



2016 CHAPTER 3

Appeal, re-rating etc.

Request for re-rating

4.—(1) This section applies where a district council receives a request from the operator of a food business establishment in its district for the council to review the establishment's food hygiene rating.

(2) Within three months of receiving the request, the district council must—

- (a) inspect the establishment and review the establishment's food hygiene rating on the basis of that inspection, or
- (b) if it does not propose to act under paragraph (a), provide the operator of the establishment with a written explanation of why it does not propose to do so.

(3) Within 14 days of carrying out an inspection under subsection (2), the council must notify the operator of the establishment of its determination on reviewing the establishment's food hygiene rating.

(4) The notification must be in writing and must be accompanied by—

- (a) where the district council has changed the establishment's food hygiene rating on the review, a sticker showing the new rating,
- (b) a written statement of the reasons for the determination on the review,
- (c) information about compliance with Regulations (EC) 852/2004 and 853/2004,
- (d) an explanation of the right of appeal under section 3,
- (e) an explanation of the right to make a further request under this section,
- (f) an explanation of the right of reply under section 5,

- (g) an explanation of the effect of section 6 and of the duties under sections 7 and 8, and
 - (h) such other information as the Department may specify in regulations.
- (5) Within 34 days of carrying out an inspection under subsection (2), a district council—
- (a) must inform the Food Standards Agency of its determination on the review, and
 - (b) if the district council has changed the establishment's food hygiene rating on the review but considers that it would not be appropriate to publish the new rating, must inform the Food Standards Agency accordingly.
- (6) The Food Standards Agency, having been informed under subsection (5) (a) of the determination on the review, must, if the rating has been changed on the review, publish the new rating online, unless it has been informed under subsection (5)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so no later than 7 days after the end of the appeal period in relation to the new rating.
- (7) A request under this section must—
- (a) be in writing,
 - (b) include an explanation of the steps taken by the operator to improve compliance with Regulations (EC) 852/2004 and 853/2004 since the inspection on which the food hygiene rating was based was carried out, and
 - (c) be accompanied by a fee of such amount as the Department may by order specify.
- (8) A request under this section may not be made—
- (a) before the end of the period within which an appeal against the food hygiene rating in question may be made under section 3;
 - (b) if an appeal against the rating is made under that section, before the appeal is determined or abandoned.
- (9) The matters which a district council may take into account in deciding whether to act under subsection (2)(a) include the extent to which the operator of the establishment is complying with the provisions of this Act.
- (10) In the case of an establishment whose food hygiene rating is changed on a review under this section, references in this Act to the establishment's food hygiene rating are to the new rating (and section 3 accordingly applies, with such modifications as are necessary, in relation to a food hygiene rating changed under this section).
- (11) A sticker provided under subsection (4)(a) must be in a form prescribed under section 2(7).

(12) The Department may by order amend this section so as to limit, in the case of each food hygiene rating for an establishment, the number of occasions on which the right to request a review of the rating may be exercised.