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EXPLANATORY MEMORANDUM TO

The Food Hygiene Rating Act (Amendment) Regulations (Northern Ireland) 2020

SR 2020 No. 267

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Health to accompany the statutory rule (SR) (details above) which is laid before the Northern Ireland Assembly.

1.2 The SR is made in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1 The Food Hygiene Rating Act (Amendment) Regulations (Northern Ireland) 2020 will allow a technical amendment to the Food Hygiene Rating Act (Northern Ireland) 2016 insofar as it will replace references to the repealed Regulation (EC) 882/2004 in the Act with references to Regulation (EU) 2017/625 (rules that replaced 882/2004) or Regulation (EC) 178/2002.

3. Background

3.1 The statutory food hygiene rating scheme, currently implemented by the Food Hygiene Rating Act (Northern Ireland) 2016 (the Act), helps consumers to choose where to eat out or shop for food in Northern Ireland by giving them clear information about the businesses' hygiene standards. The scheme gives businesses a rating from 5 to 0 which is displayed at their premises and online so consumers can make more informed choices about where to buy and eat food.

3.2 Regulation (EU) 2017/625 on official controls (OCR 2017/625) repealed and replaced Regulation (EC) No 882/2004 on official controls from 14 December 2019. This had an impact on the operation of the statutory food hygiene rating scheme in Northern Ireland.

3.3 The Act provides that an inspection of a food business establishment, on the basis of which a mandatory rating must be produced, is a reference to carrying out an activity in relation to the establishment as part of official controls (i.e. inspections) under Regulation (EC) No 882/2004.

3.4 Until the Act is amended, there is no mechanism for new mandatory food hygiene ratings to be produced for existing or new food business establishments.

4. Consultation

4.1 FSA held a shortened consultation with key stakeholders from 16 October 2020 to 5 November 2020. Four responses were received from district councils, all were in favour of the proposed SR.

5. Equality Impact

5.1 This rule applies equally across society and therefore has no implications under section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1 The SR is technical in nature and does not make any policy or operational changes to the food hygiene rating scheme. Therefore, we do not anticipate any regulatory impact.

7. Financial Implications

7.1 There are no anticipated financial implications to the Department of Health.

8. Section 24 of the Northern Ireland Act 1998

8.1 These regulations will apply in equal measure to all groups. It is not expected that any of these changes will impact differentially across any groups as determined by Section 24.

9. EU Implications

9.1 Not applicable

10. Parity or Replicatory Measure

10.1 This rule is specific to Northern Ireland.

11. Additional Information

11.1 Not applicable