

## BREACH OF HYGIENE IMPROVEMENT NOTICE

### Food Hygiene Regulations (NI) 2006

6.- (1) If an authorised officer has reasonable grounds for believing that a food business operator is failing to comply with the Hygiene Regulations, he may by a notice served on that person (a "hygiene improvement notice")—

- (a) state the officer's grounds for believing that the food business operator is failing to comply with the Hygiene Regulations;
- (b) specify the matters which constitute the food business operator's failure to comply;
- (c) specify the measures which, in the officer's opinion, the food business operator must take in order to secure compliance; and
- (d) require the food business operator to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(2) Any person who fails to comply with a hygiene improvement notice 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 1<sup>st</sup> time offender convicted following contest)*

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
N/A	£500	Conditional Discharge to £1,000

### Examples of Possible Aggravating Factors of Offence

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

### Examples of Possible Mitigating Factor of Offence

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.