

**EXPLANATORY MEMORANDUM TO**  
**THE FOOD HYGIENE RATING REGULATIONS (NORTHERN IRELAND) 2016**

**2016 No. 313**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under 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 (the Act).

**2. Purpose of the Rule**

- 2.1 The proposed Food Hygiene Rating Regulations (Northern Ireland) 2016 will provide:
- Details of the categories of establishments that are exempt from receiving a rating;
  - The form of food hygiene rating stickers and details of the location and manner for display of these;
  - Details of the information to be provided to new businesses; and
  - The form and method of payment of fixed penalty notices to be issued to businesses for failure to comply with the provisions of the Act;

**3. Matters of special interest to the Health Committee**

- 3.1 None.

**4. Parity or Replicatory Measure**

- 4.1 This Rule applies to Northern Ireland only.

**5. European Convention on Human Rights**

- 5.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Policy background**

- 6.1 The Food Hygiene Rating Bill received Royal assent on the 29 January 2016 and became an Act referred to as the Food Hygiene Rating Act 2016. The Act confers powers on the Department to make orders and rules in relation to the coming into operation of the Act and also to set out certain arrangements for the operation of the scheme.
- 6.2 The Act establishes a statutory food hygiene rating scheme in Northern Ireland, which when implemented will require district councils, following an inspection, to produce a food hygiene rating for businesses within scope of the scheme using criteria published by the Food Standards Agency (FSA). Businesses that have been rated will be provided with a sticker(s) showing their food hygiene rating which they will be required to display in one or more designated positions at their establishment. In addition, the business will be

required to ensure that anyone who asks for verbal confirmation of a rating is given that information. District councils will be required to enforce these requirements. The FSA will be required to publish all ratings online as it currently does on its website.

- 6.3 The Act includes a regulation making power regarding the publication of ratings online by food business operators who supply consumers with food that they order using an online facility. This provision was introduced into the Act through an amendment to the Bill during the legislative process and the FSA is currently gathering evidence and information from stakeholders on how this can work in practice to inform drafting of the regulatory measure. This includes commissioning research to explore consumer needs and expectations on online display of ratings and engagement with businesses that will be affected.

## **7. Consultation outcome**

- 7.1 The FSA in Northern Ireland carried out a 14 week formal public consultation in the Northern Ireland. The time period for consultation was extended from 12 weeks to 14 weeks allowing additional time to take account of the dissolution of the Assembly during election period. 12 responses were received in relation to this consultation with respondents being broadly supportive of the proposals.
- 7.2 The FSA in Northern Ireland believes that the full 14 week public consultation exercise, which included an industry stakeholder meeting provided all consultees with proper opportunity to evaluate the proposals.

## **8. Equality Impact**

- 8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

## **9. Contact**

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