



2016 CHAPTER 3

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 Regulation (EC) 882/2004.

(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”.

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 Regulation (EC) 882/2004.

(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.