



Food Hygiene Rating Act (Northern Ireland) 2016

2016 CHAPTER 3

An Act to provide for the operation of a food hygiene rating scheme in Northern Ireland. [29th January 2016]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Preparation of rating

Food hygiene rating

1 Where a district council has carried out an inspection of a food business establishment in its district, it must rate the food hygiene standards of the establishment on the basis of that inspection.

(2) But the district council need not prepare a rating if it considers that it is not necessary to do so, in light of how long it is since it last did so.

(3) A rating under this section is referred to in this Act as a “food hygiene rating”.

(4) A “food business establishment” is an establishment which—

(a) is required to be registered with a district council under Article 6 of Regulation (EC) 852/2004 or to be approved by a district council under Article 4 of Regulation (EC) 853/2004, and

(b) supplies food direct to consumers.

(5) A reference to carrying out an inspection of a food business establishment is a reference to carrying out an activity in relation to the establishment as part of official controls under [^{F1}Regulation (EU) 2017/625] .

(6) The Department may by regulations specify categories of establishment in relation to which the duty under subsection (1) does not apply.

(7) The Department may by order amend the definition of “food business establishment”.

Textual Amendments

- F1** Words in [s. 1\(5\)](#) substituted (23.12.2020) by [The Food Hygiene Rating Act \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/267\)](#), regs. 1, [2\(2\)](#)
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Commencement Information

- I1** S. 1 in operation at 7.10.2016 by [S.R. 2016/328](#), [art. 2](#)

Notification and publication

2.—(1) Within 14 days of carrying out an inspection of a food business establishment, a district council must, if it has prepared a food hygiene rating for the establishment on the basis of that inspection, notify the rating to the operator of the establishment.

(2) “Operator”, in relation to a food business establishment, has the same meaning as “food business operator” has in [^{F2}Regulation (EC) 178/2002] .

(3) The notification must be in writing and must (in so far as the district council has not already provided the operator with the following) be accompanied by—

- (a) a sticker showing the rating,
- (b) a written statement of the reasons for the rating,
- (c) information about compliance with Regulations (EC) 852/2004 and 853/2004,
- (d) an explanation of the right of appeal under section 3,
- (e) an explanation of the right to request a re-rating under section 4,
- (f) an explanation of the right of reply under section 5,
- (g) an explanation of the effect of section 6 and of the duties under sections 7 and 8, and
- (h) such other information as the Department may specify in regulations.

(4) Within 34 days of carrying out an inspection of a food business establishment on the basis of which it prepares a food hygiene rating, a district council—

- (a) must inform the Food Standards Agency of the rating, and
- (b) if the district council considers that it would not be appropriate to publish the rating, must inform the Food Standards Agency accordingly.

(5) The Food Standards Agency, having been informed of a food hygiene rating under subsection (4), must publish the rating online, unless it has been informed under subsection (4)(b) that publication would not be appropriate; and, if it is required to publish the rating, it must do so no later than 7 days after the end of the appeal period in relation to the rating.

(6) The “end of the appeal period”, in relation to a food hygiene rating, means—

- (a) the end of the period within which an appeal against the rating may be made under section 3, or
- (b) where an appeal against the rating is made under that section, the end of the day on which the operator of the establishment is notified of the determination on the appeal (or, if the appeal is abandoned, the end of the day on which it is abandoned).

(7) The Department may by regulations prescribe the form or forms of stickers to be provided under subsection (3)(a); and, in the case of each form so prescribed, the regulations must specify whether the cost of producing stickers in that form is to be borne—

- (a) by the Food Standards Agency,
- (b) by the district council which provides the stickers, or
- (c) by the Food Standards Agency and the district council jointly in the specified manner.

Textual Amendments

- F2** Words in [s. 2\(2\)](#) substituted (23.12.2020) by [The Food Hygiene Rating Act \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/267\)](#), regs. 1, [2\(3\)](#)

Commencement Information

- I2** S. 2 in operation at 7.10.2016 by [S.R. 2016/328](#), [art. 2](#)

Appeal, re-rating etc.

Appeal

3.—(1) The operator of a food business establishment may appeal against the establishment's food hygiene rating.

(2) The appeal must be made in writing to the district council which produced the rating; but no officer of the council who was involved in the production of

the rating, or in the inspection on which the rating is based, may be involved in the determination of the appeal.

(3) The appeal may be made only on the ground that the rating does not reflect the food hygiene standards at the establishment at the time of the inspection on which the rating is based.

(4) The appeal must be made before the end of 21 days beginning with the day on which the operator receives the notification under section 2.

(5) The district council to which the appeal is made must, before the end of 21 days beginning with the day on which it receives the appeal—

- (a) determine the appeal, and
- (b) notify the operator of its determination.

(6) The notification must be in writing and must be accompanied by—

- (a) where the district council has changed the establishment's food hygiene rating on the appeal, a sticker showing the new rating,
- (b) a written statement of the reasons for the determination on the appeal,
- (c) an explanation of the right to request a re-rating under section 4,
- (d) an explanation of the right of reply under section 5,
- (e) an explanation of the effect of section 6 and of the duties under sections 7 and 8, and
- (f) such other information as the Department may specify in regulations.

(7) The district council to which the appeal is made must also, before the end of the period under subsection (5)—

- (a) inform the Food Standards Agency of its determination on the appeal (or, if the appeal is abandoned, that it has been abandoned), and
- (b) if the district council has changed the establishment's food hygiene rating on the appeal but considers that it would not be appropriate to publish the new rating, inform the Food Standards Agency accordingly.

(8) The Food Standards Agency, having been informed under subsection (7) (a) of the determination on the appeal, must, if the rating has been changed on the appeal, publish the new rating online, unless it has been informed under subsection (7)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so within 7 days of having been informed of the determination on the appeal.

(9) A district council may, on an appeal under this section, inspect the food business establishment concerned in so far as the council considers it necessary to do so for the purpose of determining the appeal (and in so far as the operator of the establishment permits it to do so).

(10) In the case of an establishment whose food hygiene rating is changed on an appeal under this section, references in this Act to the establishment's food hygiene rating are to the new rating.

(11) A sticker provided under subsection (6)(a) must be in a form prescribed under section 2(7).

(12) The Department may by order amend this section so as to provide for an appeal under this section to be determined by a person other than the district council which produced the rating in question.

Commencement Information

I3 [S. 3](#) in operation at 7.10.2016 by [S.R. 2016/328](#), [art. 2](#)

Request for re-rating

4.—(1) This section applies where a district council receives a request from the operator of a food business establishment in its district for the council to review the establishment's food hygiene rating.

(2) Within three months of receiving the request, the district council must—

- (a) inspect the establishment and review the establishment's food hygiene rating on the basis of that inspection, or
- (b) if it does not propose to act under paragraph (a), provide the operator of the establishment with a written explanation of why it does not propose to do so.

(3) Within 14 days of carrying out an inspection under subsection (2), the council must notify the operator of the establishment of its determination on reviewing the establishment's food hygiene rating.

(4) The notification must be in writing and must be accompanied by—

- (a) where the district council has changed the establishment's food hygiene rating on the review, a sticker showing the new rating,
- (b) a written statement of the reasons for the determination on the review,
- (c) information about compliance with Regulations [\(EC\) 852/2004](#) and [853/2004](#),
- (d) an explanation of the right of appeal under section 3,
- (e) an explanation of the right to make a further request under this section,
- (f) an explanation of the right of reply under section 5,
- (g) an explanation of the effect of section 6 and of the duties under sections 7 and 8, and
- (h) such other information as the Department may specify in regulations.