



Community and charity food provision - guidance on the application of EU food hygiene law

31 July 2013

If you require the information in an alternative format such as audio, large print or Braille — please contact David Gray on 020 7276 8940.

For enquiries about the guidance content, see the contacts section below.

Summary

Intended audience:	<ul style="list-style-type: none"> • Local authorities • Organisers of charity and community food provision.
Which UK nations does this cover?	England.
Purpose:	The guidance provides clarity on which charity and community food provision might need registration with the local authority.
Legal status:	The guidance provides advice on the law.
Key words	<p>Please pick as many as needed from list:</p> <ul style="list-style-type: none"> • Food law, monitoring and controls • Hygiene and food safety
Review date	The guidance will be reviewed in July 2014.

Revision history

This guidance follows the Government [Code of Practice on Guidance](#). If you believe this guidance breaches the Code for any reason, please let us know by emailing betterregulation@foodstandards.gsi.gov.uk. If you have any comments on the guidance itself, please call us using the contact number on page 2 or complete our ongoing [Guidance survey](#): <https://www.surveymonkey.com/s/55QQDCG>

Revision No.	Revision date	Purpose of revision and paragraph number	Revised by

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Introduction

1. In this guidance document, the Food Standards Agency (FSA) has provided a view of what the phrase, 'a certain continuity of activities and a certain degree of organisation' found in EU food hygiene legislation, might mean.
2. The guidance provides information on the relevant law, the FSA's interpretation of this law and some examples of the types of community and charity provisions that might require registration and those that might not.

Intended audience

3. The intended audience is local authority officers and organisers of community and charity food provision.

Purpose of guidance

4. This guidance should help local authority food safety officers make pragmatic assessments on whether or not to register activities carried out in the village hall, community and charity sector.
5. It should also help community and charity food organisers share a common understanding of the legal considerations. We have also provided some links to advice good food hygiene, labelling and allergens advice for community groups.
6. In part 2, we provide examples to help illustrate our interpretation of 'continuity' and 'organisation'. These include examples that the FSA considers would require registration, and examples we consider would not require registration. The examples are non-exhaustive. In practice, specific aspects of any food operation will influence whether it may require registration or not.

Legal status of guidance

7. The guidance notes in part 1 provide a view on the legal requirements of recital 9 of Regulation (EC) 852/2004. Advice from the European Commission on that Regulation is also provided.

8. The guidance notes on legal requirements cannot cover every situation and you will always need to consider the relevant legislation itself to see how it applies in particular circumstances.

Review

9. The guidance will be reviewed in the light of feedback we receive from users and in any case by July 2014. The FSA welcomes such feedback, which can be left via the [feedback questionnaire](#).

Contacts

10. For further information, please contact the following:

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Part 1: EU law and European Commission guidance on the law

11. All food supplied outside of the domestic and family setting is required by law to be safe to eat. This is regardless of whether the operation supplying or selling the food is doing so to make a profit. This means that food must not be 'injurious to health' or 'unfit for human consumption'. This is made clear in Regulation (EC) 178/2002, Article 14.
12. EU law also requires that certain operations supplying food are registered with the 'competent authorities' (in the UK this will be local authorities). For an operation to require registration it must have '*a certain continuity of activities*' and '*a certain degree of organisation*'. These terms are found in recital 9 of Regulation (EC) 852/2004. As well as premises having to meet certain standards, those operations requiring registration would also be required to put in place food safety procedures and have these written down.
13. The European Commission has also produced guidance 'on the implementation of certain provisions of Regulation (EC) No 852/2004 *on the hygiene of foodstuffs*'. The relevant extract from this Commission guidance can be found in the box below.

The occasional handling, preparation, storage and serving of food by private persons

Operations such as the occasional handling, preparation, storage and serving of food by private persons at events such as church, school or village fairs are not covered by the scope of the Regulation. This is made clear in recital 9 of Regulation (EC) No 852/2004. The second sentence states that:

'Community rules should only apply to undertakings, the concept of which implies a certain continuity of activities and a certain degree of organisation.'

The term 'undertaking' is integrated in the definition of a 'food business' (in accordance with Article 3(2) of the General Food Law (Regulation (EC) No 178/2002), a 'food business' must be an 'undertaking'). Somebody who handles, prepares, stores or serves food occasionally and on a small scale (e.g. a church, school or village fair and other situations such as organised charities comprising individual volunteers where the food is prepared occasionally) cannot be considered as an 'undertaking' and is therefore not subject to the requirements of Community hygiene legislation.

Part 2: Principles on which registration on an operation are considered

The FSA’s views on the terms ‘a certain continuity of activity’ and ‘a certain degree of organisation’ and examples of food provision that the FSA considers require or do not require registration are set out below. These two terms should both be considered when deciding whether an operation requires registration. So, broadly speaking, the FSA suggests that provision of food less than once a month is not considered to have ‘a certain continuity of activities’. However, you also need to consider the degree of operation inherent in the operation. An operation where there is complexity in terms of the food safety controls, or where food is supplied to vulnerable consumers, may each require registration due to their degree of organisation, even if they occur less frequently.

<p><u>A certain continuity of activities</u></p> <p>Generally, community or charity operations providing food less frequently than one occasion per month should be considered as <u>not</u> having a continuity of activity and should not require registration.</p> <p>However, some activities occurring less than monthly but involving complex food safety controls, or provision for vulnerable consumers may merit registration - the guidance ‘on a certain degree of organisation’ should be considered.</p>	<p><u>A certain degree of organisation</u></p> <p>The following issues should be considered when deciding on how much any given operation can be said to be ‘organised’:</p> <ul style="list-style-type: none"> • <i>Foodstuffs and risk.</i> Consideration should be given to the risk presented by the food provided and the controls needed for safe food supply. Low-risk food provision such as tea and biscuits, packaged foods, and foods which can be kept at room temperature are all low-risk and do not require a significant degree of organisation. Operations with more complex safety controls, such as those serving hot foods or food which otherwise require temperature control to remain safe will require more organisation. • <i>Vulnerable consumers.</i> If vulnerable consumers are being catered for (i.e. the elderly, infants under 5 years,
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	<p>expectant women or the chronically sick) then food providers must consider these risks and put suitable controls in place. This can be said to increase the level of organisation.</p> <p><i>Nature of event.</i> Infrequent large-scale community events, perhaps organised by the same community group where a wide range of consumers can walk in off the street are considered to require more organisation than events occurring to more restricted groups of consumers such as at private or closed events.</p> <p>In terms of regional or national organisations such as the Women’s Institute (WI), the term ‘degree of organisation’ should not be considered to refer to the wider body, only to those handling or providing the food, for example a local branch of the WI. This consideration would change however if the wider body had some direct role in the organisation of the food supply or its safety controls, such as supplying the food to local branches.</p>
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Non-exhaustive examples of village hall and community food provision and how the EU food hygiene legislation might apply

A. The FSA suggests that food provision at the following operations is unlikely to require registration.

This list will be updated and reviewed regularly.

1	<p>A one-off event such as a church or school fete, or a street party.</p> <p><i>Is deemed not to have 'continuity'. However, organisers of large community events are advised to contact the local authority for practical advice. Where several large events might be organised within a year, especially with complex food safety controls, then a 'degree of organisation' could be involved.</i></p>
2	<p>Daily small-scale provision of low-risk foods by community / charity volunteers.</p> <p><i>Is not deemed to have a 'degree of organisation' as it is low-risk and small-scale provision. However, does have continuity and registration would be required if complex food safety controls are required or high-risk foods were served or if food is served to vulnerable persons.</i></p>
3	<p>Scout or Guide camp lasting a few days at a time.</p> <p><i>Is deemed not have to 'continuity'.</i></p>
4	<p>Provision of food by the members of a club or society for their shared consumption on an infrequent basis.</p> <p><i>Is deemed not to have a 'degree of organisation' (and may not have 'continuity').</i></p>
5	<p>Amateur drama group serving low-risk food for audiences for limited periods.</p> <p><i>Is deemed not to have 'continuity or 'degree of organisation'. However, organisers of such community events which may involve large numbers of consumers may wish to contact the local authority for practical food hygiene advice.</i></p>
6	<p>A 'cooking club' where members bring in own food ingredients or pay the course leader to supply the foods. Those attending learn to cook using equipment in the hall and then all sit down to eat together or take food home.</p> <p><i>Is deemed not to have a 'degree of organisation' (and may not have 'continuity').</i></p>
7	<p>A 'foraging course/event' or similar where a group of people gather wild products (e.g. wild garlic, nettles, rosehips for cordials, mushrooms, sloes for 'sloe gin') which are brought back to a hall and cooked or otherwise handled and eaten. Such courses may last a few hours and are held over weekends throughout the year and daily in July and August.</p> <p><i>Is not deemed to have a 'degree of organisation'. Also in this example those attending are gathering 'primary products' which, if for private use, would anyway fall outside the scope</i></p>

	<i>of the EU hygiene legislation.</i>
B. Food provision is deemed to meet continuity of activity (i.e. at least once per month in most cases) and degree of organisation and <u>would</u> require registration	
1	Regular, at least monthly provision of food requiring more complex safety control such as temperature control. <i>Is deemed to have 'continuity' and a 'degree of organisation'.</i>
2	A sports club serving hot meals regularly during the season (e.g. football club serving food every other Saturday from September through to May). <i>Is deemed to have 'continuity' and a 'degree of organisation'.</i>
3	Volunteers serving hot soup and sandwiches on regular basis to homeless and potentially vulnerable people. <i>Is deemed to have 'continuity' and a 'degree of organisation'.</i>
4	Hot food served by volunteers on quarterly basis to larger numbers of vulnerable persons. <i>While does not occur monthly, there is a sense of 'continuity' and the controls require a 'degree of organisation'.</i>

Part 3: Guidance for charity and community groups providing food

Guidance for charity and community groups providing food can be found on the Food Standards Agency website at www.food.gov.uk/business-industry/guidancenotes/hygquid/charity-community-groups/