



# Food Hygiene Rating (Wales) Act 2013

2013 anaw 2

## *Enforcement*

### **17 Power of entry**

- (1) An authorised officer of a food authority may, on production of the officer's written authority if demanded, enter at all reasonable hours a food business establishment for the purpose of—
  - (a) producing a food hygiene rating;
  - (b) carrying out a re-rating;
  - (c) determining an appeal under section 5; or
  - (d) enforcing any of the requirements in section 7.
- (2) But in the case of entry into any part of an establishment used only as a private dwelling 24 hours' notice of the intended entry must be given to the operator.

### **18 Obstruction of authorised officers**

A person who obstructs, without reasonable excuse, an authorised officer of a food authority acting in the exercise of the officer's functions commits an offence.

### **19 Offences by bodies corporate**

- (1) This section applies where an offence under this Act is committed by a body corporate.
- (2) If the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) any director, manager or secretary of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,that director, manager, secretary or person purporting to act as such (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

- (3) The reference to the director, manager or secretary of the body corporate includes a reference—
- (a) to any similar officer of the body;
  - (b) where the body is a body corporate whose affairs are managed by its members, to any officer or member of the body.

## **20 Penalties**

A person guilty of an offence under this Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **21 Fixed Penalties**

- (1) Where an authorised officer of a food authority has reason to believe that a person has committed an offence under section 9, the officer may give a notice to the person offering the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (2) Where a person is given a notice under this section in respect of an offence—
- (a) no proceedings may be instituted for the offence before the end of a period specified in the notice, and
  - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (3) The Schedule (fixed penalty notices) has effect.

## **22 Use of fixed penalty receipts**

- (1) A food authority must pay its fixed penalty receipts to the Welsh Ministers.
- (2) In this section “fixed penalty receipts” means amounts paid to a food authority under fixed penalty notices issued under section 21..