



2016 CHAPTER 3

Miscellaneous functions

Provision of information for new businesses

12.—(1) This section applies if an establishment which is or would be a food business establishment—

- (a) is registered under Article 6 of Regulation (EC) 852/2004 by a district council, or
- (b) applies to a district council for approval under Article 4 of Regulation (EC) 853/2004.

(2) The district council must, within 14 days of making the registration or receiving the application, provide the person who is or would be the operator of the establishment with such information as the Department may specify in regulations (in so far as the district council has not already done so).

Commencement Information

II S. 12 in operation at 7.10.2016 by S.R. 2016/328, art. 2

Mobile establishments

13.—(1) The Department may by regulations make provision for enabling the transfer of the inspection and rating functions of a district council, in so far as they are exercisable in relation to mobile food business establishments registered with the council under Article 6 of Regulation (EC) 852/2004, to another district council.

(2) The “inspection and rating functions” of a district council are—

Status: Point in time view as at 07/10/2016.

Changes to legislation: There are currently no known outstanding effects for the Food Hygiene Rating Act (Northern Ireland) 2016, Cross Heading: Miscellaneous functions. (See end of Document for details)

(a) its function of carrying out inspections, and

(b) its functions under this Act or under regulations made under this Act.

(3) The regulations may, in reliance on section 19(1), include provision to modify references in this Act to a district council doing something in relation to a food business establishment in its district.

(4) The regulations may confer a discretion on a district council (in particular, in making provision in reliance on section 17(5) of the Interpretation Act (Northern Ireland) 1954 (power to make different provision for different cases etc.)).

Commencement Information

I2 [S. 13](#) in operation at 7.10.2016 by [S.R. 2016/328](#), [art. 2](#)

Review of operation of Act

14.—(1) Each district council—

(a) must keep the operation of this Act in its district under review, and

(b) must provide the Food Standards Agency with such information as it may request for the purpose of carrying out a review under this section.

(2) The Food Standards Agency must, within three years of the commencement of section 1, review the operation of this Act throughout Northern Ireland.

(3) The review must include a consideration of the following matters—

(a) where this Act specifies a period in which something may or must be done, whether that period is adequate for the purpose;

(b) whether section 3 is operating satisfactorily;

(c) whether section 4 is operating satisfactorily and, in particular, whether there should be a limit on the number of occasions on which the right to make a request for a re-rating under that section may be exercised.

(4) The Food Standards Agency may carry out subsequent reviews of the operation of this Act throughout Northern Ireland as and when it considers appropriate.

(5) Having conducted a review under this section, the Food Standards Agency—

(a) must prepare a report of the review, and

(b) must send the report to the Department.

(6) Where, in the light of a review under this section, the Food Standards Agency has recommendations to propose for improvements to the operation of this Act, the report under subsection (5) must specify those recommendations.

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(7) The Department must, on receiving the report under subsection (5), publish the report.

(8) The Department must publish its response to the report; and its response must indicate—

- (a) whether it proposes to exercise one or more of the powers under sections 1(7), 3(12), 4(12) and 16(1),
- (b) in so far as it does so propose, the amendments it proposes to make and its reasons for doing so, and
- (c) in so far as it does not so propose, its reasons for not doing so.

(9) The Food Standards Agency must promote the scheme provided for by this Act.

Commencement Information

I3 [S. 14](#) in operation at 7.10.2016 by [S.R. 2016/328](#), [art. 2](#)

Guidance

15 In exercising a function under this Act, a district council must have regard to—

- (a) guidance issued by the Department, and
- (b) guidance issued by the Food Standards Agency.

Commencement Information

I4 [S. 15](#) in operation at 7.10.2016 by [S.R. 2016/328](#), [art. 2](#)

Adjustment of time periods

16.—(1) The Department may by order amend a provision of this Act which specifies a period within which something may or must be done by substituting a different period for the period for the time being specified.

(2) Where the period under section 2(1), (4) or (5), 3(8), 4(3), (5) or (6) or 5(3) includes the last working day before Christmas Day, the period is to be extended by 7 days; and for this purpose, “working day” means a day which is not a Saturday or Sunday.

(3) Where, because of exceptional circumstances, it is not reasonably practicable for a district council to comply with section 2(1) or (4) or 4(3) or (5), or for the Food Standards Agency to comply with section 2(5), 3(8), 4(6) or 5(3), within the period for the time being specified (including any extension of that

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period under subsection (2) above), it must comply as soon as it is reasonably practicable for it to do so.

Commencement Information

I5 [S. 16](#) in operation at 7.10.2016 by [S.R. 2016/328](#), **art. 2**

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