

S.I OF 2018

FOOD ACT

(Cap 82)

Food Act (Temperature Control) Regulations, 2018

In exercise of the powers conferred by section 38 of the Food Act, the Minister for Health hereby makes the following Regulations —

1. These Regulations may be cited as the Food Act (Temperature Control) Regulations, 2018. Citation

2. In these Regulations, unless the context otherwise requires — Interpretation
 - “Act” means the Food Act, 2014;
 - “ambient temperature” the temperature of the immediate surrounding where the food is kept
 - “competent authority” means the competent authority as defined in section 2 of the Food Act, 2014;
 - “food business” as defined in section 2 of the Food Act, 2014;
 - “primary production” includes harvesting, slaughter and milking;
 - “recommended temperature” means a temperature which has been recommended under regulation 5;
 - “shelf life” means the period from the date of manufacture or packaging of any food within which the food may be sold or consumed as indicated by a date marking or any other information on the label;
 - “special storage condition” means a statement made on the label of any food products by the manufacturer indicating any special condition under which the food must be stored to remain wholesome;
 - “ultimate consumer” means any person who buys food otherwise than for the purpose of resale or a catering establishment or manufacturing.

3. (1) In determining for the purpose of these Regulations whether any matter involves a risk to food safety, regard shall be taken of the nature of the food, the manner in which it is handled, packaged, transported, or any process to which the food is subjected to before being supplied to the customer and the conditions under which it is displayed and stored.

Application of
these
Regulations

(2) Regulations 4 to 11 shall not apply to

- (a) primary production
- (b) commercial processes under product specific regulations made under the Food Act

4. (1) A person shall not keep any food —

- (a) which is likely to support the growth of pathogenic micro-organisms or the formation of toxins
- (b) with respect to which, any food business activity is being carried on at any premises at a temperature above 8°C.

Chill holding
requirements

(2) A person who contravenes regulation 4(1) commits an offence and shall on conviction be liable to a fine not exceeding SCR 20, 000 or to imprisonment for a term not more than 2 months or to both such fine and imprisonment.

(3) Subregulation (1) shall not apply to —

- (a) food which has been cooked or reheated, and is for service or on display for sale, and needs to be kept hot in order to control the growth of pathogenic micro-organisms or the formation of toxins;
- (b) food, which, for the duration of its shelf life may be kept at ambient temperature with no risk to health;
- (c) food which is being or has been subjected to a process such as dehydration or canning intended to prevent the growth of pathogenic micro-organisms at ambient temperature, but this paragraph shall cease to apply in circumstances where after or by virtue of that process the food was contained in a hermetically sealed container; and the container has been opened;
- (d) food which must be ripened or matured at ambient temperatures, but this paragraph shall cease to apply

