

## EXPLANATORY MEMORANDUM TO

### THE FOOD HYGIENE RATING (TRANSITIONAL PROVISIONS) ORDER (NORTHERN IRELAND) 2016

#### 2016 No. 314

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health to accompany the Order (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Order is made under sections section 18(1) to (3) and 19(1) of the Food Hygiene Rating Act (Northern Ireland) 2016 (the Act).

#### 2. Purpose of the Rule

- 2.1 The Food Hygiene Rating (Transitional Provisions) Order (Northern Ireland) 2016 provides for a district council to treat an existing rating as the Food Hygiene Rating for the purposes of the Act until October 2017. Where it decides to do so, the district council must notify the operator of that food business of the rating within 14 days from the date of that decision and provide a sticker and information under the Act. It also requires district councils to provide each business within scope of the scheme with a rating under the Act within 12 months of the Act coming into operation.
- 2.2 This transitional provision and time period will assist district councils in providing a statutory rating to businesses currently in scope of the scheme in a reasonable time period without the need to conduct further hygiene inspections of those businesses for the purpose of rating establishments. It will also facilitate the policy objective for display of rating stickers at establishments to be achieved as quickly as possible.

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

- 3.1 None.

#### 4. Parity or Replicatory Measure

- 4.1 This Order 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 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.

## **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 This Order 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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