

Annex A: Draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2023

Draft Regulations laid before the Assembly under section 19(2) of the Food Hygiene Rating Act (Northern Ireland) 2016, and subject to affirmative resolution procedure of the Assembly

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2023 No. 000

FOOD

The Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2023

Laid before the Assembly in draft

Made - - - - 0th Month 2023

Coming into operation in accordance with regulation 1(2)

The Department of Health^(a), makes the following Regulations in exercise of the powers conferred by section 7(3) of the Food Hygiene Rating Act (Northern Ireland) 2016^(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2023.

(2) If approved by the Assembly, these Regulations come into operation upon that approval.

Interpretation

2. In these Regulations —

“the Act” means the Food Hygiene Rating Act (Northern Ireland) 2016;

(a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), section 1

(b) 2016 c.3 (N.I.)

“online facility” means a website, social media service, computer programme or software application by means of which an order for food can be placed online;

“relevant period” means the period of 7 days beginning with the day on which the relevant food hygiene rating was published online by the Food Standards Agency under section 2(5) of the Act;

“relevant point” is prior to whichever of the following occurs first in the ordering process of a facility—

(a) the point at which food may be selected;

(b) the point at which food may be ordered;

but where the point at which food may be selected is the same as that at which it may be ordered the relevant point is that point.

“social media service” means an online service the main, or one of the main, purposes of which is to promote interaction between users (including interaction between users and user-generated content) and a significant feature of which is the making of user-generated content available to other users; and

“valid food hygiene rating” is to be construed in accordance with section 6 of the Act.

Food Supplied to order via an online facility

3.—(1) This regulation applies where a food business establishment supplies food ordered via an online facility.

(2) For the purposes of this regulation, an online facility is one—

(a) operated by or on behalf of—

(i) a single operator (whether the facility operates in respect of one or more or all of that operator’s establishments), or

(ii) two or more operators of two or more establishments at least one of which has a different operator to the others;

(b) that displays, at the relevant point—

(i) the name of each establishment in respect of which the facility operates;

(ii) details (whether in the form of a description, list, image or a combination of these things) of the food which those establishments can supply; and

(iii) an icon of the valid food hygiene rating applying to those establishments.

(3) Where a facility operates in respect of an operator’s chain of establishments regulation (2)(b) is satisfied if the facility displays, at the relevant point—

(i) the details referred to in regulation (2)(b)(ii) and

(ii) a readily seen and easily read hyperlink to a list containing the matters referred to in regulation (2)(b)(i) and (iii).

(4) The operator of an establishment referred to in paragraph (1) must ensure that the facility complies with paragraph (2)(b) and that the relevant icon is displayed within the relevant period.

Icons

4. An icon must—

- (a) be readily seen and easily read, and
- (b) include-
 - (i) the phrase “FOOD HYGIENE RATING” (in capitals),
 - (ii) the rating awarded to the food business establishment in question by the relevant district council in the form of a white numeral in a black circle on a Green Pantone 376 background, and
 - (iii) a descriptor of that numerical rating using the same words as those used for that rating on the stickers in Schedule 1 to the Food Hygiene Rating Regulation (Northern Ireland) 2016.

Sealed with the official seal of the Department of Health on 0th Month 2023.



A Name
A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require an operator of a food business establishment which supplies a consumer with food ordered via an online facility to ensure that the facility displays an icon representing the valid food hygiene rating in respect of that establishment. The Regulations also prescribe the form of a valid Food Hygiene Rating icon.