

Alan Nutten
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Reference: ECO 10

Dear Mr Nutten

FOOD HYGIENE REGULATIONS – PRESENCE OF DOGS ON FOOD PREMISES

Thank you for your email of 25 January 2005 asking whether there are any specific requirements in either current, or future, food hygiene legislation as regards the presence of dogs (and/or other pets) on food premises.

Currently, all food businesses in the UK must comply with the following food hygiene legislation, the *Food Safety Act 1990*, the *Food Safety (General Food Hygiene) Regulations 1995* and the *Food Safety (Temperature Control) Regulations 1995*. These lay down basic hygiene requirements for all aspects of a food business, from premises and facilities through to the personal hygiene of staff. In addition food should be handled, prepared, cooked, stored and transported in a hygienic manner. Under food hygiene legislation drinks are considered food and hence public houses are also considered food premises.

While there is nothing specific in the Food Safety (General Food Hygiene) Regulations 1995 barring pets from food premises, the proprietor of a food business must ensure good hygiene practice, such as ensuring food be protected against contamination. In this context, the decision to allow a customer's pet onto the premises is at the discretion of the proprietor.

However, I recommend that you visit the Department of Work and Pensions for specific information about the Disability Discrimination Act as it may apply to food business operators in regard to customers with disabilities accompanied by assistance dogs. You may wish to visit the web site at www.disability.gov.uk

You note that new EU food hygiene regulations apply as from 1 January 2006; you are correct in thinking that these will replace the existing general food hygiene regulations. The new regulations do not introduce any requirements that make specific reference to pets on food premises. Our understanding therefore, as regards the presence of pets on food premises, is that the *status quo* is likely to be maintained. We do recommend however that food business operators familiarise themselves with the new requirements in order to satisfy themselves that their businesses will continue to comply. Food business operators may also wish to consult their local Environmental Health office for further advice.

Further general information about the new legislation, including pdf copies of the new legislation can be found on the FSA web site at <http://www.food.gov.uk/foodindustry/regulation/europeleg/eufoodhygieneleg/>.

Specific advice for caterers on good food hygiene can be found at <http://cleanup.food.gov.uk/data/starting-up.htm>.

The advice contained in this e-mail should not be taken as an authoritative statement of the law or its interpretation. The opinion of your Home Authority or other enforcement authorities may differ. Only the courts can decide whether in particular circumstances an offence has been committed.

If you would like any further information, please do not hesitate to get in touch.

Yours sincerely

David Gray

Food Hygiene Implementation Division