



# Food Hygiene Rating (Wales) Act 2013

2013 anaw 2

## *Appeals*

### **5 Right of appeal**

- (1) An operator of a food business establishment may appeal to the food authority against a food hygiene rating given to the establishment.
- (2) An appeal may be made on either or both of the following grounds—
  - (a) that the rating does not properly reflect the food hygiene standards at the establishment at the time of the inspection;
  - (b) that the rating criteria were not applied correctly when producing the food hygiene rating.
- (3) An appeal must be made within 21 days from the date of receipt of notification of the food hygiene rating.
- (4) An appeal must be made in writing in the prescribed form.
- (5) A food authority may conduct a further inspection of the establishment for the purpose of considering matters raised in an appeal.
- (6) A food authority must determine the appeal and notify the operator of the establishment and the FSA of its decision within 21 days from the date the appeal was received.
- (7) The appeal must be conducted by an authorised officer who was not involved in the assessment of the food hygiene rating that is being appealed.
- (8) The Welsh Ministers may, by regulations, provide for an appeal under this section to be determined by a person other than the food authority.
- (9) The power to make regulations includes power to—
  - (a) make provision about the procedure to be followed for appeals;
  - (b) make such amendments to this section in consequence of another person becoming responsible for the determination as the Welsh Ministers consider appropriate.

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**Changes to legislation:** There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013, Cross Heading: Appeals. (See end of Document for details)

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- (10) If a food authority decides to revise a food hygiene rating, when notifying the establishment of its decision it must send to the operator of the establishment—
- (a) written notification of its revised food hygiene rating;
  - (b) a written statement of the reasons for the rating;
  - (c) a new food hygiene rating sticker;
  - (d) such other information as may be prescribed.
- (11) Where a food authority decides to revise a food hygiene rating, when notifying the FSA of its decision it must send to the FSA a copy of the notification and statement referred to in subsection (10).
- (12) There is no further right of appeal against a determination made under subsection (6).

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**Commencement Information**

- I1** S. 5(1)-(3)(5)-(9)(10)(a)-(c)(11)(12) in force at 28.11.2013 by [S.I. 2013/2617](#), **art. 3(e)**
- I2** S. 5(4)(10)(d) in force in so far as not already in force at 28.11.2013 by [S.I. 2013/2617](#), **art. 3(e)**
- I3** S. 5(4)(10)(d) in force for specified purposes at 28.10.2013 by [S.I. 2013/2617](#), **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013,  
Cross Heading: Appeals.