



## 2016 CHAPTER 3

### *Appeal, re-rating etc.*

#### **Right of reply**

5.—(1) A district council must give the operator of a food business establishment in its district the opportunity to make written representations on the establishment's food hygiene rating (regardless of whether or when the operator appeals against or otherwise challenges the rating).

(2) Where the district council receives representations under subsection (1), it may—

- (a) send them to the Food Standards Agency in the form in which it received them,
- (b) edit them and send them to the Food Standards Agency in that edited form, or
- (c) refuse to send them to the Food Standards Agency in any form.

(3) The Food Standards Agency, within 7 days of receiving representations under subsection (2)(a) or (b), must publish the representations online in the form in which it receives them alongside the food hygiene rating to which they relate.

(4) But where, at the time when the Food Standards Agency receives the representations, it has yet to publish under section 2(5) the rating to which the representations relate, the duty under subsection (3) instead applies as a duty to publish the representations within 7 days of publishing the rating under section 2(5).

(5) The duty under subsection (3) does not apply in a case where, as a result of section 2(4)(b), 3(7)(b) or 4(5)(b), the food hygiene rating to which the representations relate is not published.

(6) Where the district council acts under subsection (2)(b) or (c), it must provide the operator of the food business establishment in question with a written explanation of its reasons for doing so.