

BREACH OF HYGIENE EMERGENCY PROHIBITION ORDER

Food Hygiene Regulations (NI) 2006

- 8.- (1) If an authorised officer is satisfied that the health risk condition is fulfilled with respect to any food business, he may, by a notice served on the relevant food business operator (a "hygiene emergency prohibition notice") impose the appropriate prohibition.
- (2) If a court is satisfied, on the application of such an officer, that the health risk condition is fulfilled with respect to any food business, the court shall, by an order (a "hygiene emergency prohibition order"), impose the appropriate prohibition.
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- (6) As soon as practicable after the making of a hygiene emergency prohibition order, an authorised officer shall—
- (a) serve a copy of the order on the relevant food business operator; and
 - (b) affix a copy of the order in a conspicuous position on such premises used for the purposes of the food business as it considers appropriate,
- and any person who knowingly contravenes such an order shall be guilty of an offence.

Maximum Sentence

Food Hygiene Regulations (NI) 2006, Reg.17(2)

Indictment: 2 years imprisonment

Summarily: £5,000 fine

Assessment of Offence

(starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
N/A	£2,500	£1,000 - £5,000 Fine

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ul style="list-style-type: none"> 1. Offence motivated by financial gain 2. Deliberate concealment of illegal nature of activity 3. Established evidence of wider/community impact 4. Poor food safety or hygiene record (not amounting to an offence) 5. Refusal of free advice or training 	<ul style="list-style-type: none"> 1. Good food safety/hygiene record

Relevant Cases:

NI Cases

N/A

English Cases

N/A

Notes:

- 1. Court may impose a Hygiene Prohibition Order upon conviction – Reg. 7 of the 2006 Regulations.