STATUTORY RULES OF NORTHERN IRELAND

2016 No. 313

FOOD

The Food Hygiene Rating Regulations (Northern Ireland) 2016

Made - - - - 13th September 2016

Coming into operation- 7th October 2016

The Department of Health(**1**) makes the following Regulations in exercise of the powers conferred by sections 1(6), 2(7), 7(1), 12(2), 19(1) and paragraph 14(b) and (c) of the Schedule to the Food Hygiene Rating Act (Northern Ireland) 2016(**2**).

Citation and commencement

1. These Regulations may be cited as the Food Hygiene Rating Regulations (Northern Ireland) 2016 and come into operation on 7th October 2016.

Interpretation

2. In these Regulations—

"the Act" means the Food Hygiene Rating Act (Northern Ireland) 2016; and

"a Food Hygiene Rating Sticker" means a sticker provided in accordance with section 2(3)(a) of the Act, in the form prescribed by Regulation 4.

Exempt establishments

3.—(1) Food business establishments specified in paragraphs (2), (3) and (4) are exempt from rating under the Act.

(2) Food business establishments where—

(a) the sale of food is not the primary activity; and

(b) the only food made available to consumers is food that is—

(i) shelf stable at ambient temperature; and

(ii) wrapped or packaged before it is brought to the establishment and the wrapping or packaging remains sealed at all times before the food is supplied to consumers.

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1

(**2**) 2016 c.3 (N.I.)

(3) Food business establishments where a licence is held under the Licensing (Northern Ireland) Order 1996(**3**) and where—

(a) intoxicating liquor is sold for consumption off the premises; and

(b) the only food made available to consumers is food that is—

(i) shelf stable at ambient temperature; and

(ii) wrapped or packaged before it is brought to the food business establishment and the wrapping or packaging remains sealed at all times before the food is supplied to consumers.

(4) Food business establishments used by any of the following persons for the purpose of providing caring services where the food business establishment is also used as domestic premises—

(a) a child minder required to be registered in accordance with Article 118 of the Children (Northern Ireland) Order 1995(**4**);or

(b) an adult placement carer as defined by regulation 2 of the Adult Placement Agencies Regulations (Northern Ireland) 2007(**5**);or

(c) a person employed by a Domiciliary Care Agency registered with the Health and Social Care Regulation and Quality Improvement Authority as required by the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**6**).

(5) For the purposes of paragraph 3 "intoxicating liquor" bears the same meaning as in Article 2(2) of the Licensing (Northern Ireland) Order 1996.

Form of Food Hygiene Rating Sticker

4.—(1) A Food Hygiene Rating Sticker must be in one of the forms specified in Schedule 1.

(2) The cost of producing the Food Hygiene Rating Sticker in any of the forms specified in Part 1 of Schedule 1 will be borne by the Food Standards Agency.

(3) The cost of producing the Food Hygiene Rating Sticker in any of the forms set out in Part 2 of Schedule 1 will be borne by the District Council.

Food Hygiene Rating Sticker – location and manner of display

5.—(1) This regulation applies when the operator of a food business establishment is required to display a valid Food Hygiene Rating Sticker in accordance with section 7(1) of the Act.

(2) A Food Hygiene Rating Sticker must be displayed—

(a) at or near each entrance to a food business establishment; and

(b) where it can be readily seen and easily read by customers before they enter the establishment when it is open for business.

(3) If the operator of a food business establishment is required to display a Food Hygiene Rating Sticker in accordance with paragraph (2) at or near an entrance where other food business operators are required to display a Food Hygiene Rating Sticker, the operator must identify the food business establishment to which that sticker relates.

(4) If the food business establishment is one where food is provided to customers but customers are not permitted to enter the establishment or it is incapable for practical purposes of being entered

(**3**) S.I. 1996/3158 (N.I.22)
(**4**) S.I. 1995/755 (N.I.2)
(**5**) S.R. 2007 No. 221
(**6**) S.I. 2003/431 (N.I.9)

by customers, the Food Hygiene Rating Sticker must be displayed at that establishment where it can be readily seen and easily read by customers when it is open for business.

(5) Where food is provided to customers by or on behalf of an operator at outlets (such as market stalls and vehicles) that are away from the operator's main premises but nonetheless part of the operator's food business establishment, and those outlets are not eligible for a rating in their own right, a Food Hygiene Rating Sticker for that establishment must be displayed at each outlet where can be readily seen and easily read by customers when the outlet is open for business.

Provision of information for new businesses

6. The information that a district council must send to operators of new food business establishments in its area in accordance with section 12(2) of the Act is an explanation of—

(a) the food hygiene rating that may be given to a food business establishment;

(b) how food hygiene ratings are calculated, including what levels of achievement are required for each rating;

(c) who produces the food hygiene rating and when that will first be done;

(d) when, where and how a Food Hygiene Rating Sticker must be displayed;

(e) the fact that the operator of a food business establishment will be notified of the rating for the food business establishment before it is published;

(f) any requirements for food business establishments supplying consumers with food ordered by means of an online facility;

(g) the operator's right to—

(i) appeal against a rating;

(ii) request a re-rating; and

(iii) comment on a rating; and

(h) how the operator can obtain further information.

Form and method of payment of fixed penalty notice

7. A fixed penalty notice must be in the form set out in Schedule 2 and payment must be by one of the methods set out in part C of that form.

Sealed with the official seal of the Department of Health on 13th September 2016.

L.S.

Anne Kilgallen
A senior officer of the Department of Health

SCHEDULE 1 Regulation 4

Food Hygiene Rating Sticker

PART 1



1. A Food Hygiene Rating Sticker must be in one of the forms depicted above.

2. The appropriate form of Food Hygiene Rating Sticker is whichever form displays the current rating for that food business establishment.

3. Each Food Hygiene Rating Sticker must conform to the following specifications—

(a) colour references: Green Pantone 376 and Black; and

(b) the dimensions are 195 mm (wide) x 136 mm (tall).

PART 2

1. The Food Hygiene Rating Sticker must comply with the requirements of Part 1 save that it may display, in accordance with the requirements of paragraphs 2 to 4, the name and logo of the district council for the food business establishment in place of the words “This scheme is operated in partnership with your local authority”.

2. The name and logo of the district council must be located in the top right hand corner of the Food Hygiene Rating Sticker 5mm from the top edge and 10 mm from the right side edge of the sticker.

3. The dimensions of the area in which the name and logo of the district council must be located are 55mm (wide) x 35 mm tall.