businesscompanion
trading standards law explained

Food hygiene for farmers and growers

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Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

This guidance is for Scotland

Farmers and growers must follow basic hygiene procedures to ensure hazards such as contamination arising from soil, water, fertilisers, pesticides, handling of waste, etc are prevented. Records relevant to food safety must also be kept.

Assimilated Regulation (EC) No 852/2004 *on the hygiene of foodstuffs* is aimed at ensuring that controls throughout the food chain are strengthened. In particular, the legislation is intended to modernise, consolidate and simplify food hygiene legislation, and to apply effective and proportionate controls throughout the food chain from primary production to sale or supply to the final consumer (known as the farm-to-fork approach).

What types of businesses are covered?

Food businesses and food business operators are defined in assimilated Regulation (EC) 178/2002 *laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*:

- 'food business' is defined as "any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food"
- 'food business operator' is defined as "the natural or legal persons responsible for ensuring that the

requirements of food law are met within the food business under their control"

This includes, for example, any livestock farms, fish farms, arable farms, PYO (pick your own), market gardens or beekeepers producing food for human consumption.

One of the requirements of the Regulation is that, with few exceptions, all food businesses must be approved or registered with their local authority. More information on food business registration or approval is available on the GOV.UK website.

Where farms are already registered under other official registration schemes, they are not required to register separately under the food hygiene regulations. However, such farms may be contacted by their local authority to check their activities and their compliance with the conditions of the Food Hygiene (Scotland) Regulations 2006.

Conditions

The farm-to-fork approach of the legislation includes requirements for primary producers. Assimilated Regulation (EC) No 852/2004 contains various conditions and guides to good hygiene practice, which food businesses, including farmers and growers, will have to comply with as appropriate. The requirements for farmers and growers are fairly basic hygiene procedures. As food businesses, they will have to ensure that hazards are controlled appropriately.

Under food hygiene rules, you will need to take steps to:

- prevent contamination arising from water, soil, feed, veterinary products, muck spreading, pesticides, waste, etc
- keep animals intended for slaughter for human consumption clean (at least immediately prior to slaughter and remembering other welfare considerations)
- prevent animals and pests from causing contamination
- take account of results from tests relevant to animal and human health
- use medicines / plant protection products appropriately

The legislation requires that you keep records relevant to food safety, including:

- the nature and origin of your animal feed
- your use of plant protection products and biocides
- any veterinary products administered and their withdrawal dates
- any occurrence of disease or pests that may affect food safety (information required for traceability)
- the results of any analyses carried out
- the health status of the animals you send for slaughter

Good records help protect you and your business in the event of an animal feed or related human food-safety incident and are essential in order to quickly trace the origins of any problem.

Most of the information you need to keep will already be available as invoices, receipts, spray records, etc or as part of the requirements of farm or crop assurance schemes. You should not need to create many new records.

If you do need to record additional information, you may find it useful to complete a farm diary or notebook.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see 'Trading Standards: powers, enforcement and penalties'.

In this update

No major changes.

Last reviewed / updated: October 2024

Key legislation

- assimilated Regulation (EC) No 178/2002 *laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*
- assimilated Regulation (EC) No 852/2004 *on the hygiene of foodstuffs*
- Food Hygiene (Scotland) Regulations 2006

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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