



2016 CHAPTER 3

Enforcement

Enforcement and powers of entry

9.—(1) Each district council must enforce the provisions of this Act in its district.

(2) An authorised officer of a district council may, on producing the officer's authorisation (if required to do so), enter the premises of a food business establishment in its district at any reasonable hour for the purpose of—

- (a) ascertaining whether the duty under section 7 or 8 is being complied with, and
- (b) if there is evidence that the duty is not being complied with, enforcing the duty.

(3) Where the premises of a food business establishment are also used as a private residence, an officer may not enter a part of the premises in reliance on subsection (2) unless the officer has given the occupier at least 24 hours' notice of the intention to enter.

(4) An "authorised officer" of a district council is an officer authorised by the council in writing, either in general or specific terms, to act in matters arising under this Act.

Offences

10.—(1) The operator of a food business establishment commits an offence if, without reasonable excuse, the operator fails to comply with the duty under section 7(1) or a duty in regulations under section 7(3).

(2) The operator of a food business establishment commits an offence if, without reasonable excuse, the operator displays at the establishment a sticker which—

- (a) purports to show the establishment's food hygiene rating, but
- (b) is not valid.

(3) The operator of a food business establishment commits an offence if, without reasonable excuse, the operator or a relevant employee at the establishment—

- (a) fails to comply with the duty under section 8(1), or
- (b) provides false or misleading information in response to a request of the kind referred to in section 8(1).

(4) In any proceedings for an offence under subsection (3) which relates to the conduct of a relevant employee, it is a defence for the operator to prove that the operator took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) A person commits an offence if the person intentionally alters, defaces or otherwise tampers with a valid sticker showing a food business establishment's food hygiene rating.

(6) A person commits an offence if, without reasonable excuse, the person obstructs an authorised officer of a district council in the exercise of functions under this Act.

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

(8) For the purposes of this section, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (corporate liability for offences)—

- (a) applies with the omission of the words "the liability of whose members is limited", and
- (b) where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with the functions of management as if that member were a director of the body corporate.

(9) If an offence under this section is committed by a partnership or proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(10) "Partner" includes a person purporting to act as such.

Fixed penalty

11.—(1) Where an authorised officer of a district council has reason to believe that an offence has been committed under section 10(1) or (2) in the case of a food business establishment in its district, the officer may give the operator of the establishment a fixed penalty notice.

(2) A “fixed penalty notice” is a notice offering the operator the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty.

(3) The Schedule (which makes further provision about fixed penalties) has effect.