be accessed from the Food Standards Agency's website at:

www.food.gov.uk/foodindustry/regulation/europeleg/eufoodhygieneleg/

Copies of the Official Journal can be accessed from the European Union's website at:

www.europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en

This legislation is applied in the UK by:

- The Food Hygiene (England) Regulations 2006 (SI 2006/14)
- The Food Hygiene (Scotland) Regulations 2006 (SSI 2006/3)
- The Food Hygiene (Wales) Regulations 2006 (SI 2006/31 (W.5))
- The Food Hygiene Regulations (Northern Ireland) 2006 (SR 2006/3)

Copies are obtainable from the Office of Public Sector Information. You can access these from the website at:

www.opsi.gov.uk

Detailed guidance is contained in “FSA guidance on the requirements of food hygiene legislation” which is available from the FSA web site at:

<http://www.food.gov.uk/multimedia/pdfs/fsaguidefoodleg.pdf>.