

# Background information on food business registration

For reference the definition of a food business and food business operator are to be found in Article 3 of 178/2002 subsections 2 & 3 notably:

2. 'food business' means 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;

3. 'food business operator' means the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control; Subsection 8 then clarifies placing on the market as being;

8. 'placing on the market' means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves;

Article 6. (2) of 852/2004 deals with registration of businesses

2. In particular, every food business operator shall notify the appropriate competent authority, in the manner that the latter requires, of each establishment under its control that carries out any of the stages of production, processing and distribution of food, with a view to the registration of each such establishment.

The code of practice identifies clearly that

## 6.4. Registration of Food Business Establishments

### 6.4.1. Introduction

1. Under Article 6(2) of Regulation (EC) No 852/2004, Food Business Operators must register their establishments with the appropriate Food Authority as Competent Authority, except establishments which:

a. Are subject to approval under Regulation (EC) No 853/2004 (see sub-section 34) or;

b. Fall outside the scope of Regulation (EC) No 852/2004 (see sub-section 6.4.2).

2. Food Business Operators must normally register each separate unit of their Food Businesses that fall within the scope of Regulation (EC) No 852/2004, but see sub[1]section 6.8 of this Code for exceptions to this with regard to moveable Food Business Establishments.

3. Responsibility rests with Food Authorities for recording and maintaining accurate details of Food Business Establishments which have been registered with them under Regulation (EC) No 852/2004.

### 6.4.2. Exemptions

1. In respect of Food Business Establishments subject to Regulation (EC) No 852/2004 only i.e. establishments which are not subject to Approval under Regulation (EC) No 853/2004, there are no specific exemptions from the requirement to be registered, however see section 6.8 of this Code for information regarding the registration of moveable Food Business Establishments 6.9. Non-Registered Establishments Thought to Be Engaged in Activities Subject to Regulation (EC) No 852/2004

1. In such circumstances the Food Authority should ask the Food Business Operator to complete a registration form as soon as possible and satisfy itself that the Food Business Establishment is operating in compliance with the other provisions of Regulation (EC) No 852/2004 as appropriate.

2. The purpose of registration is to enable the Competent Authorities to have business details available, from external sources if necessary, so that businesses can subsequently be factored into the undertaking of Official Controls.

3. Officers are directed to sub-section 14 for general guidance on enforcement.

4. Officers should be careful to ensure that:

a. Such establishments are subject to Regulation (EC) No 852/2004;

b. Such establishments are not subject to approval under Regulation (EC) No 853/2004

None of this information appears to permit us to not register the business or gives us the option not to protect the customers safety.

If I could suggest then the response to a question posing the need for a domestic premises used as a commercial activity would be;

The requirement for a food business has enshrined in UK legislation since 1991, the present requirement requires all food business operators those being 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; to be registered with the competent Authority notably in their case OIC, and the reason for this even if they are providing food in whatever form be that, self-catering welcome pack, cooked breakfast or consumable supplies. The definition of placing on the market being the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves;

Guidance on food law can be found at Food Standards Scotland  
(<https://www.foodstandards.gov.scot/>)

If you consider this to be overburdensome please take your issue up with your trade body to affect change to the UK an EU (retained Law) provisions.