



# Food Hygiene Rating (Wales) Act 2013

2013 anaw 2

## *Food hygiene inspections and ratings*

### **2 Programme of food hygiene inspections**

- (1) A food authority must prepare, and keep under review, a programme which sets out—
  - (a) whether a food business establishment in its area must be inspected, and
  - (b) if an inspection is required, the frequency of inspections.
- (2) A food authority must inspect food business establishments in its area in accordance with the programme.
- (3) When preparing and reviewing the programme a food authority must have regard to matters specified by the FSA and approved by the Welsh Ministers.
- (4) The matters specified by the FSA must include an assessment of the levels of risk to public health—
  - (a) associated with the type of food handled by an establishment,
  - (b) associated with the method of handling the food, and
  - (c) arising from the record of compliance with food hygiene law at the establishment.

(5) In this Act—

a “food authority” (“*awdurdod bwyd*”) means the county council or county borough council of the area in Wales in which the establishment is located (or a port health authority in the circumstances prescribed by section 5(3) of the Food Safety Act 1990);

a “food business establishment” (“*sefydliad busnes bwyd*”) is any unit of a business registered with a food authority by virtue of Article 6 of Regulation (EC) No 852/2004 or approved by a food authority under Article 4 of Regulation (EC) No 853/2004 (or registered or approved under equivalent alternative provisions for registering or approving food business establishments), which—

- (a) supplies food direct to consumers, or
- (b) supplies food to another business;

**Changes to legislation:** There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013, Cross Heading: Food hygiene inspections and ratings. (See end of Document for details)

an “operator” (“*gweithredwr*”) of a food business establishment means a person concerned with the management of the establishment.

- (6) The Welsh Ministers may by regulations—
- (a) amend the definition of a food business establishment, including to expand the category of establishment that may be inspected;
  - (b) amend the definition of a food authority (for example, to include other bodies).

#### Commencement Information

- I1** S. 2(1)-(4)(6) in force at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(b\)](#)  
**I2** S. 2(5) in force for specified purposes at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(b\)](#)  
**I3** [S. 2\(5\)](#) in force in so far as not already in force at 28.11.2014 by [S.I. 2014/3089](#), [art. 2](#)

### 3 Food hygiene ratings

- (1) Where a food business establishment has been inspected in accordance with section 2, a food authority must assess the food hygiene standards of the establishment and produce a rating (a “food hygiene rating”) for that establishment scored against criteria set out by the FSA (the “rating criteria”).
- (2) The Welsh Ministers may by regulations provide for a food hygiene rating to be based on an assessment of the food hygiene standards of an establishment carried out prior to the commencement of this Act.
- (3) Within 14 days of an inspection, a food authority must send to the operator of the establishment—
  - (a) written notification of its food hygiene rating;
  - (b) a written statement of the reasons for the rating;
  - (c) a food hygiene rating sticker in a form prescribed;
  - (d) such other information as may be prescribed.
- (4) A food hygiene rating ceases to be valid in the following cases—
  - (a) when an operator of an establishment has received notification of a new food hygiene rating and—
    - (i) the period of 21 days for an appeal against the new food hygiene rating has expired, or
    - (ii) if an appeal has been made, the appeal has been determined and the operator has received notification of the outcome;
  - (b) when there has been a transfer of ownership of an establishment or an establishment has ceased trading.
- (5) The Welsh Ministers may prescribe that certain categories of establishment may be exempt from rating.

#### Commencement Information

- I4** S. 3(1)(3)(a)(b)(4) in force at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(c\)](#)  
**I5** S. 3(2)(3)(c)(d)(5) in force in so far as not already in force at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(c\)](#)  
**I6** S. 3(2)(3)(c)(d)(5) in force for specified purposes at 28.10.2013 by [S.I. 2013/2617](#), [art. 2\(a\)](#)

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#### **4 Rating criteria**

- (1) The rating criteria must include a system to score a food business establishment's hygiene standards.
- (2) The scoring system must include provisions based on an establishment's—
  - (a) food handling practices (including temperature control);
  - (b) physical environment (including its layout, cleanliness and condition);
  - (c) management;
  - (d) control procedures.

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#### **Commencement Information**

**I7** S. 4 in force at 28.11.2013 by S.I. 2013/2617, art. 3(d)

**Changes to legislation:**

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