



# Food Hygiene Rating (Wales) Act 2013

2013 anaw 2

## *Safeguards for food businesses*

### **11 Right to reply**

- (1) A food authority must give the operator of a food business establishment the opportunity to comment on the establishment's food hygiene rating.
- (2) Any such comments must be made in writing and may be made to a food authority at any time while the rating is valid, whether or not an appeal is made under section 5.
- (3) A food authority must forward any such comments to the FSA who may publish the comments on their website with the food hygiene rating to which the comments relate.

### **12 Food hygiene re-ratings**

- (1) An operator of a food business establishment may request that a food authority carries out a further inspection and assessment of the food hygiene standards of the establishment for the purpose of considering whether to change its food hygiene rating (a "re-rating").
- (2) A request for a re-rating must be made in the prescribed form.
- (3) A food authority must comply with such a request if the conditions in subsection (4) and, if applicable, the condition in subsection (5) are met.
- (4) The conditions in this subsection are—
  - (a) any appeal against the current food hygiene rating has been determined;
  - (b) the operator has notified the food authority of improvements made to hygiene standards at the establishment;
  - (c) the food authority considers it reasonable to further inspect and assess the establishment in view of the improvements said to have been made;
  - (d) the current food hygiene rating sticker is displayed at the establishment in accordance with the requirements of section 7;

- (e) the operator has agreed to ensure that a food authority will be given access to carry out an inspection of the establishment for the purpose of the re-rating.
- (5) The condition in this subsection is that the operator of the establishment has paid the reasonable costs of the re-rating, as determined by the food authority in accordance with section 13.
- (6) Subsection (5) does not apply if the food authority has not sought payment of those costs in advance of the inspection.
- (7) If the conditions in subsection (4) and, if applicable, the condition in subsection (5) have been met, a food authority must complete the inspection no later than three months after the request was received.
- (8) If a food authority decides that there should be no change to the current food hygiene rating, it must notify the operator of the food business establishment within 14 days of the date the inspection was completed.
- (9) If a food authority decides to change the food hygiene rating, within 14 days of the date the inspection was completed it must send to the operator of the establishment—
  - (a) written notification of its new 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.
- (10) The requirements in section 6 (publication), section 7 (display of stickers) and section 8 (requests for information) apply to the new food hygiene rating.
- (11) Section 5 (right of appeal) and section 11 (right to reply) apply to the decisions of the food authority under subsections (8) and (9).

### **13 Payment of the costs of a re-rating**

- (1) If a request for a re-rating has been made by an operator of a food business establishment, a food authority must calculate the reasonable costs of the re-rating.
- (2) Before carrying out the re-rating, the food authority must inform the operator of the costs of the re-rating and the way the costs have been calculated.
- (3) An operator of a food business establishment must pay the costs of the re-rating.
- (4) A food authority may require payment in advance of the re-rating being carried out.