

1. BREACH OF REMEDIAL ACTION NOTICE

2. BREACH OF DETENTION NOTICE

Food Hygiene Regulations (NI) 2006

- 9.- (1) Where it appears to an authorised officer that in respect of an establishment—
- (a) any of the requirements of the Hygiene Regulations is being breached; or
 - (b) inspection under the Hygiene Regulations is being hampered,
- he may, by a notice in writing (a "remedial action notice") served on the relevant food business operator or his duly authorised representative—
- (c) prohibit the use of any equipment or any part of the establishment specified in the notice;
 - (d) impose conditions upon or prohibit the carrying out of any process; or
 - (e) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely.
- ...
- (5) An authorised officer of an enforcement authority may, at an establishment subject to approval under Article 4(2) of Regulation 853/2004, by a notice in writing (in this regulation referred to as a "detention notice") served on the relevant food business operator or his duly authorised representative, require the detention of any animal or food present for the purpose of examination (including the taking of samples).
- ...
- (7) Any person who fails to comply with a remedial action notice or a detention 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 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

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.