

FOOD HYGIENE RATING (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 5 – Right of appeal

12. **Section 5** establishes the procedure for an operator of a food business establishment to appeal against a rating given to the establishment, and the grounds upon which such an appeal may be made. The Welsh Ministers anticipate guidance on appeals being included in guidance to be issued by them under section 23.
13. The operator has 21 days to appeal, from the date the rating notification is received. A food authority must determine the appeal (and a further inspection can be carried out in order to consider the appeal), and send the operator notification of its decision. The appeal must be conducted by an authorised officer who was not involved in the assessment of the food hygiene rating that is being appealed. Appeals must be decided within 21 days of being received by the food authority.
14. If, on the basis of appeal, the food authority decides to change the rating, a new rating sticker must be sent to the operator at the same time as the food authority notifies the operator of its decision.
15. The Welsh Ministers may make regulations providing for an appeal to be determined by a person other than the food authority.