



Northern Ireland
Assembly

Food Hygiene Rating Bill
Annotated Marshalled List of Amendments
Consideration Stage
Monday 29 June 2015

Amendments tabled up to 9.30am Thursday, 25 June 2015 and selected for debate

The Bill will be considered in the following order-
Clauses, Schedule and Long Title

Amendment 1 [Made]

Clause 2, Page 2, Line 8

After second 'must' insert '(in so far as the district council has not already provided the operator with the following)'

Minister of Health, Social Services and Public Safety

Amendment 2 [Made]

Clause 2, Page 2, Line 19

Leave out 'Having given a notification under this section' and insert 'Within 34 days of carrying out an inspection of a food business establishment on the basis of which it prepares a food hygiene rating'

Minister of Health, Social Services and Public Safety

Amendment 3 [Made]

Clause 2, Page 2, Line 24

Leave out ‘on its website’ and insert ‘online’

Minister of Health, Social Services and Public Safety

Amendment 4 [Made]

Clause 2, Page 2, Line 25

After ‘appropriate’ insert ‘; and, if it is required to publish the rating, it must do so no later than 7 days after the end of the appeal period in relation to the rating’

Minister of Health, Social Services and Public Safety

Amendment 5 [Made]

Clause 2, Page 2, Line 25

At end insert -

‘(5A) The “end of the appeal period”, in relation to a food hygiene rating, means—

- (a) the end of the period within which an appeal against the rating may be made under section 3, or
- (b) where an appeal against the rating is made under that section, the end of the day on which the operator of the establishment is notified of the determination on the appeal (or, if the appeal is abandoned, the end of the day on which it is abandoned).’

Minister of Health, Social Services and Public Safety

Amendment 6 [Made]

Clause 2, Page 2, Line 26

Leave out ‘of sticker to be provided under subsection (3)(a)’ and insert -

‘or forms of stickers to be provided under subsection (3)(a); and, in the case of each form so prescribed, the regulations must specify whether the cost of producing stickers in that form is to be borne—

- (a) by the Food Standards Agency,
- (b) by the district council which provides the stickers, or
- (c) by the Food Standards Agency and the district council jointly in the specified manner.’

Minister of Health, Social Services and Public Safety

Amendment 7 [Made]

Clause 3, Page 3, Line 11

At end insert -

‘(6A) The district council to which the appeal is made must also, before the end of the period under subsection (5)—

- (a) inform the Food Standards Agency of its determination on the appeal (or, if the appeal is abandoned, that it has been abandoned), and
- (b) if the district council has changed the establishment's food hygiene rating on the appeal but considers that it would not be appropriate to publish the new rating, inform the Food Standards Agency accordingly.

(6B) The Food Standards Agency, having been informed under subsection (6A)(a) of the determination on the appeal, must, if the rating has been changed on the appeal, publish the new rating online, unless it has been informed under subsection (6A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so within 7 days of having been informed of the determination on the appeal.'

Minister of Health, Social Services and Public Safety

Amendment 8 [Made]

Clause 3, Page 3, Line 19

Leave out 'the' and insert 'a'

Minister of Health, Social Services and Public Safety

Amendment 9 [Made]

Clause 4, Page 4, Line 6

At end insert -

'(4A) Within 34 days of carrying out an inspection under subsection (2), a district council—

- (a) must inform the Food Standards Agency of its determination on the review, and
- (b) if the district council has changed the establishment's food hygiene rating on the review but considers that it would not be appropriate to publish the new rating, must inform the Food Standards Agency accordingly.

(4B) The Food Standards Agency, having been informed under subsection (4A)(a) of the determination on the review, must, if the rating has been changed on the review, publish the new rating online, unless it has been informed under subsection (4A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so no later than 7 days after the end of the appeal period in relation to the new rating.'

Minister of Health, Social Services and Public Safety

Amendment 10 [Made]

Clause 4, Page 4, Line 25

After 'applies' insert ', with such modifications as are necessary,'

Amendment 11 [Made]

Clause 4, Page 4, Line 27

Leave out 'the' and insert 'a'

Minister of Health, Social Services and Public Safety

Amendment 12 [Made]

Clause 4, Page 4, Line 28

At end insert -

'(10) The Department may by order amend this section so as to limit, in the case of each food hygiene rating for an establishment, the number of occasions on which the right to request a review of the rating may be exercised.'

Minister of Health, Social Services and Public Safety

Amendment 13 [Made]

Clause 5, Page 5, Line 1

Leave out 'having received' and insert 'within 7 days of receiving'

Minister of Health, Social Services and Public Safety

Amendment 14 [Made]

Clause 5, Page 5, Line 2

Leave out 'on its website' and insert 'online'

Minister of Health, Social Services and Public Safety

Amendment 15 [Made]

Clause 5, Page 5, Line 3

At end insert -

'(3A) 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).'

Minister of Health, Social Services and Public Safety

Amendment 16 [Made]

Clause 5, Page 5, Line 4

Leave out '(2)' and insert '(3)'

Minister of Health, Social Services and Public Safety

Amendment 17 [Made]

Clause 5, Page 5, Line 5

After '2(4)(b)' insert ', 3(6A)(b) or 4(4A)(b)'

Minister of Health, Social Services and Public Safety

Amendment 18 [Made]

Clause 6, Page 5, Line 29

Leave out subsection (4)

Minister of Health, Social Services and Public Safety

Amendment 19 [Made]

Clause 7, Page 6, Line 2

At end insert -

'(3) The Department may by regulations provide that, in the case of a food business establishment which supplies consumers with food which they order by means of an online facility of a specified kind, the operator must ensure that the establishment's food hygiene rating is provided online in the specified manner.

(4) The regulations may, for example, require a food hygiene rating to be provided online by means of a link to the rating in the form in which it is published by the Food Standards Agency under section 2(5).'

Minister of Health, Social Services and Public Safety

Amendment 20 [Made]

Clause 10, Page 6, Line 32

Leave out '7' and insert '7(1) or a duty in regulations under section 7(3)'

Amendment 21 [Made]

Clause 12, Page 8, Line 8

After ‘regulations’ insert ‘(in so far as the district council has not already done so)’

Minister of Health, Social Services and Public Safety

Amendment 22 [Made]

Clause 14, Page 9, Line 6

At end insert -

‘(7A) The Department must publish its response to the report; and its response must indicate—

- (a) whether it proposes to exercise one or more of the powers under sections 1(7), 3(10), 4(10) and 15A(1),
- (b) in so far as it does so propose, the amendments it proposes to make and its reasons for doing so, and
- (c) in so far as it does not so propose, its reasons for not doing so.’

Minister of Health, Social Services and Public Safety

Amendment 23 [Made]

Clause 14, Page 9, Line 7

Leave out subsection (8)

Minister of Health, Social Services and Public Safety

Amendment 24 [Made]

Clause 14, Page 9, Line 8

At end insert -

‘(9) The Food Standards Agency must promote the scheme provided for by this Act.’

Minister of Health, Social Services and Public Safety

Amendment 25 [Made]

New Clause

After clause 15 insert -

‘Adjustment of time periods

15A.—(1) The Department may by order amend a provision of this Act which specifies a period within which something may or must be done by substituting a different period for the period for the time being specified.

(2) Where the period under section 2(1), (4) or (5), 3(6B), 4(3), (4A) or (4B) or 5(3) includes the last working day before Christmas Day, the period is to be extended by 7 days; and for this purpose, “working day” means a day which is not a Saturday or Sunday.

(3) Where, because of exceptional circumstances, it is not reasonably practicable for a district council to comply with section 2(1) or (4) or 4(3) or (4A), or for the Food Standards Agency to comply with section 2(5), 3(6B), 4(4B) or 5(3), within the period for the time being specified (including any extension of that period under subsection (2) above), it must comply as soon as it is reasonably practicable for it to do so.’

Minister of Health, Social Services and Public Safety

Amendment 26 [Made]

Clause 16, Page 9, Line 19

At end insert -

““end of the appeal period”, in relation to a food hygiene rating, has the meaning given in section 2(5A);”

Minister of Health, Social Services and Public Safety

Amendment 27 [Made]

Clause 18, Page 10, Line 19

At end insert -

‘(1A) No regulations shall be made under section 7(3) (online provision of ratings) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

Minister of Health, Social Services and Public Safety

Amendment 28 [Made]

Clause 18, Page 10, Line 20

After ‘under’ insert ‘any other provision of’

Minister of Health, Social Services and Public Safety

Amendment 29 [Made]

Clause 18, Page 10, Line 21

Leave out subsection (3)

Amendment 30 [Made]

Clause 18, Page 10, Line 27

At end insert -

‘() section 4(10) (power to limit number of requests for review of rating);’

Minister of Health, Social Services and Public Safety

Amendment 31 [Made]

Clause 18, Page 10, Line 28

Leave out paragraph (c)

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Amendment 32 [Made]

Clause 18, Page 10, Line 29

At end insert -

‘() section 15A(1) (power to amend time periods);’

Minister of Health, Social Services and Public Safety

Amendment 33 [Made]

Clause 18, Page 10, Line 30

At end insert -

‘(4A) An order under any other provision of this Act, other than section 20 (commencement), is subject to negative resolution.’

Minister of Health, Social Services and Public Safety

Amendment 34 [Made]

Clause 18, Page 10, Line 31

Leave out subsection (5)

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Amendment 35 [Made]

Clause 18, Page 10, Line 32

Leave out subsection (6)

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Amendment 36 [Made]

Clause 18, Page 10, Line 33

At end insert -

‘() An order under section 1(7) may, in reliance on subsection (1) of this section, amend sections 7, 10 and 11 (duty to display rating, offences and fixed penalties).’

Minister of Health, Social Services and Public Safety