

PART 4

OTHER LEGISLATION

Introduction

The following is a summary of other legislation relating to honey production. Where it is felt it may have a bearing on your activities, it is advisable to examine the whole text of the Regulation.

(a) THE CONSUMER PROTECTION ACT 1987

The Act permits people injured to sue for damages and removes the need to prove negligence.

(b) THE MATERIALS AND ARTICLES IN CONTACT WITH FOOD REGULATIONS 1987/1994 AND THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD REGULATIONS 1992/96

These require that materials and articles intended to come into contact with food shall be manufactured in such a way that they do not transfer their constituents to food in quantities that would endanger human health. A summary sheet is available from MAFF, Consumer & Nutrition Policy Division, Information Section, Room 303B, Ergon House, c/o Nobel House, 17 Smith Square, London, SW1P 3JR (Tel 0171 2386245).

(c) THE GLAZED CERAMIC WARE (SAFETY) REGULATIONS 1988

These set out limits for metal release from ceramic ware, glassware, glass ceramic ware and vitreous enamel ware.

(d) THE FOOD SAFETY ACT 1990

This is the principal piece of legislation under which Regulations are made. The honey you sell must comply with the general provisions of the Food Safety Act 1990.

In addition to the offences under Regulations, there are also four offences under the Food Safety Act 1990. Penalties are severe. As the offences are absolute, there is a *Defence of Due Diligence* included within the legislation. This enables you to use the Defence if you can prove that you took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

To show that you had taken all reasonable precautions, it might be expected that you should be able to prove that you had carried out an assessment and set up systems. The first Part of this Guide dealing with the identification and control of food hazards and the hazard analysis would assist in satisfying this part of the Defence.

The second part of the Defence requires that you exercise all due diligence. For this you require to show that the systems you have identified are in place and work. Any documentation would be

useful in supporting the claim that you have systems in place.

It is up to the courts to decide if you have exercised due diligence.

(e) THE FOOD SAFETY (REGISTRATION OF PREMISES) REGULATIONS 1991

These require owners of food businesses to register their premises with the Local Authority but the Regulations do not require domestic premises used for the production of honey or for the subsequent preparation, storage, bottling or sale of honey, to be registered.

(f) THE ORGANIC PRODUCT REGULATIONS 1992

These lay down specific rules on the approval and registration of organic producers and manufacturers and on the labelling of organic products. Any person wishing to describe honey as "organic" must be approved and registered by the UK Register of Organic Food Standards (UKROFS).

(g) THE TIN IN FOOD REGULATIONS 1992

These prohibit the sale of any food intended for human consumption which contains more than 200 mg. of tin per kg.

(h) COUNCIL REGULATION EC 315/93

This lays down guideline limits for lead in honey. Maximum limit is 0.5 mg. per kg.

(i) THE CHARGES FOR INSPECTIONS & CONTROLS REGULATIONS 1997

Permits Government to recover costs in relation to the analysis of honey for veterinary residues. Methods of recovering costs from beekeepers have not yet been identified.