

WHAT  
THE LAW  
SAYS



What the law says

The most important food hygiene regulations for your business are:

- > Regulation (EC) No. 853/2004 on the hygiene of foodstuffs
- > The Food Hygiene (England) Regulations 2006 (as amended) (and equivalent regulations in Scotland, Wales and Northern Ireland)\*

These set out the basic hygiene requirements for all aspects of your business, from your premises and facilities to the personal hygiene of your staff.

One of the key requirements of the law is that you must be able to show what you do to make or sell food that is safe to eat and have this written down. Details of these food safety management procedures are described below.

## Food safety management procedures

You must put in place 'food safety management procedures' based on the principles of HACCP (hazard analysis and critical control point). You must also:

- > keep up-to-date documents and records relating to your procedures
- > review your procedures if you change what you produce or how you work

In practice, this means that you must have procedures in place to manage food safety 'hazards' in your business. You must write these procedures down, update them as needed and keep records that can be checked by your local authority.

The regulations are designed to be flexible, so these procedures can be in proportion to the size of your business and the type of work you do. This means that many small businesses will have very simple procedures and records.

If you handle both raw and ready-to-eat food you may need to consider extra procedures to control harmful bacteria. See **What help can I get?** on page 27.

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\* In 2013, in England only these regulations will be consolidated with the General Food Regulations 2004 and so their title is expected to change.



### What is HACCP?

HACCP is a way of managing food safety. It is based on putting in place procedures to **control** hazards. It involves:

- > **Looking closely at what you do** in your business and what could go wrong.
- > **Identifying the ‘critical control points’** – these are the places you need to focus on to prevent hazards or reduce them to an acceptable level.
- > **Putting in place procedures** to make sure hazards are controlled at your critical control points.
- > **Deciding what action you need to take if something goes wrong.**
- > **Making sure that your procedures are working.**
- > **Keeping appropriate records** to show your procedures are working.

Some people think that HACCP is very complicated, but it doesn't have to be. The important thing is to have food safety management procedures that are appropriate for your business. Remember that there are packs produced by the Food Standards Agency (FSA) that can help you put these procedures in place. See **What help can I get?** on page 27.

### What is a hazard?

A hazard is something that could be dangerous. And there are lots of different hazards. When we are talking about hazards in relation to food, a hazard is something that could mean that food will not be safe to eat.

Food safety hazards can be:

- > **microbiological** – involving harmful bacteria, e.g. when certain food is kept out of the fridge for too long and bacteria grow in it
- > **chemical** – involving chemicals getting into food, e.g. cleaning products or pest control chemicals

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> **physical** – involving objects getting into food, e.g. broken glass or pieces of packaging

Hazards can happen at any stage in your business – from taking deliveries to serving customers.

### How do I put in place food safety management procedures?

You can develop your own procedures based on the principles of HACCP. Alternatively you can use a pack produced by the FSA or your local authority, or a food industry guide recognised by the FSA, to help you comply with the law. See **What help can I get?** on page 27.

### Do all businesses selling food need to put in place these procedures?

These procedures may not be necessary in some businesses with very simple processes. In this case, businesses can comply with the legal requirement by following good hygiene practice. They would still need to comply with the other requirements described in this booklet. Contact your local authority for advice.

## Registering your business

You must register your business premises with your local authority. If you are going to open new business premises, you should register them at least 28 days before opening. If you use premises in more than one place, you need to register all of them. You must also:

- > make sure your local authority always has up-to-date information about your premises
- > tell your local authority if what you do in your business changes significantly

## Your premises

Your premises include all of the rooms or buildings you use in your business.

### General requirements

You must keep your premises clean and maintained in good repair and condition.

The layout, design, construction, site and size of your premises must:

- > Allow adequate maintenance, cleaning and/or disinfection.
- > Avoid or minimise air-borne contamination (i.e. contamination carried in the air).
- > Provide enough working space for you to carry out all tasks hygienically.
- > Protect against the build-up of dirt, contact with toxic materials, shedding of particles into food and forming of condensation or mould on surfaces.
- > Allow good food hygiene practices, including protection against contamination and, in particular, pest control.
- > Provide, where necessary, suitable conditions for handling and storing food while keeping it at appropriate temperatures. Those temperatures should be monitored and, where necessary, recorded.



If you are choosing new premises or making changes to premises you already have, it's a good idea to ask your local authority for advice.

### Handwashing facilities and toilets

- > You must have an adequate number of flush lavatories, connected to an effective drainage system.
- > Toilets must not open directly into rooms where you handle food.

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- > You must have an adequate number of washbasins, suitably located and used only for cleaning hands.
- > Washbasins for cleaning hands must have hot and cold running water, soap and materials for hygienic drying.
- > Where necessary, you should have a separate sink for washing food.

### Ventilation

- > You must have enough ventilation, either natural (e.g. opening windows or vents) or mechanical (e.g. extractor fans).
- > Ventilation systems must be constructed to allow access to clean or replace filters and other parts.
- > Toilets must have enough ventilation, either natural or mechanical.

### Other requirements

- > You must have adequate lighting, either natural (daylight) and/or artificial (electric light).
- > Drainage facilities must be adequate for the purpose intended. They must be designed and constructed to avoid the risk of contamination.
- > You must provide adequate facilities for staff to change their clothes, where necessary.
- > You must not store cleaning chemicals and disinfectants in areas where food is handled.

## Rooms where food is prepared, treated or processed

There are special requirements for rooms where you prepare, treat or process food.

The design and layout of the room must allow good food hygiene practices, including protection against contamination between and during tasks. These do not include dining rooms.

### Floors

- > Floor surfaces must be maintained in a sound condition and be easy to clean and, where necessary, to disinfect.
- > This means that floor surfaces need to be made of materials that are impervious (i.e. do not allow fluid to pass through), non-absorbent, washable and non-toxic, unless you can satisfy your local authority that other materials are appropriate.
- > Where appropriate, floors must allow adequate surface drainage.

### Walls

- > Wall surfaces must be maintained in a sound condition and be easy to clean and, where necessary, to disinfect.
- > This means that wall surfaces need to be made of materials that are impervious (i.e. do not allow fluid to pass through), non-absorbent, washable and non-toxic, and must be smooth up to a height appropriate for the work you do, unless you can satisfy your local authority that other materials are appropriate.

### Ceilings

- > Ceilings (or, where there are no ceilings, the interior surface of the roof) and overhead fixtures must be constructed and finished in a way that prevents dirt from building up and reduces condensation, the growth of undesirable mould and the shedding of particles.

### Windows

- > Windows and other openings must be constructed to prevent dirt from building up.

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- > Windows and other openings (e.g. doors) that can be opened onto the outside must be fitted, where necessary, with insect-proof screens that can be removed easily for cleaning.
- > Where open windows would cause contamination, windows must remain closed and fixed while you are producing food.

### Doors

- > Doors must be easy to clean and, where necessary, to disinfect.
- > This means that the surface of doors needs to be smooth and non-absorbent, unless you can satisfy your local authority that other materials are appropriate.

### Surfaces

- > Surfaces (including surfaces of equipment) in areas where food is handled, particularly those that are touched by food, must be maintained in a sound condition and be easy to clean and, where necessary, to disinfect.
- > This means that surfaces need to be made of materials that are smooth, washable, corrosion-resistant and non-toxic, unless you can satisfy your local authority that other materials are appropriate.

### Washing equipment and food

- > You must have an adequate supply of hot and cold water and adequate facilities, where necessary, for cleaning, disinfecting and storing utensils and equipment. These facilities need to be made of corrosion-resistant materials, and be easy to clean.
- > You must have adequate facilities, where necessary, for washing food. Every sink (or other facilities) for washing food must have an adequate supply of hot and/or cold water. The water must be potable (drinking quality). These facilities must be kept clean and, where necessary, disinfected. See **Water supply** on page 12.

## Transport

- > Vehicles and/or containers used to transport food must be kept clean and maintained in good repair and condition, to protect food from contamination. Where necessary, they must be designed and constructed to allow adequate cleaning and/or disinfection.
- > Items used to hold food (e.g. boxes) in vehicles and/or containers must not be used for transporting anything other than food where this may cause contamination.
- > Where vehicles and/or containers are used for transporting anything other than food, or for transporting different types of food at the same time, you must separate products effectively, where necessary.
- > Where vehicles and/or containers have been used for transporting anything other than food or for transporting different foods, you must clean effectively between loads to avoid the risk of contamination.
- > Food in vehicles and/or containers must be placed and protected in a way that minimises the risk of contamination.
- > Where necessary, vehicles and/or containers used for transporting food must be capable of keeping food at appropriate temperatures and allow those temperatures to be monitored.

## Equipment

All items, fittings and equipment that food touches must be:

- > cleaned effectively and, where necessary disinfected, frequently enough to avoid any risk of contamination
- > made of appropriate materials and kept in good order, repair and condition, in a way that minimises any risk of contamination
- > made of appropriate materials and kept in good order, repair and condition in a way that enables them to be kept clean and, where necessary, to be disinfected, except for non-returnable containers and packaging

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- > installed in a way that allows adequate cleaning of the equipment and the surrounding area
  - > fitted, where necessary, with an appropriate 'control device' (e.g. a temperature sensor)
- If 'chemical additives' have to be used to prevent the corrosion of equipment and containers, these must be used in accordance with good practice.

## Food waste

- > You must remove food waste and other rubbish from rooms where food is present as quickly as possible, to avoid them building up.
- > You must put food waste and other rubbish in containers that can be closed, unless you can satisfy your local authority that other types of containers or systems of disposing of waste are appropriate. These containers must be of appropriate construction, kept in sound condition, be easy to clean and, where necessary, to disinfect.
- > You must have adequate facilities for storing and disposing of food waste and other rubbish. Stores for waste must be designed and managed in a way that enables them to be kept clean and, where necessary, free of animals and pests.
- > You must get rid of all waste in a hygienic and environmentally friendly way, in accordance with legislation. (There are rules about the way certain types of food waste must be collected and disposed of – contact your local authority for details.)
- > The waste must not be a direct or indirect source of contamination (e.g. touching surfaces that food is prepared on, or attracting pests).

## Water supply

- > You must have an adequate supply of potable (drinking quality) water, which is to be used whenever necessary to ensure that food is not contaminated.
- > Where non-potable water (i.e. not of drinking quality) is used in your business, for example for fire control, steam production, refrigeration and other similar purposes, it must circulate in a separate, identified system. It must not connect with, or be able to get into, the systems for potable (drinking quality) water.
- > If recycled water is used in processing or as an ingredient, it must not present a risk of contamination. It must be of the same standard as potable (drinking quality) water, unless you can satisfy your local authority that the quality of the water cannot affect how safe the food is to eat in its finished form.
- > Ice that is touched by food, or may contaminate food (including drinks), must be made from potable (drinking quality) water. Ice must be made, handled and stored in ways that protect it from contamination.
- > Steam that is used directly in contact with food must not contain any substance that presents a hazard to health or is likely to contaminate the food.
- > If you heat food in hermetically sealed containers (containers that are specially sealed to be airtight), you must make sure that the water you use to cool the containers after heat treatment is not a source of contamination for the food.

## Personal hygiene

Every person working in a food-handling area must maintain a high level of personal cleanliness. He or she must wear suitable, clean clothing and, where necessary, protective clothing.



- > Staff should keep hair tied back and wear a suitable head covering, e.g. hat or hairnet, when preparing food.
- > Staff should not wear watches or jewellery when preparing food (except a wedding band).
- > Staff should not touch their face and hair, smoke, spit, sneeze, eat or chew gum when they are handling food.

## Fitness for work

You must not allow anyone to handle food or enter a food handling area if they:

- > are suffering from, or carrying, a disease likely to be transmitted through food
- > have infected wounds, skin infections, sores
- > have diarrhoea

Anyone working in a food business, who is affected by any of these and is likely to come into contact with food through their work, must tell the business owner or manager immediately about the illness or symptoms and, if possible, what has caused them.



Staff with diarrhoea or vomiting should not return to work until they have had no symptoms for 48 hours.



## Handwashing

Effective handwashing is extremely important to help prevent harmful bacteria from spreading from people's hands to food, work surfaces, equipment etc. Make sure that all staff that work with food wash their hands properly:

- > when entering the food handling area, e.g. after a break or going to the toilet
- > before preparing food
- > after touching raw food, such as meat/poultry, fish, eggs and unwashed fruit and vegetables
- > after handling food waste or emptying a bin
- > after cleaning
- > after blowing their nose
- > after touching phones, light switches, door handles and cash registers, or other surfaces that could come into contact with staff handling raw food

Don't forget that staff should dry hands thoroughly on a disposable towel – harmful bacteria can spread more easily if your hands are wet or damp. Use the disposable towel to turn off the tap.

## Food

- > You must not accept raw materials or ingredients, or any other material used in processing products, if they are known to be, or might reasonably be expected to be, contaminated in a way that means the final product would be unfit for human consumption.
- > You must store raw materials and all ingredients in appropriate conditions, designed to prevent harmful deterioration and protect them from contamination.
- > At all stages of production, processing and distribution, you must protect food against any contamination likely to make it unfit for human consumption, harmful to health or contaminated in a way that means it would be unreasonable to expect it to be eaten in that state.

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- > You must have adequate procedures to control pests and to prevent domestic animals (pets) from getting into places where food is prepared, handled or stored. If you run a B&B, or run another type of food business from a domestic premises, you must have adequate procedures to prevent pets from causing contamination in your kitchen (e.g. with thorough cleaning).
- > Hazardous and/or inedible substances must be labelled adequately and stored in separate and secure containers.

You also need to make sure that the food you make or sell complies with specific 'microbiological criteria'. These criteria put limits on the levels of certain bacteria that are allowed to be in food. In practice, most small catering businesses and small food shops may not need to do any testing of the levels of bacteria in the food they make or sell. But you must be able to show that you have suitable food safety management procedures in place that control the levels of bacteria in food. Packs and guidance produced by the Food Standards Agency and food industry guides will help you comply with these requirements – see **What help can I get?** on page 27.

## Temperature

- > You must not keep food at temperatures that might cause a risk to health (see below).
- > The 'cold chain' must not be interrupted for foods that rely on temperature control for their safety. However, you are allowed to have food outside temperature control for limited periods of time to allow you to prepare, transport, store, display and serve food, as long as this does not cause a risk to health.
- > If you manufacture, handle and wrap processed food, you must have suitable rooms, large enough to store raw materials and processed materials separately, and enough separate refrigerated storage.
- > If food is going to be kept or served at chilled temperatures, you must cool it as quickly as possible after cooking (or other heat processing), or after final preparation if you are not heating the food, to a temperature that does not cause a risk to health (see below).

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### **Cold food...**

**must be kept at 8°C or below.**

This is a legal requirement in England, Wales and Northern Ireland, and recommended in Scotland. In Scotland, food must be kept in a fridge or cool ventilated place.

### **Hot food...**

**must be kept at 63°C or above.**

This is a legal requirement throughout the UK.

When you reheat food, make sure that it is steaming hot all the way through. In Scotland, there is a legal requirement for reheated food to reach at least 82°C.

## **Service and display**

When you are serving or displaying food, you can keep it out of temperature control for a limited period of time:

- > Cold food can be kept above 8°C for up to four hours. You should only do this once. If any food is left after this time, you should throw it away or keep it chilled at 8°C or below until it is used.
- > Hot food can be kept below 63°C for up to two hours but you should only do this once. If any food is left after this time, you should reheat it till steaming hot and put it back into hot holding, or cool it as quickly as possible to 8°C or below, or throw it away. Remember to keep the food at a safe temperature until it is used.

Remember, you should only do this if you need to and it is very important not to keep food out of temperature control for longer than these times.

## Defrosting

- > If you defrost any food you must do this in a way that minimises the risk of harmful bacteria growing, or toxins forming, in the food. While they are being defrosted, you must keep food at a temperature that would not result in a risk to health.
- > Where liquid coming from the defrosting food may present a risk to health (e.g. when defrosting raw meat) you must drain it off adequately.
- > Following defrosting, food must be handled in a way that minimises the risk of harmful bacteria growing or toxins forming (e.g. keeping it in the fridge).

## Wrapping and packaging

If you wrap or package food as part of your business (including selling food to take away) then you must follow these requirements:

- > Material used for wrapping and packaging must not be a source of contamination.
- > You must store wrapping materials so they are not exposed to a risk of contamination.
- > You must carry out wrapping and packaging in a way that avoids contamination of products. You must make sure, where appropriate, that the container is clean and not damaged, particularly if you use cans and/or glass jars.
- > If you re-use any wrapping and/or packaging material for food, it must be easy to clean and, where necessary, to disinfect.

## Training

Food businesses must make sure that any staff who handle food are supervised and instructed and/or trained in food hygiene in a way that is appropriate for the work they do.

The person or people responsible for developing and maintaining the business's food safety management procedures, based on the principles of HACCP (see **Food safety management procedures** on page 3) must have received adequate training to enable them to do this.



There is no legal requirement to attend a formal training course or get a qualification, although many businesses may want their staff to do so. The necessary skills could also be obtained in other ways, such as through on-the-job training, self-study or relevant prior experience. Packs produced by the FSA and industry guides to good hygiene practice can also help to train you and your staff. See **What help can I get?** on page 27.

## Movable and temporary premises

The requirements for movable and/or temporary premises, are different to those explained on pages 6-9. But the requirements in the rest of this booklet still apply. Movable and/or temporary premises include marquees, market stalls, mobile vans, vending machines. This category includes people's homes where food is regularly prepared to be sold or given to the public and includes B&Bs.

Premises and vending machines must be positioned, designed, constructed and kept clean and maintained in good repair and condition in a way that avoids the risk of contamination, particularly from animals and pests, as far as reasonably practical.

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Where necessary:

- > You must have appropriate facilities to maintain adequate personal hygiene, including facilities to wash and dry hands hygienically, hygienic toilet facilities and changing facilities.
- > Surfaces that are touched by food must be in a sound condition and be easy to clean and, where necessary, to disinfect. This means that they need to be made of materials that are smooth, washable, corrosion-resistant and non-toxic, unless you can satisfy your local authority that other materials are appropriate.
- > You must have adequate facilities for the cleaning and, where necessary, disinfecting of working utensils and equipment.
- > If you wash or clean food as part of your business, then you must have adequate facilities to do this hygienically.
- > You must have an adequate supply of hot and/or cold water that is potable (drinking quality).
- > You must have adequate arrangements and/or facilities to store and dispose of hygienically any hazardous and/or inedible substances, and waste (whether liquid or solid).
- > You must have adequate facilities and/or arrangements for keeping food at suitable temperatures and monitoring these.
- > You must place food in a way that avoids the risk of contamination as far as reasonably practical.