



## 2016 CHAPTER 3

### *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.