

*These notes refer to the Food Hygiene Rating Act (Northern Ireland)
2016 (c.3) which received Royal Assent on 29 January 2016*

Food Hygiene Rating Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sections 10 & 11: Offences and Fixed Penalty

These sections create a number of offences. An operator of a food business establishment commits an offence if they fail to display a valid rating sticker, display a non-valid rating sticker, or fail to provide their rating online where they supply consumers with food through an online facility. It would also include failure to orally inform a person of the rating when requested; however, where this relates to the conduct of an employee, it would be a defence for the operator to prove they had taken all reasonable precautions and exercised all due diligence.

A person commits an offence where they intentionally alter, deface or tamper with an establishment's valid rating sticker or if they obstruct an authorised officer of a district council in exercising their functions.

A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale; however, for offences of failing to display a valid rating sticker or displaying a non-valid rating sticker, the operator can be given a fixed penalty notice. This section also introduces the Schedule which makes further provision about fixed penalties and liability of partnerships.

These sections also provide for corporate liability.