

S.I. 31 of 2021

FOOD ACT

(Act 8 of 2014)

Food (Temperature Control) Regulations, 2021

Arrangement of Regulations

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S.I. 31 of 2021**FOOD ACT***(Act 8 of 2004)***Food (Temperature Control) Regulations, 2021**

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

Citation

1. These regulations may be cited as the Food (Temperature Control) Regulations, 2021.

Application

2.(1) These regulations shall apply to a food business operator as defined in the Act.

(2) Regulations 5 to 13 shall not apply to primary production and commercial processes under product specific regulations promulgated under the Act.

Interpretation

3. In these regulations, unless the context otherwise requires —

“Act” means the Food Act, 2014;

“authorised officer” means a person authorised as an authorised officer under Section 19 of the Act;

“ambient temperature” means the temperature of the immediate surrounding where food is kept;

“commercial processes” performing mechanical and chemical operations on food in a way so as to preserve it or change it;

“Competent Authority” means the competent authority as defined in section 2 of the Act;

“food business” means any food business as defined in section 2 of the Act;

“food establishment” means food establishment as defined in section 2 of the Act;

“primary production” includes harvesting, slaughtering and milking;

“recommended temperature” means a temperature which has been recommended by a food business operator under regulation 6;

“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 product 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 apart from the purpose of resale, catering or manufacturing.

Application of these regulations

4. In determining whether any matter involves a risk to food safety, regard shall be had to the nature of the food, the manner in which it is handled, packaged, transported, the conditions under which it is displayed and stored and any process to which the food is subjected before being supplied to the ultimate consumer.

Inspection

5.(1) A food business operator shall not sell or keep food which needs to be kept chilled at temperatures above 5°C or at any temperature which is

likely to support the growth of pathogenic microorganisms or the formation of toxins.

(2) Where an authorised officer, on inquiry finds that a food business operator fails to comply with the requirements under subregulation (1), the authorised officer shall exercise his or her powers under Section 20 of the Act.

(3) A food business operator is exempt from the requirements under subregulation (1) where —

- (a) upon presenting the scientific evidence obtained in a manner approved by the Competent Authority, he or she shows that for the duration of its shelf life, the food can be kept at ambient temperature with no risk to health;
- (b) the food is being subjected to or has been subject to a process such as dehydration or canning;
- (c) the food shall be ripened or matured at ambient temperatures except until the process of ripening or maturation is complete; or
- (d) the food is raw and intended for further processing to ensure that the food is fit for human consumption.

Chill holding requirements

6.(1) A food business operator responsible for the manufacturing, preparing or processing of food may recommend that the food be kept at or below a specific temperature between 5^o C and ambient temperature and for a period not exceeding a specified shelf life.

(2) A food business operator shall not make a recommendation referred to under subregulation (1) unless such recommendation is supported by a scientific assessment obtained in a manner approved by the Competent Authority of the safety of the food.

Recommended temperature

7.(1) A food business operator shall not, in the course of the activities of a food business, keep food which has been cooked or reheated on food

establishment at a temperature below 63°C if that food is for service or on display for sale and the food needs to be kept hot in order to control the growth of pathogenic organisms or the formation of toxins.

(2) Where an authorised officer, on inquiry finds that a food business operator failed to comply with the requirements under subregulation (1), the authorised officer shall exercise his or her powers under Section 20 of the Act.

Cooling of food

8.(1) A food business operator responsible for cooling food which shall be kept at a temperature below ambient temperature shall cool that food as quickly as possible following the final heat processing stage.

(2) Where heat processing is not applied, the food business operator shall proceed to cool the food to the required temperature pursuant to regulations 5 and 6.

(3) Where an authorised officer, on inquiry finds that a food business operator fails to comply with the requirements under subregulation (1), the authorised officer shall exercise his or her powers under Section 20 of the Act.

Requirement for frozen food

9.(1) A food business operator who produces, keeps and sells frozen food shall have and use in the operation of his or her business refrigeration equipment sufficiently powerful to —

- (a) achieve a rapid reduction in the temperature of the food at -18°C or below; and
- (b) keep food products in storage room at-18⁰C or below, irrespective of the ambient temperature.

(2) Where an authorised officer, on inquiry finds that a food business operator fails to comply with the requirements under subregulation (1), the authorised officer shall exercise his or her powers under Section 20 of the Act.

Transportation of frozen food

10.(1) During transportation of frozen food, a brief upward fluctuation of not more than 3^o C above -18^o C is permitted.

(2) A vehicle used to transport frozen food products for human consumption shall not be used for storing or transporting of any other products except those fit for human consumption.

(3) A person who is in control of a vehicle or vessel or such other means of transport used for frozen food products shall ensure that such means of transport are constructed and equipped in such a way that the temperatures specified under subregulation (1) can be maintained throughout the period of transportation of the food product.

(4) Where an authorised officer, on inquiry, finds that a food business operator fails to comply with the requirements under subregulation (1), the authorised officer shall exercise his or her powers under Section 20 of the Act.

Offences

11. Any person who contravenes the provisions of these regulations commits an offence and shall be liable on conviction to a fine not exceeding SCR20,000.

MADE this 9th day of April, 2021.

**PEGGY VIDOT
MINISTER OF HEALTH**
