



# Food Hygiene Rating (Wales) Act 2013

2013 anaw 2

## *Powers and responsibilities*

### **14 Duties of Food Standards Agency**

- (1) The FSA must—
- (a) in exercising its functions under this Act, have regard to guidance issued by the Welsh Ministers;
  - (b) publish the matters to which a food authority must have regard when preparing and keeping under review an inspection programme under section 2 (where those matters have been approved by the Welsh Ministers);
  - (c) publish the rating criteria against which a food hygiene rating is scored under section 3;
  - (d) at the end of the period of 1 year beginning with the commencement of the scheme, and each subsequent period of 1 year, conduct a review of the operation of the appeals system established under section 5 during that period;
  - (e) at the end of the period of 1 year beginning with the commencement of the scheme, and each subsequent period of 3 years, otherwise review the implementation and operation of the food hygiene rating scheme established under this Act during that period;
  - (f) make recommendations to food authorities to assist them to comply with their responsibilities under the scheme;
  - (g) promote the scheme to food business establishments and consumers in Wales;
  - (h) supply food hygiene rating stickers in the prescribed form to food authorities without charge.
- (2) No later than 3 months after the end of the period to which a review under subsection (1)(d) relates, the FSA must lay a report before the National Assembly for Wales containing—
- (a) details of the review that was undertaken;
  - (b) the recommendations for change, if any, to the appeals system it considers appropriate and its reasons for reaching that conclusion.

- (3) No later than 3 months after the end of the period to which a review under subsection (1)(e) relates, the FSA must lay a report before the National Assembly for Wales containing—
  - (a) details of the review that was undertaken;
  - (b) the recommendations for change, if any, to the food hygiene rating scheme it considers appropriate and its reasons for reaching that conclusion.
- (4) The FSA must send a copy of each report produced under this section to the Welsh Ministers.

## **15 Other powers and responsibilities of food authorities**

- (1) A food authority must send prescribed information to operators of new food business establishments in its area.
- (2) This information must be sent to an operator within 14 days of whichever of the following events is applicable—
  - (a) the operator's establishment being registered by the food authority under Article 6 of EC Regulation 852/2004 (or equivalent alternative obligation for registering such establishments), or
  - (b) the operator's establishment applying to the food authority for approval under Article 4 of EC Regulation 853/2004 (or equivalent alternative obligation for approval of such establishments).
- (3) In exercising its functions under this Act, a food authority must have regard to—
  - (a) recommendations made by the FSA;
  - (b) guidance issued by the Welsh Ministers under section 23 of this Act.
- (4) A food authority must make arrangements to enforce the obligations imposed by this Act on establishments in its area.
- (5) A food authority must review the operation of the food hygiene rating scheme in its area—
  - (a) periodically, with a view to ensuring that the rating criteria are assessed fairly and consistently;
  - (b) at the request of the FSA, for the purpose of assisting the FSA to evaluate the scheme as required by section 14Error: Reference source not found.

## **16 Other responsibilities of operators of food business establishments**

An operator of a food business establishment must—

- (a) provide such information as a food authority reasonably requires to enable it to produce a food hygiene rating for the establishment;
- (b) otherwise give all reasonable assistance to a food authority in order to enable it to produce a food hygiene rating and exercise its other functions under this Act.