



# Food Hygiene Rating (Wales) Act 2013

2013 anaw 2

## *Food hygiene inspections and ratings*

### **2 Programme of food hygiene inspections**

- (1) A food authority must prepare, and keep under review, a programme which sets out—
  - (a) whether a food business establishment in its area must be inspected, and
  - (b) if an inspection is required, the frequency of inspections.
- (2) A food authority must inspect food business establishments in its area in accordance with the programme.
- (3) When preparing and reviewing the programme a food authority must have regard to matters specified by the FSA and approved by the Welsh Ministers.
- (4) The matters specified by the FSA must include an assessment of the levels of risk to public health—
  - (a) associated with the type of food handled by an establishment,
  - (b) associated with the method of handling the food, and
  - (c) arising from the record of compliance with food hygiene law at the establishment.

(5) In this Act—

a “food authority” (“*awdurdod bwyd*”) means the county council or county borough council of the area in Wales in which the establishment is located (or a port health authority in the circumstances prescribed by section 5(3) of the Food Safety Act 1990);

a “food business establishment” (“*sefydliad busnes bwyd*”) is any unit of a business registered with a food authority by virtue of Article 6 of Regulation (EC) No 852/2004 or approved by a food authority under Article 4 of Regulation (EC) No 853/2004 (or registered or approved under equivalent alternative provisions for registering or approving food business establishments), which—

- (a) supplies food direct to consumers, or
- (b) supplies food to another business;

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*Status: Point in time view as at 28/11/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013, Section 2. (See end of Document for details)*

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an “operator” (“*gweithredwr*”) of a food business establishment means a person concerned with the management of the establishment.

- (6) The Welsh Ministers may by regulations—
- (a) amend the definition of a food business establishment, including to expand the category of establishment that may be inspected;
  - (b) amend the definition of a food authority (for example, to include other bodies).

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**Commencement Information**

- I1** S. 2(1)-(4)(6) in force at 28.11.2013 by [S.I. 2013/2617](#), **art. 3(b)**
- I2** S. 2(5) in force for specified purposes at 28.11.2013 by [S.I. 2013/2617](#), **art. 3(b)**
- I3** [S. 2\(5\)](#) in force in so far as not already in force at 28.11.2014 by [S.I. 2014/3089](#), **art. 2**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013, Section 2.