

## WELSH STATUTORY INSTRUMENTS

### 2016 No. 429

# The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016

#### Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016 and they come into force on 28 November 2016.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Hygiene Rating (Wales) Act 2013;

“establishment” (“*sefydliad*”) means food business establishment;

“publicity materials” (“*deunyddiau cyhoeddusrwydd*”) means any printed material which promotes the takeaway food provided by the operator’s establishment and which includes the prices of the food provided together with a description of how a consumer, being an individual to whom food is supplied otherwise than in the course of a business carried on by him or her, may place an order otherwise than in person:

“rating” (“*sgôr*”) means a food hygiene rating given under the Act; and

“takeaway food” (“*cludfwyd*”) means food that has been prepared to the specific order of consumers for delivery or collection to be consumed off the premises.

#### Commencement Information

I1 [Reg. 1](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

#### Establishments to which these Regulations apply

2. These Regulations apply to establishments that supply takeaway food direct to consumers.

#### Commencement Information

I2 [Reg. 2](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

#### Requirement to promote food hygiene rating

3.—(1) An operator of an establishment must ensure that its publicity materials display the statement—

“Ewch i [food.gov.uk/ratings](http://food.gov.uk/ratings) i ganfod sgôr hylendid bwyd ein busnes neu gofynnwch inni beth yw ein sgôr hylendid bwyd wrth archebu. / Go to [food.gov.uk/ratings](http://food.gov.uk/ratings) to find out the food hygiene rating of our business or ask us for our food hygiene rating when you order”.

(2) The statement must be positioned in a conspicuous place on the publicity materials so it can be easily seen by consumers.

- (3) The statement must conform to the following specifications—
- (a) type size of at least 9 points as measured in font ‘Times New Roman’ not narrowed; and
  - (b) space between text lines of least 3mm.

**Commencement Information**

**I3** [Reg. 3](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Display of food hygiene rating**

4.—(1) Where publicity materials comply with regulation 3, an operator may also choose to display the establishment’s rating on its publicity materials.

- (2) Publicity materials which display the rating must—
- (a) display a valid rating;
  - (b) position the rating in a conspicuous place on the publicity materials so it can be easily seen by consumers;
  - (c) display the rating in such a way that makes it clear to which establishment it relates to if publicity materials promote the takeaway food of more than one establishment; and
  - (d) comply with Schedule 1.

**Commencement Information**

**I4** [Reg. 4](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Offences**

5. An operator of an establishment commits an offence if, without reasonable excuse, the operator—

- (a) fails to comply with the requirements of regulation 3; and
- (b) fails to comply with the requirement of regulation 4(2).

**Commencement Information**

**I5** [Reg. 5](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Offences by bodies corporate**

6.—(1) This regulation applies where an offence under regulation 5 is committed by a body corporate.

(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; or
- (b) where the body is a body corporate whose affairs are managed by its members, to any officer or member of the body.

**Commencement Information**

**I6** [Reg. 6](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Enforcement**

7. A food authority may enforce the obligations imposed by regulations 3 and 4(2) on establishments in its area.

**Commencement Information**

**I7** [Reg. 7](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Power of entry**

8.—(1) An authorised officer of a food authority may on production of the officer’s written authority if demanded, enter at all reasonable hours an establishment for the purposes of enforcing the requirements in regulations 3 and 4(2).

(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.

(3) An authorised officer may seize and remove any document which they have reasonable grounds to believe may be evidence of a failure to comply with regulations 3 and 4(2).

**Commencement Information**

**I8** [Reg. 8](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Penalties**

9. A person guilty of an offence under regulation 5 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Commencement Information**

**I9** [Reg. 9](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Fixed penalties**

10.—(1) Where an authorised officer of a food authority has reason to believe that a person has committed an offence under regulation 5, the officer may give a notice to the person offering them 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 regulation 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) Schedule 2 (fixed penalty notices) has effect.

**Commencement Information**

**I10** [Reg. 10](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Fixed penalty receipts**

**11.** A food authority must use amounts paid to it under fixed penalty notices issued under regulation 10 for the purpose of its functions relating to enforcement of food hygiene in Wales.

**Commencement Information**

**I11** [Reg. 11](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

**Responsibility of food authorities to send information to operators**

**12.** A food authority must send a statement drawing attention to the requirements of these Regulations to operators of establishments in its area in accordance with section 15(1) of the Act (other powers and responsibilities of food authorities).

**Commencement Information**

**I12** [Reg. 12](#) in force at 28.11.2016, see [reg. 1\(1\)](#)

*Vaughan Gething*  
The Deputy Minister for Health under the  
authority of the Minister for Health and Social  
Services, one of the Welsh Ministers

18 March 2016

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Hygiene Rating (Promotion of Food Hygiene Rating) (Wales) Regulations 2016.