1990 No. 301

FOOD

Food Hygiene (General) (Amendment) Regulations (Northern Ireland) 1990

Made	*7th August 1990*
Coming into operation in accordance with regulation 1(1)	
All provisions except regulation 2(6) and Schedule 2 for certain purposes	*1st April 1991*
Regulation 2(6) and Schedule 2 for certain purposes	*1st April 1992*

The Department of Health and Social Services in exercise of the powers conferred on it by Article 15 of the Food (Northern Ireland) Order 1989(**a**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 72(2) of that Order with such organisations as appear to it to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Hygiene (General) (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 1st April 1991 except regulation 2(6) and Schedule 2 to the extent that they have effect for the purposes of paragraph (6) of regulation 26A of the principal Regulations which shall come into operation on 1st April 1992.

(2) In these Regulations ''the principal Regulations'' means the Food Hygiene (General) Regulations (Northern Ireland) 1964(**b**).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (6).

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

(*a*) after the definition of ''contamination'' there shall be inserted the following definitions—

'' ''delivery vehicle'' means a vehicle used for the delivery of food in the course of a trade or business, but does not include any vehicle which, being used for the sale of food, falls within the definition of ''stall'';

(**a**) S.I. 1989/846 (N.I. 6)
(**b**) S.R. & O. (N.I.) 1964 No. 129, to which there are amendments not relevant to these Regulations

"egg" includes whole egg, yolk or albumen, whether or not the egg, yolk or albumen is dried, frozen or otherwise preserved;";

(*b*) for the definition of "fish" there shall be substituted the following definition—

" "fish" means uncooked fish (including cured or smoked fish) and includes uncooked whalemeat, and in regulations 23 and 26A, but not elsewhere, includes fish which has been cooked or otherwise prepared for sale by any similar process;";

(*c*) in the definition of "meat" for "Regulations 23 and 25" there shall be substituted "regulations 23, 25 and 26A";

(*d*) after the definition of "meat" there shall be inserted the following definition—

" "milk" includes separated or skimmed milk, dried milk, condensed milk and cream;";

(*e*) after the definition of "open food" there shall be inserted the following definition—

" "pH value" means the negative decimal logarithm of the concentration of hydrogen ions expressed in moles per litre;";

(*f*) for the definition of "stall" there shall be substituted the following definitions—

" "stall" includes any stand, marquee, tent, mobile canteen, vehicle (whether moveable or not), vending machine, site or pitch, from which food is sold, not being food premises or a food room;

"vending machine" means a coin-operated automatic vending machine.".

(3) In regulation 16 (first-aid materials to be provided) after "bandages" there shall be inserted "and" and the words "and antiseptic" shall be omitted.

(4) In regulation 21 (cleanliness and repair, etc., of food rooms) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) prevent, so far as reasonably practicable, the entry of birds, and any risk of infestation by rats, mice, insects or other pests.".

(5) For regulation 23 (temperature at which certain foods are to be kept) there shall be substituted the regulation 23 as set out in Schedule 1 to these Regulations.

(6) After regulation 26 (supply of water for stalls) there shall be inserted the regulation 26A as set out in Schedule 2 to these Regulations.

Amendment of the Food Hygiene (Docks, Carriers, etc.) Regulations (Northern Ireland) 1970

3.—(1) The Food Hygiene (Docks, Carriers, etc.) Regulations (Northern Ireland) 1970(**a**) shall be amended in accordance with paragraphs (2) and (3).

(**a**) S.R. & O. (N.I.) 1970 No. 144, to which there are amendments not relevant to these Regulations

(2) In regulation 17 (first-aid materials to be provided) after ''bandages'' there shall be inserted ''and'' and the words ''and antiseptic'' shall be omitted.

(3) In regulation 20(1) (cleanliness and repair, etc., of food buildings) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

''(*b*) prevent, so far as reasonably practicable, the entry of birds, and any risk of infestation by rats, mice, insects or other pests.''.

Sealed with the Official Seal of the Department of Health and Social Services on 7th August 1990.

(L.S.) *J. Scott*

Assistant Secretary

SCHEDULE 1 Regulation 2(5)

NEW REGULATION 23 OF THE PRINCIPAL REGULATIONS

"Temperature at which certain foods are to be kept in food premises

23.—(1) Subject to paragraph (2), the food to which this regulation applies ("relevant food") is food intended for human consumption of any of the following descriptions—

(*a*) soft cheeses (whether whole or cut) which have been ripened by the action of moulds or other micro-organisms;

(*b*) cooked products (whether prepared ready for consumption or intended to be subjected to reheating or further cooking prior to consumption) comprising or containing—

(i) meat,

(ii) fish,

(iii) eggs,

(iv) substances used as a substitute for meat, fish or eggs,

(v) cheese,

(vi) cereals,

(vii) pulses, or

(viii) vegetables,

whether or not the food also includes other raw or partially cooked ingredients;

(*c*) smoked or cured fish;

(*d*) smoked or cured meat which has been cut or sliced after smoking or curing;

(*e*) desserts, an ingredient of which is milk or anything used as a substitute for milk, and which have a pH value of 4.5 or more;

(*f*) prepared vegetable salads, including those containing fruit;

(*g*) cooked pies and pasties containing meat, fish and any substitute for meat or fish or vegetables encased in pastry, except (in each case) those into which nothing has been introduced after cooking and which are intended to be consumed on the day of preparation or the day following that day;

(*h*) cooked sausage rolls, except those which are intended to be consumed on the day of preparation or the day following that day;

(*i*) uncooked or partly cooked pastry and dough products containing meat, fish or any substance used as a substitute for meat or fish;

(*j*) sandwiches, filled rolls and similar bread products containing—

(i) meat,

(ii) fish,

(iii) eggs,

(iv) substances used as a substitute for meat, fish or eggs,

(v) soft cheeses to which this regulation applies,

(vi) vegetables; or

(*k*) cream cakes.

(2) This regulation does not apply to food of any of the following descriptions—

(*a*) bread, biscuits, cakes or pastry which are of a description specified in paragraph (1) by reason only of the use of egg or milk as an ingredient introduced into the products before they are baked;

(*b*) ice-cream to which the Ice-Cream and other Frozen Confections Regulations (Northern Ireland) 1968(**a**) apply;

(*c*) food which has been subjected to dehydration or other process the purpose of which is to prevent the growth of pathogenic micro-organisms at ambient temperatures;

(*d*) food contained in hermetically sealed containers and which has been preserved by a process of heating, the purpose of which is to prevent the growth of pathogenic micro-organisms at ambient temperatures;

(*e*) uncooked bacon, uncooked ham, dry pasta, dry pudding mixes or dry mixes for the preparation of beverages;

(*f*) chocolate or sugar confectionery; or

(*g*) milk which is not combined with other ingredients.

(3) Subject to paragraph (4), this regulation shall not apply to relevant food—

(*a*) in any food room and which is intended to be sold within two hours of the conclusion of its preparation and at a temperature of 63°C or above;

(*b*) in any food room and which is intended to be sold within four hours of the conclusion of its preparation and at a temperature below 63°C; or

(*c*) which is displayed on catering premises for a period not exceeding four hours, where such display is for the purpose of either—

(i) indicating to prospective purchasers the nature of food which is for sale for consumption on those premises, or

(ii) service to a purchaser for consumption on those premises,

provided that, in either case, no more food is displayed than is reasonably necessary for that purpose.

(4) In relation to food which is in any catering premises and is intended for consumption on those premises the references in paragraph (3)(*a*) and (*b*) to the time of intended sale shall be read as references to the time when the process of service of such food is intended to be commenced.

(5) Subject to paragraphs (6) and (7) relevant food which is in any food room—

(*a*) if it is not either at or below the specified temperature or at or above 63°C shall be cooled to a temperature not exceeding the specified temperature or heated to at least 63°C, as appropriate, without any avoidable delay after arrival or after any process of preparation has been completed;

(*b*) thereafter shall be kept at or below the specified temperature or at or above 63°C until it is sold, except where—

(i) it is being heated, without any avoidable delay from the specified temperature to 63°C or is being cooled without any avoidable delay from 63°C to the specified temperature, or

(ii) having previously been cooled to a temperature at or below the specified temperature, or heated to a temperature at or above 63°C, it is in the course of being served on catering premises.

(6) Where relevant food in any food room is placed without avoidable delay in equipment which is capable of cooling it to, and keeping it at, the specified

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(**a**) S.R. & O. (N.I.) 1968 No. 13