



2016 CHAPTER 3

Enforcement

Offences

10.—(1) The operator of a food business establishment commits an offence if, without reasonable excuse, the operator fails to comply with the duty under section 7(1) or a duty in regulations under section 7(3).

(2) The operator of a food business establishment commits an offence if, without reasonable excuse, the operator displays at the establishment a sticker which—

- (a) purports to show the establishment's food hygiene rating, but
- (b) is not valid.

(3) The operator of a food business establishment commits an offence if, without reasonable excuse, the operator or a relevant employee at the establishment—

- (a) fails to comply with the duty under section 8(1), or
- (b) provides false or misleading information in response to a request of the kind referred to in section 8(1).

(4) In any proceedings for an offence under subsection (3) which relates to the conduct of a relevant employee, it is a defence for the operator to prove that the operator took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) A person commits an offence if the person intentionally alters, defaces or otherwise tampers with a valid sticker showing a food business establishment's food hygiene rating.

(6) A person commits an offence if, without reasonable excuse, the person obstructs an authorised officer of a district council in the exercise of functions under this Act.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) For the purposes of this section, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (corporate liability for offences)—

(a) applies with the omission of the words “the liability of whose members is limited”, and

(b) where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the functions of management as if that member were a director of the body corporate.

(9) If an offence under this section is committed by a partnership or proved—

(a) to have been committed with the consent or connivance of a partner, or

(b) to be attributable to any neglect on the partner’s part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(10) “Partner” includes a person purporting to act as such.