
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to a food hygiene rating scheme for Wales under the Food Hygiene Rating (Wales) Act 2013 (“the Act”) (2013 anaw 2).

Regulation 1 includes provision for these Regulations to come into force on 00:01 hours on 28 November 2013, except for regulation 8 which comes into force on 28 November 2014.

Regulation 2 provides for a food business establishment that has a food hygiene rating under the non-statutory food hygiene rating scheme launched in Wales by the Food Standards Agency (“the FSA”) before the commencement of the Act to be given a new rating under the Act by no later than 28 May 2015.

Regulation 3 gives effect to Schedule 1, which prescribes the form of a food hygiene rating sticker.

Regulation 4 prescribes information that a food authority must send to the operator of a food business establishment when notifying the operator of the food hygiene rating given to the establishment following a food hygiene rating inspection. This information is in addition to the written notification of the rating, a written statement of the reasons for the rating, and a food hygiene rating sticker all of which the food authority must send to the operator in accordance with section 3(3) (a) to (c) of the Act.

Regulation 5 prescribes the categories of food business establishment that are exempt from rating under the Act.

Regulation 6 gives effect to Schedule 2, which prescribes the form for appealing against a food hygiene rating.

Regulation 7 prescribes information that a food authority must send to the operator of a food business establishment when notifying the operator of its decision to change the food hygiene rating of the establishment as a result of an appeal. This information is in addition to written notification of the new food hygiene rating, a written statement of the reasons for the new rating, and a food hygiene rating sticker for the new rating, all of which the food authority must send to the operator in accordance with section 5(10)(a) to (c) of the Act.

Regulation 8 provides for a food authority to send to the FSA a breakdown (“a rating breakdown”) of an establishment’s rating into its component scores for each of the rating criteria published by the FSA under section 14(1)(c) of the Act. The FSA must publish a statement explaining what the rating breakdown means, and a statement explaining that members of the public may request a copy of the inspection report relating to an establishment from the food authority, and that it will be for the food authority to determine whether the inspection report is to be disclosed.

Regulation 9 prescribes the location and manner in which a food hygiene sticker must be displayed at different types of food business establishment.

Regulation 10 gives effect to Schedule 3, which prescribes the form for requesting a re-rating inspection.

Regulation 11 prescribes information that a food authority must send to the operator of a food business establishment when notifying the operator of its decision to change the food hygiene rating of the establishment as a result of the operator’s request for the establishment to be re-rated in accordance with section 12 of the Act. Section 12(9)(d) requires this information to be sent to the operator within 14 days of the re-rating inspection being completed. The information prescribed by regulation 11 is in addition to written notification of the new food hygiene rating, a written statement

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of the reasons for the new rating, and a food hygiene rating sticker for the new rating, all of which the food authority must send to the operator within 14 days of the re-rating inspection being completed, as required by section 12(9) (a) to (c) of the Act.

Regulation 12 prescribes the information that a food authority must send to the operator of a new food business establishment in its area within 14 days of the establishment's registration under Article 6 of Regulation (EC) No 852/2004 or approval under Article 4 of Regulation (EC) 853/2004 (or equivalent requirement) for registration or approval of food business establishments in accordance with section 15(1) of the Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

A draft of the Regulations was notified to the European Commission in accordance with article 8 of Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No L204, 21.7.1998, p 37) last amended by Council Directive 2006/96/EC (OJ No L363, 20.12.2006, p 81).