



# Food Hygiene Rating (Wales) Act 2013

2013 anaw 2

## *Enforcement*

### **17 Power of entry**

- (1) An authorised officer of a food authority may, on production of the officer's written authority if demanded, enter at all reasonable hours a food business establishment for the purpose of—
- producing a food hygiene rating;
  - carrying out a re-rating;
  - determining an appeal under section 5; or
  - enforcing any of the requirements in section 7.
- (2) But in the case of entry into any part of an establishment used only as a private dwelling 24 hours' notice of the intended entry must be given to the operator.

#### **Commencement Information**

**11** [S. 17](#) in force at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(j\)](#)

### **18 Obstruction of authorised officers**

A person who obstructs, without reasonable excuse, an authorised officer of a food authority acting in the exercise of the officer's functions commits an offence.

#### **Commencement Information**

**12** [S. 18](#) in force at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(j\)](#)

### **19 Offences by bodies corporate**

- (1) This section applies where an offence under this Act is committed by a body corporate.

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*Changes to legislation: There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013, Cross Heading: Enforcement. (See end of Document for details)*

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- (2) If the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) any director, manager or secretary of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,
- that director, manager, secretary or person purporting to act as such (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) The reference to the director, manager or secretary of the body corporate includes a reference—
- (a) to any similar officer of the body;
  - (b) where the body is a body corporate whose affairs are managed by its members, to any officer or member of the body.

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**Commencement Information**

**I3** [S. 19](#) in force at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(j\)](#)

## 20 Penalties

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

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**Commencement Information**

**I4** [S. 20](#) in force at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(j\)](#)

## 21 Fixed Penalties

- (1) Where an authorised officer of a food authority has reason to believe that a person has committed an offence under section 9, the officer may give a notice to the person offering the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (2) Where a person is given a notice under this section in respect of an offence—
- (a) no proceedings may be instituted for the offence before the end of a period specified in the notice, and
  - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (3) The Schedule (fixed penalty notices) has effect.

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**Commencement Information**

**I5** [S. 21](#) in force at 28.11.2013 by [S.I. 2013/2617](#), [art. 3\(j\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013, Cross Heading: Enforcement. (See end of Document for details)*

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## 22 Use of fixed penalty receipts

[<sup>F1</sup>(1) A food authority may use its fixed penalty receipts only for the purpose of its functions relating to the enforcement of the provisions of this Act and regulations made under it.]

(2) In this section “fixed penalty receipts” means amounts paid to a food authority under fixed penalty notices issued under section 21..

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### Textual Amendments

**F1** S. 22(1) substituted (4.10.2017) by Public Health (Wales) Act 2017 (anaw 2), ss. 119, 126(2); S.I. 2017/949, art. 2(c)

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### Commencement Information

**I6** S. 22 in force at 28.11.2013 by S.I. 2013/2617, art. 3(j)

**Changes to legislation:**

There are currently no known outstanding effects for the Food Hygiene Rating (Wales) Act 2013,  
Cross Heading: Enforcement.