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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2013 Rhif 2903 (Cy. 282)**

**2013 No. 2903 (W. 282)**

**BWYD, CYMRU**

**FOOD, WALES**

**Rheoliadau Sgorio Hylendid Bwyd  
(Cymru) 2013**

**The Food Hygiene Rating (Wales)  
Regulations 2013**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn gwneud darpariaeth mewn perthynas â chynllun sgorio hylendid bwyd ar gyfer Cymru o dan Ddeddf Sgorio Hylendid Bwyd (Cymru) 2013 ("y Ddeddf") (2013 dccc 2).

Mae rheoliad 1 yn cynnwys darpariaeth i'r Rheoliadau hyn ddod i rym am 00.01 o'r gloch ar 28 Tachwedd 2013, ac eithrio rheoliad 8, a ddaw i rym ar 28 Tachwedd 2014.

Mae rheoliad 2 yn darparu ar gyfer rhoi sgôr newydd o dan y Ddeddf, erbyn 28 Mai 2015 fan hwyraf, i sefydliad busnes bwyd yr oedd ganddo eisoes sgôr hylendid bwyd o dan y cynllun sgorio anstatudol a lansiwyd yng Nghymru gan yr Asiantaeth Safonau Bwyd ("yr ASB"), cyn cychwyn y Ddeddf.

Mae rheoliad 3 yn rhoi effaith i Atodlen 1, sy'n rhagnodi ffurf sticer hylendid bwyd.

Mae rheoliad 4 yn rhagnodi gwybodaeth y mae'n rhaid i awdurdod bwyd ei hanfon at weithredwr sefydliad busnes bwyd wrth hysbysu'r gweithredwr o'r sgôr hylendid bwyd a roddwyd i'r sefydliad yn dilyn arolygiad sgorio hylendid bwyd. Mae'r wybodaeth honno'n ychwanegol at yr hysbysiad ysgrifenedig o'r sgôr, y datganiad ysgrifenedig o'r rhesymau am y sgôr a'r sticer sgôr hylendid bwyd y mae'n rhaid i'r awdurdod eu hanfon oll at y gweithredwr yn unol ag adran 3(3)(a) i (c) o'r Ddeddf.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision in relation to a food hygiene rating scheme for Wales under the Food Hygiene Rating (Wales) Act 2013 ("the Act") (2013 anaw 2).

Regulation 1 includes provision for these Regulations to come into force on 00:01 hours on 28 November 2013, except for regulation 8 which comes into force on 28 November 2014.

Regulation 2 provides for a food business establishment that has a food hygiene rating under the non-statutory food hygiene rating scheme launched in Wales by the Food Standards Agency ("the FSA") before the commencement of the Act to be given a new rating under the Act by no later than 28 May 2015.

Regulation 3 gives effect to Schedule 1, which prescribes the form of a food hygiene rating sticker.

Regulation 4 prescribes information that a food authority must send to the operator of a food business establishment when notifying the operator of the food hygiene rating given to the establishment following a food hygiene rating inspection. This information is in addition to the written notification of the rating, a written statement of the reasons for the rating, and a food hygiene rating sticker all of which the food authority must send to the operator in accordance with section 3(3)(a) to (c) of the Act.

Mae rheoliad 5 yn rhagnodi'r categorïau o sefydliadau busnes bwyd sy'n esempt rhag eu sgorio o dan y Ddeddf.

Mae rheoliad 6 yn rhoi effaith i Atodlen 2, sy'n rhagnodi'r ffurflen sydd i'w defnyddio i apelio yn erbyn sgôr hylendid bwyd.

Mae rheoliad 7 yn rhagnodi gwybodaeth y mae'n rhaid i awdurdod bwyd ei hanfon at weithredwr sefydliad busnes bwyd wrth hysbysu'r gweithredwr o'i benderfyniad i newid sgôr hylendid bwyd y sefydliad o ganlyniad i apêl. Mae'r wybodaeth hon yn ychwanegol at yr hysbysiad ysgrifenedig o'r sgôr hylendid bwyd newydd, y datganiad ysgrifenedig o'r rhesymau am y sgôr newydd a'r sticer hylendid bwyd ar gyfer y sgôr newydd y mae'n rhaid i'r awdurdod eu hanfon oll at y gweithredwr yn unol ag adran 5(10)(a) i (c) o'r Ddeddf.

Mae rheoliad 8 yn darparu ar gyfer anfon at yr ASB, gan yr awdurdod bwyd, ddadansoddiad o sgôr sefydliad ("dadansoddiad sgôr") sy'n dangos y sgoriau cydrannol ar gyfer pob un o'r meini prawf sgorio a gyhoeddwyd gan yr ASB o dan adran 14(1)(c) o'r Ddeddf. Rhaid i'r ASB gyhoeddi datganiad sy'n esbonio ystyr y dadansoddiad sgôr, a datganiad i'r perwyl y caiff aelodau'r cyhoedd ofyn i'r awdurdod bwyd am gopi o'r adroddiad arolygu mewn perthynas â sefydliad, ac mai mater i'r awdurdod bwyd fydd penderfynu a ddatgelir yr adroddiad arolygu ai peidio.

Mae rheoliad 9 yn rhagnodi ym mhle a sut y mae'n rhaid arddangos sticer hylendid bwyd, mewn gwahanol fathau o sefydliad busnes bwyd.

Mae rheoliad 10 yn rhoi effaith i Atodlen 3, sy'n rhagnodi'r ffurflen sydd i'w defnyddio i wneud cais am arolygiad ailsgorio.

Mae rheoliad 11 yn rhagnodi gwybodaeth y mae'n rhaid i awdurdod bwyd ei hanfon at weithredwr sefydliad busnes bwyd wrth hysbysu'r gweithredwr o'i benderfyniad i newid sgôr hylendid bwyd y sefydliad o ganlyniad i gais gan y gweithredwr am ailsgorio'r sefydliad yn unol ag adran 12 o'r Ddeddf. Mae adran 12(9)(d) yn gwneud yn ofynnol anfon yr wybodaeth hon at y gweithredwr o fewn 14 diwrnod ar ôl cwblhau'r arolygiad ailsgorio. Mae'r wybodaeth a ragnodir gan reoliad 11 yn ychwanegol at yr hysbysiad ysgrifenedig o'r sgôr hylendid bwyd newydd, y datganiad ysgrifenedig o'r rhesymau am y sgôr newydd a'r sticer hylendid bwyd ar gyfer y sgôr newydd, y mae'n ofynnol bod yr awdurdod bwyd yn eu hanfon oll at y gweithredwr o fewn 14 diwrnod ar ôl cwblhau'r arolygiad ailsgorio, yn unol ag adran 12(9)(a) i (c) o'r Ddeddf.

Regulation 5 prescribes the categories of food business establishment that are exempt from rating under the Act.

Regulation 6 gives effect to Schedule 2, which prescribes the form for appealing against a food hygiene rating.

Regulation 7 prescribes information that a food authority must send to the operator of a food business establishment when notifying the operator of its decision to change the food hygiene rating of the establishment as a result of an appeal. This information is in addition to written notification of the new food hygiene rating, a written statement of the reasons for the new rating, and a food hygiene rating sticker for the new rating, all of which the food authority must send to the operator in accordance with section 5(10)(a) to (c) of the Act.

Regulation 8 provides for a food authority to send to the FSA a breakdown ("a rating breakdown") of an establishment's rating into its component scores for each of the rating criteria published by the FSA under section 14(1)(c) of the Act. The FSA must publish a statement explaining what the rating breakdown means, and a statement explaining that members of the public may request a copy of the inspection report relating to an establishment from the food authority, and that it will be for the food authority to determine whether the inspection report is to be disclosed.

Regulation 9 prescribes the location and manner in which a food hygiene sticker must be displayed at different types of food business establishment.

Regulation 10 gives effect to Schedule 3, which prescribes the form for requesting a re-rating inspection.

Regulation 11 prescribes information that a food authority must send to the operator of a food business establishment when notifying the operator of its decision to change the food hygiene rating of the establishment as a result of the operator's request for the establishment to be re-rated in accordance with section 12 of the Act. Section 12(9)(d) requires this information to be sent to the operator within 14 days of the re-rating inspection being completed. The information prescribed by regulation 11 is in addition to written notification of the new food hygiene rating, a written statement of the reasons for the new rating, and a food hygiene rating sticker for the new rating, all of which the food authority must send to the operator within 14 days of the re-rating inspection being completed, as required by section 12(9) (a) to (c) of the Act.

Mae rheoliad 12 yn rhagnodi'r wybodaeth y mae'n rhaid i awdurdod bwyd ei hanfon at weithredwr sefydliad busnes bwyd newydd o fewn ei ardal, o fewn 14 diwrnod ar ôl cofrestru'r sefydliad o dan Erthygl 6 o Reoliad (EC) Rhif 852/2004 neu'i gymeradwyo o dan Erthygl 4 o Reoliad (EC) 853/2004 (neu unrhyw ofyniad cyfatebol) i gofrestru neu gymeradwyo sefydliadau busnes bwyd, yn unol ag adran 15(1) o'r Ddeddf.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o gostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn. Gellir cael copi ohono gan yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Hysbyswyd y Comisiwn Ewropeaidd ynghylch y drafft o'r Rheoliadau hyn, yn unol ag Erthygl 8 o Gyfarwyddeb 98/34/EC Senedd Ewrop a'r Cyngor sy'n pennu gweithdrefn ar gyfer darparu gwybodaeth ym maes safonau a rheoliadau technegol (OJ Rhif L 204, 21.7.98, t 37) a ddiwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2006/96/EC (OJ Rhif L363, 20.12.2006, t 81).

Regulation 12 prescribes the information that a food authority must send to the operator of a new food business establishment in its area within 14 days of the establishment's registration under Article 6 of Regulation (EC) No 852/2004 or approval under Article 4 of Regulation (EC) 853/2004 (or equivalent requirement) for registration or approval of food business establishments in accordance with section 15(1) of the Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

A draft of the Regulations was notified to the European Commission in accordance with Article 8 of Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No L204, 21.7.1998, p 37) last amended by Council Directive 2006/96/EC (OJ No L363, 20.12.2006, p 81).

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**BWYD, CYMRU**

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**Rheoliadau Sgorio Hyllendid Bwyd  
(Cymru) 2013**

**The Food Hygiene Rating (Wales)  
Regulations 2013**

*Gwnaed 12 Tachwedd 2013*

*Made 12 November 2013*

*Yn dod i rym yn unol â darpariaethau rheoliad  
1(2) a (3).*

*Coming into force in accordance with the  
provisions of regulation 1(2) and (3).*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddynt gan adrannau 3(2),(3)(c) a (d) a (5), 5(4) a (10)(d), 6(2) a (3), 7(3) a (4), 12(2) a (9)(d), a 15(1) o Ddeddf Sgorio Hyllendid Bwyd (Cymru) 2013(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 3(2),(3)(c) and (d) and (5), 5(4) and (10)(d), 6(2) and (3), 7(3) and (4), 12(2) and (9)(d), and 15(1) of the Food Hygiene Rating (Wales) Act 2013 (1).

Yn unol ag adran 26(4) o'r Ddeddf honno, mae drafft o'r offeryn hwn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad Cynulliad Cenedlaethol Cymru.

In accordance with section 26(4) of that Act, a draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales.

**Enwi, cychwyn, cymhwyso a dehongli**

**Title, commencement, application and interpretation**

**1.—**(1) Enw'r Rheoliadau hyn yw Rheoliadau Sgorio Hyllendid Bwyd (Cymru) 2013.

**1.—**(1) The title of these Regulations is the Food Hygiene Rating (Wales) Regulations 2013.

(2) Ac eithrio fel y darperir ym mharagraff (3), daw'r Rheoliadau hyn i rym am 00.01 o'r gloch ar 28 Tachwedd 2013.

(2) Except as provided in paragraph (3), these Regulations come into force at 00:01 hours on 28 November 2013.

(3) Daw rheoliad 8 i rym ar 28 Tachwedd 2014.

(3) Regulation 8 comes into force on 28 November 2014.

(4) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(4) These Regulations apply in relation to Wales.

(5) Yn y Rheoliadau hyn—

(5) In these Regulations—

ystyr “adroddiad arolygu” (“*inspection report*”) yw adroddiad ysgrifenedig sy'n rhoi manylion am faterion a ganfuwyd gan swyddog awdurdodedig tra'n cynnal arolygiad sgorio hyllendid bwyd mewn sefydliad, er mwyn asesu ei safonau hyllendid bwyd yn unol ag adran 3(1) o'r Ddeddf;

“the Act” (“*y Ddeddf*”) means the Food Hygiene Rating (Wales) Act 2013;

“establishment” (“*sefydliad*”) means a food business establishment;

“the highest rating” (“*y sgôr uchaf*”) means a rating of “5 - Very Good”;

ystyr “dadansoddiad sgôr” (“*rating breakdown*”) mewn perthynas â sefydliad busnes bwyd yw dadansoddiad o’r sgôr a roddwyd i’r sefydliad hwnnw i’w sgoriau cydrannol ar gyfer pob un o’r meini prawf sgorio;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Sgorio Hylendid Bwyd (Cymru) 2013;

rhaid dehongli “gan gynnwys” (“*including*”) ac “yn cynnwys” (“*includes*”) yn ddigwyfyngiad;

ystyr “sefydliad” (“*establishment*”) yw sefydliad busnes bwyd;

ystyr “sgôr” (“*rating*”) yw sgôr hylendid bwyd a roddir o dan y Ddeddf, ond nid sgôr anstatudol fel y’i diffinnir yn rheoliad 2(4);

ystyr “y sgôr uchaf” (“*the highest rating*”) yw sgôr o “5 – Da Iawn” (“*5 – Very Good*”); ac

ystyr “sticer” (“*sticker*”) yw sticer sgôr hylendid bwyd.

### **Sgoriau hylendid bwyd ar gyfer sefydliadau a aseswyd cyn cychwyn y Ddeddf**

2.—(1) Mae’r rheoliad hwn yn gymwys i sefydliad y rhoddwyd sgôr anstatudol iddo cyn 28 Tachwedd 2013 ac nad aseswyd at ddibenion sgorio ar ôl y dyddiad hwnnw.

(2) Rhaid i’r awdurdod bwyd ar gyfer yr ardal y cofrestrwyd neu y cymeradwywyd y sefydliad ynddi roi sgôr i’r sefydliad erbyn 28 Mai 2015 fan hwyraf.

(3) Wrth roi sgôr i sefydliad o dan y rheoliad hwn, rhaid i’r awdurdod bwyd gymhwyso’r meini prawf sgorio i’r asesiad anstatudol.

(4) Yn y rheoliad hwn—

ystyr “asesiad anstatudol” (“*non-statutory assessment*”) yw asesiad o’r safonau hylendid bwyd mewn sefydliad, a wnaed gan awdurdod bwyd ac sy’n cynnwys yr holl wybodaeth a ddefnyddiwyd i gyfrifo sgôr anstatudol ar gyfer y sefydliad; ac

ystyr “sgôr anstatudol” (“*non-statutory rating*”) yw sgôr hylendid bwyd a roddwyd i sefydliad o dan gynllun sgorio hylendid bwyd anstatudol yr ASB a lansiwyd yng Nghymru ym mis Hydref 2010(1).

### **Ffurff Sticer**

3. Mae Atodlen 1 (Sticer Sgôr Hylendid Bwyd) yn cael effaith.

“including” (“*gan gynnwys*”) and “includes” (“*yn cynnwys*”) are to be construed without limitation;

“inspection report” (“*adroddiad arolygu*”) means a written report giving details of matters found by an authorised officer when carrying out a food hygiene rating inspection of an establishment in order to assess its food hygiene standards in accordance with section 3(1) of the Act;

“rating” (“*sgôr*”) means a food hygiene rating given under the Act but not a non-statutory rating as defined in regulation 2(4);

“rating breakdown” (“*dadansoddiad sgôr*”) in relation to a food business establishment means a breakdown of the rating given to that establishment into its component scores for each of the rating criteria; and

“sticker” (“*sticer*”) means a food hygiene rating sticker.

### **Food hygiene ratings for establishments assessed prior to the commencement of the Act**

2.—(1) This regulation applies to an establishment that has been given a non-statutory rating prior to 28 November 2013 and has not been assessed for rating purposes after that date.

(2) The food authority for the area in which the establishment is registered or approved must give the establishment a rating by no later than 28 May 2015.

(3) In giving the establishment a rating under this regulation, the food authority must apply the rating criteria to the non-statutory assessment.

(4) In this regulation—

“non-statutory assessment” means an assessment of the food hygiene standards at an establishment produced by a food authority that contains all of the information that was used to calculate a non-statutory rating for the establishment; and

“non-statutory rating” means a food hygiene rating given to an establishment under the FSA’s non-statutory food hygiene rating scheme that was launched in Wales in October 2010(1).

### **Form of sticker**

3. Schedule 1 (Food Hygiene Rating Sticker) has effect.

(1) “The Food Hygiene Rating Scheme for England, Wales and Northern Ireland” sydd ar gael yn <http://ratings.food.gov.uk/>.

(1) “The Food Hygiene Rating Scheme for England, Wales and Northern Ireland” available at <http://ratings.food.gov.uk/>.

## **Gwybodaeth arall sydd i'w hanfon ynghyd â hysbysiad o sgôr hylendid bwyd**

4. Rhagnodir yr wybodaeth ganlynol o dan adran 3(3)(d) o'r Ddeddf (gwybodaeth arall y mae'n rhaid i'r awdurdod bwyd ei hanfon at y gweithredwr wrth roi hysbysiad o sgôr)—

- (a) os na roddwyd y sgôr uchaf i'r sefydliad, manylion o'r camau y byddai angen eu cymryd mewn perthynas â phob un o'r meini prawf sgorio cyn y gellid rhoi'r sgôr uchaf;
- (b) manylion ynglŷn â pha bryd, ym mhle a sut y bwriedir cyhoeddi'r sgôr;
- (c) datganiad sy'n tynnu sylw at ddarpariaethau rheoliad 9 (sticeri sgôr hylendid bwyd – lleoliad a dull arddangos);
- (d) copi o'r adroddiad arolygu a ddefnyddiwyd i gyfrifo'r sgôr;
- (e) manylion o'r weithdrefn ar gyfer apelio yn erbyn y sgôr, a rhaid i'r manylion hynny gynnwys yr wybodaeth ganlynol—
  - (i) enw a manylion cyswllt y swyddog a wnaeth yr arolygiad;
  - (ii) o fewn pa gyfnod y bydd rhaid gwneud apêl;
  - (iii) sut y gellir cael y ffurflen ragnodedig ar gyfer gwneud apêl;
  - (iv) enw a manylion cyswllt y person y mae'n rhaid anfon y ffurflen ato ar ôl ei llenwi; a
  - (v) y broses a ddilynir wrth benderfynu apêl a hysbysu'r gweithredwr a apeliodd o'r canlyniad;
- (f) gwybodaeth am hawl y gweithredwr o dan adran 11 o'r Ddeddf (yr hawl i ateb) i wneud sylwadau ysgrifenedig ynglŷn â sgôr y sefydliad, a rhaid i'r wybodaeth honno gynnwys—
  - (i) enw a manylion cyswllt y person y mae'n rhaid anfon y sylwadau ato;
  - (ii) manylion o'r broses a ddilynir ar gyfer anfon y sylwadau ymlaen at yr ASB; a
  - (iii) esboniad y caiff yr ASB gyhoeddi'r sylwadau ar ei gwefan yn unol ag adran 6(3) o'r Ddeddf;

## **Other information to accompany notification of food hygiene rating**

4. The following information is prescribed under section 3(3)(d) of the Act (other information that the food authority must send to the operator when giving notification of a rating)—

- (a) where the highest rating has not been given to the establishment, details of the action that would need to be taken with reference to each of the rating criteria before the highest rating can be given;
- (b) details of when, where and how the rating is intended to be published;
- (c) a statement drawing attention to the provisions of regulation 9 (food hygiene rating stickers—location and manner of display);
- (d) a copy of the inspection report that was used to calculate the rating;
- (e) details of the procedure for appealing against the rating, which must include information about—
  - (i) the name and contact details of the officer who carried out the inspection;
  - (ii) the period within which an appeal must be made;
  - (iii) how to obtain the prescribed form for making an appeal;
  - (iv) the name and contact details of the person to whom the form must be sent after it has been completed; and
  - (v) the process by which an appeal will be decided and the result notified to the operator who made the appeal;.
- (f) information about the operator's right under section 11 of the Act (right to reply) to comment in writing on the establishment's rating, which must include—
  - (i) the name and contact details of the person to whom the comments must be sent;
  - (ii) details of the process by which the comments will be forwarded to the FSA; and
  - (iii) an explanation that the FSA may publish the comments on its website in accordance with section 6(3) of the Act;



(g) gwybodaeth am hawl y gweithredwr o dan adran 12 o'r Ddeddf (ailsgoriadau hylendid bwyd) i ofyn am arolygiad ac asesiad pellach o safonau hylendid bwyd y sefydliad, at y diben o alluogi'r awdurdod bwyd i benderfynu a ddylid newid y sgôr, a rhaid i'r wybodaeth honno gynnwys—

(i) datganiad i'r perwyl y ceir gwneud cais o'r fath ar unrhyw adeg, a bod rhaid i'r awdurdod bwyd gydymffurfio â'r cais os bodlonir yr amodau a bennir yn adran 12(4), a phan fo'n gymwys, adran 12(5) o'r Ddeddf;

(ii) manylion o'r amodau hynny;

(iii) datganiad i'r perwyl y caiff yr awdurdod bwyd, o dan y Ddeddf, adennill costau rhesymol yr ailsgorio;

(iv) manylion o'r costau hynny a sut a pha bryd y bydd rhaid i'r gweithredwr eu talu;

(v) sut y gellir cael y ffurflen ragnodedig ar gyfer gwneud y cais;

(vi) enw a manylion cyswllt y person y mae'n rhaid anfon y ffurflen ato ar ôl ei llenwi;

(vii) manylion o'r broses ar gyfer ymdrin â'r cais a hysbysu'r gweithredwr o'r canlyniad; a

(h) datganiad sy'n tynnu sylw at ddarpariaethau adrannau 3(4) a 7(5) o'r Ddeddf (sy'n darparu ar gyfer yr amgylchiadau pan fydd sgoriau a sticeri, yn eu trefn, yn peidio â bod yn ddilys).

(g) information about the operator's right under section 12 of the Act (food hygiene re-ratings) to request a further inspection and assessment of the food hygiene standards of the establishment for the purpose of enabling the food authority to decide whether to change the rating, which information must include—

(i) a statement that such a request may be made at any time and that the food authority must comply with it if the conditions set out in section 12(4) and, where applicable, section 12(5) of the Act are met;

(ii) details of those conditions;

(iii) a statement that, under the Act, the food authority may recover the reasonable costs of the re-rating;

(iv) details of those costs and how and when the operator must pay them;

(v) details of how to obtain the prescribed form for making the request;

(vi) the name and contact details of the person to whom the form must be sent after it has been completed;

(vii) details of the process for dealing with the request and notifying the result to the operator; and

(h) a statement drawing attention to the provisions of sections 3(4) and 7(5) of the Act (which provide for the circumstances in which ratings and stickers respectively cease to be valid).

### Sefydliadau busnes bwyd esempt

5.—(1) Mae'r categorïau canlynol o sefydliadau yn esempt rhag eu sgorio o dan y Ddeddf—

(a) sefydliad—

(i) lle nad yw gwerthu bwyd yn brif weithgaredd y sefydliad; a

(ii) lle mae'r unig fwyd a roddir ar gael i ddefnyddwyr yn fwyd sydd—

(aa) yn silff-sefydlog ar y tymheredd amgylchynol; a

(bb) wedi ei lapio neu'i becynnu cyn dod â'r bwyd i'r sefydliad, a'r deunydd lapio neu'r deunydd pecynnu yn parhau'n seliedig drwy gydol y cyfnod cyn cyflenwi'r bwyd i ddefnyddwyr;

### Exempt food business establishments

5.—(1) The following categories of establishment are exempt from rating under the Act—

(a) an establishment where—

(i) the sale of food is not the primary activity of the establishment; and

(ii) the only food made available to consumers is food that is—

(aa) shelf stable at ambient temperature; and

(bb) wrapped or packaged before it is brought to the establishment and the wrapping or packaging remains sealed at all times before the food is supplied to consumers;

- (b) sefydliad a ddefnyddir gan unrhyw un o'r personau canlynol at y diben o ddarparu gwasanaethau gofal, pan fo'r sefydliad hwnnw'n cael ei ddefnyddio hefyd fel annedd breifat—

- (i) gwarchodwyr plant;
- (ii) personau sy'n bersonau rhagnodedig mewn rheoliadau a wnaed o dan adran 42(1) o Ddeddf Safonau Gofal 2000<sup>(1)</sup> at y diben o ddarparu gofal mewn lleoliadau i oedolion;

ond nid yw hyn yn cynnwys sefydliad a ddefnyddir i ddarparu gwasanaethau arlwyio sy'n cyflenwi bwyd o annedd breifat.

(2) Ym mharagraff (1)(b)(i), mae “gwarchodwyr plant” yn cynnwys—

- (a) gwarchodwyr plant a gofrestrwyd o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010<sup>(2)</sup> neu a gofrestrwyd o dan ddarpariaethau cyfwerth eraill ar gyfer cofrestru gwarchodwyr plant; a
- (b) gwarchodwyr plant y byddai'n ofynnol iddynt fod wedi eu cofrestru fel y crybwyllir yn isbaragraff (a) pe na bai'r plant y darperir gofal iddynt yn hŷn nag wyth mlwydd oed.

### **Ffurflen ar gyfer gwneud apêl**

6. Mae Atodlen 2 (ffurflen ar gyfer gwneud apêl) yn cael effaith.

### **Gwybodaeth arall sydd i'w hanfon ynghyd â hysbysiad o benderfyniad ar apêl**

7. Rhagnodir yr wybodaeth ganlynol o dan adran 5(10)(d) o'r Ddeddf (gwybodaeth arall y mae'n rhaid i'r awdurdod bwyd ei hanfon at y gweithredwr wrth roi hysbysiad o'i benderfyniad ar apêl)—

- (a) os na roddwyd y sgôr uchaf i'r sefydliad, manylion o'r camau y byddai angen eu cymryd mewn perthynas â phob un o'r meini prawf sgorio cyn y gellid rhoi'r sgôr uchaf;
- (b) manylion ynglŷn â pha bryd, ym mhle a sut y bwriedir cyhoeddi'r sgôr;
- (c) datganiad sy'n tynnu sylw at ddarpariaethau rheoliad 9 (sticeri sgôr hylendid bwyd—lleoliad a dull arddangos);

- (b) an establishment used by any of the following persons for the purpose of providing caring services where the establishment is also used as a private dwelling —

- (i) childminders;
- (ii) persons who are prescribed persons in regulations made under section 42(1) of the Care Standards Act 2000<sup>(1)</sup> for the purpose of providing adult placement care;

but not including an establishment used to provide catering services by which food is supplied from a private dwelling.

(2) In paragraph (1)(b)(i), “childminders” includes—

- (a) childminders who are registered under Part 2 of the Children and Families (Wales) Measure 2010<sup>(2)</sup> or registered under equivalent alternative provisions for registering child minders; and
- (b) childminders who would be required to be registered as mentioned in sub-paragraph (a) but for the fact that the children for whom they provide child care are over eight years of age.

### **Form for making an appeal**

6. Schedule 2 (Form for making an appeal) has effect.

### **Other information to accompany notification of decision on an appeal**

7. The following information is prescribed under section 5(10)(d) of the Act (other information that the food authority must send to the operator when giving notification of its decision on an appeal)—

- (a) where the highest rating has not been given to the establishment, details of the action that would need to be taken with reference to each of the rating criteria before the highest rating can be given;
- (b) details of when, where and how the rating is intended to be published;
- (c) a statement drawing attention to the provisions of regulation 9 (food hygiene rating stickers—location and manner of display);

<sup>(1)</sup> 2000 p.14. Gwnaed rheoliadau fel a ganlyn o dan adran 42(1): O.S.2004/1756 (Cy.188), O.S. 2006/3251(Cy.295), O.S. 2008/1976 (Cy.185), O.S. 2010/2585 (Cy.217), O.S. 2011/2686 (Cy.288), ac O.S. 2013/253.

<sup>(2)</sup> 2010 dccc 1.

<sup>(1)</sup> 2000 c.14. The following regulations have been made under section 42(1): S.I.2004/1756 (W.188), S.I. 2006/3251(W.295), S.I. 2008/1976 (W.185), S.I. 2010/2585 (W.217), S.I. 2011/2686 (W.288), and S.I. 2013/253.

<sup>(2)</sup> 2010 nawm 1.



- (d) enw a manylion cyswllt y person a benderfynodd yr apêl;
  - (e) os cynhaliwyd arolygiad o'r sefydliad at y diben o ystyried materion a godwyd gan yr apêl, copi o'r adroddiad arolygu mewn perthynas â'r arolygiad hwnnw;
  - (f) gwybodaeth am hawl y gweithredwr o dan adran 11 o'r Ddeddf (yr hawl i ateb) i wneud sylwadau ysgrifenedig ynghylch sgôr y sefydliad, a rhaid i'r wybodaeth honno gynnwys—
    - (i) enw a manylion cyswllt y person y mae'n rhaid anfon y sylwadau ato;
    - (ii) manylion o'r broses a ddilynir ar gyfer anfon y sylwadau ymlaen at yr ASB; a
    - (iii) esboniad y caiff yr ASB gyhoeddi'r sylwadau ar ei gwefan yn unol ag adran 6(3) o'r Ddeddf;
  - (g) gwybodaeth am hawl y gweithredwr o dan adran 12 o'r Ddeddf (ailsgoriadau hylendid bwyd) i ofyn am arolygiad ac asesiad pellach o safonau hylendid bwyd y sefydliad at y diben o alluogi'r awdurdod bwyd i benderfynu a ddylid newid y sgôr, a rhaid i'r wybodaeth honno gynnwys—
    - (i) datganiad i'r perwyl y ceir gwneud cais o'r fath ar unrhyw adeg, a bod rhaid i'r awdurdod bwyd gydymffurfio â'r cais os bodlonir yr amodau a bennir yn adran 12(4) a phan fo'n gymwys, adran 12(5) o'r Ddeddf;
    - (ii) manylion o'r amodau hynny;
    - (iii) datganiad i'r perwyl y caiff yr awdurdod bwyd, o dan y Ddeddf, adennill costau rhesymol yr ailsgorio;
    - (iv) manylion o'r costau hynny a sut a pha bryd y bydd rhaid i'r gweithredwr eu talu;
    - (v) sut y gellir cael y ffurflen ragnodedig ar gyfer gwneud y cais;
    - (vi) enw a manylion cyswllt y person y mae'n rhaid anfon y ffurflen ato ar ôl ei llenwi;
    - (vii) manylion o'r broses ar gyfer ymdrin â'r cais a hysbysu'r gweithredwr o'r canlyniad; a
  - (h) datganiad sy'n tynnu sylw at ddarpariaethau adrannau 3(4) a 7(5) o'r Ddeddf (sy'n darparu ar gyfer yr amgylchiadau pan fydd sgoriau a sticeri, yn eu trefn, yn peidio â bod yn ddilys).
- (d) the name and contact details of the person who determined the appeal;
  - (e) if an inspection of the establishment has been carried out for the purpose of considering matters raised by the appeal, a copy of the inspection report relating to that inspection;
  - (f) information about the operator's right under section 11 of the Act (right to reply) to comment in writing on the establishment's rating, which must include—
    - (i) the name and contact details of the person to whom the comments must be sent;
    - (ii) details of the process by which the comments will be forwarded to the FSA; and
    - (iii) an explanation that the FSA may publish the comments on its website in accordance with section 6(3) of the Act;
  - (g) information about the operator's right under section 12 of the Act (food hygiene re-ratings) to request a further inspection and assessment of the food hygiene standards of the establishment for the purpose of enabling the food authority to decide whether to change the rating, which information must include—
    - (i) a statement that such a request may be made at any time and that the food authority must comply with it if the conditions set out in section 12(4) and (if applicable) section 12(5) of the Act are met;
    - (ii) details of those conditions;
    - (iii) a statement that, under the Act, the food authority may recover the reasonable costs of the re-rating;
    - (iv) details of those costs and how and when the operator must pay them;
    - (v) details of how to obtain the prescribed form for making the request;
    - (vi) the name and contact details of the person to whom the form must be sent after it has been completed;
    - (vii) details of the process for dealing with the request and notifying the result notified to the operator; and
  - (h) a statement drawing attention to the provisions of sections 3(4) and 7(5) of the Act (which provide for the circumstances in which ratings and stickers respectively cease to be valid).

## **Cyhoeddi gwybodaeth ychwanegol**

8.—(1) Wrth hysbysu'r ASB o sgôr sefydliad yn unol ag adran 6(1) o'r Ddeddf, rhaid i'r awdurdod bwyd anfon at yr ASB gopi hefyd o'r dadansoddiad sgôr mewn perthynas â'r sgôr honno.

(2) Yr wybodaeth arall a ragnodir o dan adran 6(3) o'r Ddeddf (gwybodaeth arall y mae'n rhaid i'r ASB ei chyhoeddi) yw—

- (a) y dadansoddiad sgôr y cyfeirir ato ym mharagraff (1);
- (b) datganiad sy'n esbonio ystyr y dadansoddiad sgôr; ac
- (c) datganiad i'r perwyl y caiff unrhyw un ofyn i'r awdurdod bwyd am gopi o'r adroddiad arolygu a ddefnyddiwyd i gyfrifo'r sgôr ar gyfer sefydliad a leolir yn ardal yr awdurdod bwyd, ac mai mater i'r awdurdod bwyd fydd penderfynu a ddatgelir yr adroddiad arolygu ai peidio.

## **Sticeri sgôr hylendid bwyd – lleoliad a dull arddangos**

9.—(1) Mae'r rheoliad hwn yn gymwys pan yw'n ofynnol bod gweithredwr sefydliad yn arddangos sticer yn y sefydliad, yn unol ag adran 7(1) o'r Ddeddf.

(2) Rhaid arddangos sticer sy'n dangos sgôr ddilys y sefydliad yn, neu gerllaw, pob mynedfa i'r sefydliad sydd ar gael i'w defnyddio gan gwsmeriaid; a hynny mewn man amlwg, lle y gall cwsmeriaid ddarllen y sticer yn hawdd cyn mynd i mewn i'r sefydliad pan fo'r sefydliad yn agored ar gyfer busnes.

(3) Os yw'r sefydliad yn un sy'n darparu bwyd i gwsmeriaid, ond na chaniateir, neu na wahoddir, cwsmeriaid i fynd i mewn iddo, neu os nad oes modd, at bob diben ymarferol, i gwsmeriaid fynd i mewn iddo, rhaid arddangos y sticer sy'n dangos sgôr ddilys y sefydliad mewn man amlwg yn y sefydliad, lle y gall cwsmeriaid ei ddarllen yn hawdd pan fo'r sefydliad yn agored ar gyfer busnes.

(4) Pan ddarperir bwyd i gwsmeriaid gan neu ar ran gweithredwr mewn safleoedd gwerthu sydd i ffwrdd o sefydliad y gweithredwr (megis stondinau marchnad neu gerbydau) ac sy'n rhan o fusnes y gweithredwr, ac nad yw'r safleoedd gwerthu hynny yn gymwys i'w sgorio yn eu rhinwedd eu hun, rhaid arddangos sticer sy'n dangos y sgôr ddilys ar gyfer y sefydliad, mewn man amlwg ym mhob safle gwerthu, lle y gall cwsmeriaid ei ddarllen yn hawdd pan fo'r safle'n agored ar gyfer busnes.

## **Publication of additional information**

8.—(1) When informing the FSA of an establishment's rating in accordance with section 6(1) of the Act, the food authority must also send to the FSA a copy of the rating breakdown relating to that rating.

(2) The other information prescribed under section 6(3) of the Act (other information that the FSA must publish) is—

- (a) the rating breakdown referred to in paragraph (1);
- (b) a statement explaining what the rating breakdown means; and
- (c) a statement to the effect that anyone may request a copy of the inspection report used to calculate the rating for an establishment from the food authority in whose area the establishment is located, and that it will be for the food authority to determine whether the inspection report is to be disclosed.

## **Food hygiene rating stickers – location and manner of display**

9.—(1) This regulation applies when the operator of an establishment is required to display a sticker at the establishment in accordance with section 7(1) of the Act.

(2) A sticker showing an establishment's valid rating must be displayed at or near each entrance to the establishment that is available for use by customers in a conspicuous place where it is capable of being easily read by customers before they enter the establishment when it is open for business.

(3) If the establishment is one where food is provided to customers but customers are not permitted or invited to enter the establishment or it is incapable for all practical purposes of being entered by customers, the sticker showing the establishment's valid rating must be displayed in a conspicuous place at the establishment where it is capable of being easily read by customers when the establishment is open for business.

(4) Where food is provided to customers by or on behalf of an operator at outlets away from the operator's establishment (such as market stalls and vehicles) that are part of the operator's business, and those outlets are not eligible for a rating in their own right, a sticker showing the valid rating for the establishment must be displayed in a conspicuous place at each outlet where it is capable of being easily read by customers when the outlet is open for business.

(5) Rhaid arddangos pob sticer y cyfeirir ato ym mharagraff (2)—

- (a) ar ffenestr sy'n rhan o'r fynedfa berthnasol; neu
- (b) ar ffenestr allanol yn gyfagos i'r fynedfa berthnasol; neu
- (c) oddi mewn i'r sefydliad, ond fel bod modd ei ddarllen drwy ffenestr o'r fath; neu
- (d) os nad oes ffenestr o'r fath, yn rhywle arall yn y fynedfa berthnasol neu gerllaw iddi; neu
- (e) pan nad oes arwyneb ar gael sy'n addas ar gyfer arddangos y sticer yn unol ag is-baragraffau (a) i (d), ar fur neu arwyneb arall lle y gall cwsmeriaid ei ddarllen yn hawdd.

(6) Ym mharagraff (5) ystyr “y fynedfa berthnasol” (“*the relevant entrance*”) yw pob mynedfa lle mae'n rhaid arddangos, ynddi neu gerllaw iddi, sticer sy'n dangos sgôr ddilys sefydliad yn unol â pharagraff (2).

#### **Ffurflen ar gyfer cais am arolygiad ailsgorio hylendid bwyd**

**10.** Mae Atodlen 3 (ffurflen ar gyfer cais am arolygiad ailsgorio) yn cael effaith.

#### **Gwybodaeth arall sydd i'w hanfon ynghyd â hysbysiad o ailsgorio**

**11.** Rhagnodir yr wybodaeth ganlynol o dan adran 12(9)(d) o'r Ddeddf (gwybodaeth arall y mae'n rhaid i'r awdurdod bwyd ei hanfon at y gweithredwr wrth roi hysbysiad o newid sgôr (“y sgôr newydd”) (“*the new rating*”) yn dilyn cais am ailsgorio)—

- (a) os na roddwyd y sgôr uchaf i'r sefydliad, manylion o'r camau y byddai angen eu cymryd mewn perthynas â phob un o'r meini prawf sgorio cyn y gellid rhoi'r sgôr uchaf;
- (b) manylion ynglŷn â pha bryd, ym mhle a sut y bwriedir cyhoeddi'r sgôr newydd;
- (c) copi o'r adroddiad arolygu a ddefnyddiwyd i gyfrifo'r sgôr newydd;
- (d) datganiad sy'n tynnu sylw at ddarpariaethau rheoliad 9 (sticeri sgôr hylendid bwyd –lleoliad a dull arddangos);
- (e) manylion o'r weithdrefn ar gyfer apelio yn erbyn y sgôr newydd, a rhaid i'r manylion hynny gynnwys yr wybodaeth ganlynol—
  - (i) enw a manylion cyswllt y swyddog a wnaeth yr arolygiad;

(5) Each sticker referred to in paragraph (2) must be displayed—

- (a) on a window that forms part of the relevant entrance; or
- (b) on an exterior window that is adjacent to the relevant entrance; or
- (c) inside the establishment but capable of being read through such a window; or
- (d) if there is no such window, at some other place at or near the relevant entrance; or
- (e) where there is no surface available that is suitable for displaying the sticker in accordance with sub-paragraphs (a) to (d), on a wall or other surface where it is capable of being easily read by customers.

(6) In paragraph (5) “the relevant entrance” (“*y fynedfa berthnasol*”) means each entrance at or near to which a sticker showing an establishment's valid rating must be displayed in accordance with paragraph (2).

#### **Form for requesting food hygiene re-rating inspection**

**10.** Schedule 3 (Form for requesting a re-rating inspection) has effect.

#### **Other information to accompany notification of re-rating**

**11.** The following information is prescribed under section 12(9)(d) of the Act (other information that the food authority must send to the operator when giving notification of a change of rating (“the new rating”) (“*y sgôr newydd*”) following a re-rating request)—

- (a) where the highest rating has not been given to the establishment, details of the action that would need to be taken with reference to each of the rating criteria before the highest rating can be given;
- (b) details of when, where and how the new rating is intended to be published;
- (c) a copy of the inspection report that was used to calculate the new rating;
- (d) a statement drawing attention to the requirements of regulation 9 (food hygiene rating stickers—location and manner of display);
- (e) details of the procedure for appealing against the new rating, which must include information about—
  - (i) the name and contact details of the officer who carried out the inspection;

- (ii) o fewn pa gyfnod y bydd rhaid gwneud apêl;
  - (iii) sut y gellir cael y ffurflen ragnodedig ar gyfer gwneud apêl;
  - (iv) enw a manylion cyswllt y person y mae'n rhaid anfon y ffurflen ato ar ôl ei llenwi; a
  - (v) y broses a ddilynir wrth benderfynu apêl ac wrth hysbysu'r gweithredwr a apeliodd o'r canlyniad;
- (f) gwybodaeth am hawl y gweithredwr o dan adran 11 o'r Ddeddf (yr hawl i ateb) i wneud sylwadau ysgrifenedig ynglŷn â sgôr y sefydliad, a rhaid i'r wybodaeth honno gynnwys—
- (i) enw a manylion cyswllt y person y mae'n rhaid anfon y sylwadau ato;
  - (ii) manylion o'r broses a ddilynir i anfon y sylwadau ymlaen at yr ASB; a
  - (iii) esboniad y caiff yr ASB gyhoeddi'r sylwadau ar ei gwefan yn unol ag adran 6(3) o'r Ddeddf;
- (g) gwybodaeth am hawl y gweithredwr o dan adran 12 o'r Ddeddf (ailsgoriadau hylendid bwyd) i ofyn am arolygiad pellach ac asesiad o safonau hylendid bwyd y sefydliad at y diben o alluogi'r awdurdod bwyd i benderfynu a ddylid newid y sgôr, a rhaid i'r wybodaeth honno gynnwys—
- (i) datganiad i'r perwyl y ceir gwneud cais o'r fath ar unrhyw adeg, a bod rhaid i'r awdurdod bwyd gydymffurfio â'r cais os bodlonir yr amodau a bennir yn adran 12(4), a phan fo'n gymwys, adran 12(5) o'r Ddeddf;
  - (ii) manylion o'r amodau hynny;
  - (iii) datganiad i'r perwyl y caiff yr awdurdod bwyd, o dan y Ddeddf, adennill costau rhesymol yr ailsgorio;
  - (iv) manylion o'r costau hynny a sut a pha bryd y bydd rhaid i'r gweithredwr eu talu;
  - (v) sut y gellir cael y ffurflen ragnodedig ar gyfer gwneud y cais;
  - (vi) enw a manylion cyswllt y person y mae'n rhaid anfon y ffurflen ato ar ôl ei llenwi;
  - (vii) manylion o'r broses ar gyfer ymdrin â'r cais a hysbysu'r gweithredwr o'r canlyniad; a
- (ii) the period within which an appeal must be made;
  - (iii) how to obtain the prescribed form for making an appeal;
  - (iv) the name and contact details of the person to whom the form must be sent after it has been completed; and
  - (v) the process by which an appeal will be decided and the result notified to the operator who made the appeal;
- (f) information about the operator's right under section 11 of the Act (right to reply) to comment in writing on the establishment's rating, which must include—
- (i) the name and contact details of the person to whom the comments must be sent;
  - (ii) details of the process by which the comments will be forwarded to the FSA; and
  - (iii) an explanation that the FSA may publish the comments on its website in accordance with section 6(3) of the Act;
- (g) information about the operator's right under section 12 of the Act (food hygiene re-ratings) to request a further inspection and assessment of the food hygiene standards of the establishment for the purpose of enabling the food authority to decide whether to change its rating, which information must include—
- (i) a statement that such a request may be made at any time and that the food authority must comply with it if the conditions set out in section 12(4) and, where applicable, 12(5) of the Act are met;
  - (ii) details of those conditions;
  - (iii) a statement that, under the Act, the food authority may recover the reasonable costs of the re-rating;
  - (iv) details of those costs and how and when the operator must pay them;
  - (v) details of how to obtain the prescribed form for making the request;
  - (vi) the name and contact details of the person to whom the form must be sent after it has been completed;
  - (vii) details of the process for dealing with the request and notifying the result to the operator; and

- (h) datganiad sy'n tynnu sylw at ddarpariaethau adrannau 3(4) a 7(5) o'r Ddeddf (sy'n darparu ar gyfer yr amgylchiadau pan fydd sgoriau a sticeri, yn eu trefn, yn peidio â bod yn ddilys).

- (h) a statement drawing attention to the requirements of sections 3(4) and 7(5) of the Act (which provide for the circumstances in which ratings and stickers respectively cease to be valid).

**Gwybodaeth y mae'n rhaid i awdurdod bwyd ei hanfon at weithredwyr sefydliadau busnes bwyd newydd yn ei ardal**

**12.** Yr wybodaeth y mae'n rhaid i awdurdod bwyd ei hanfon at weithredwyr sefydliadau busnes bwyd newydd yn ei ardal yn unol ag adran 15(1) a (2) o'r Ddeddf yw esboniad o'r materion canlynol—

- (a) y sgoriau y ceir eu rhoi i sefydliad;
- (b) y modd y cyfrifir sgoriau, gan gynnwys pa lefelau cyrhaeddiad sy'n ofynnol ar gyfer pob sgôr;
- (c) pwy fydd yn cynhyrchu'r sgôr ar gyfer sefydliad a pha bryd y gwneir hynny gyntaf;
- (d) pa bryd, ym mhle, a sut y bydd rhaid arddangos y sticer sgôr hylendid bwyd ar gyfer sefydliad;
- (e) y ffaith yr hysbysir gweithredwr sefydliad o'r sgôr a roddir i'r sefydliad cyn cyhoeddi'r sgôr;
- (f) hawl y gweithredwr i—
  - (i) apelio yn erbyn sgôr,
  - (ii) gwneud cais am ailsgorio,
  - (iii) gwneud sylw ynglŷn â sgôr; a
- (g) sut y gellir cael rhagor o wybodaeth am y materion y cyfeirir atynt uchod.

**Information that a food authority must send to operators of new food business establishments in its area**

**12.** The information that a food authority must send to operators of new food business establishments in its area in accordance with section 15(1) and (2) of the Act is an explanation of the following matters —

- (a) the ratings that may be given to an establishment;
- (b) how ratings are calculated, including what levels of achievement are required for each rating;
- (c) who produces the rating for an establishment and when that will first be done;
- (d) when, where and how a food hygiene rating sticker for an establishment must be displayed;
- (e) the fact that the operator of an establishment will be notified of the rating for the establishment before it is published;
- (f) the operator's right to —
  - (i) appeal against a rating,
  - (ii) request a re-rating,
  - (iii) comment on a rating; and
- (g) how to obtain further information about the matters referred to above.

*Mark Drakeford*

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,  
un o Weinidogion Cymru

Minister for Health and Social Services, one of the  
Welsh Ministers

12 Tachwedd 2013

12 November 2013



# ATODLEN 1

Rheoliad 3

## STICER SGÔR HYLENDID BWYD

1. Rhaid i ffurf sticer sgôr hylendid bwyd fod yn un o'r ffurfiau a ddangosir isod.



2. Ffurf briodol y sticer ar gyfer sefydliad yw pa un bynnag o'r ffurfiau a ddangosir ym mharagraff 1. sy'n dangos y sgôr gyfredol ar gyfer y sefydliad hwnnw.

3. Rhaid i bob sticer gydymffurfio â'r manylbau canlynol—

- (a) Cyfeirnodau lliw: Green: c43 m0 y100 k0& Black
- (b) Dimensiynau'r sticeri (0-5) yw 190 mm(lled) x 158 mm (uchder)

## ATODLEN 2

Rheoliad 6

### FFURFLEN AR GYFER GWNEUD APÊL

1. Rhaid i'r ffurflen a ddefnyddir gan weithredwr busnes bwyd wrth apelio yn erbyn sgôr, yn ddarostyngedig i unrhyw addasiadau rhesymol a allai fod yn ofynnol oherwydd amgylchiadau, fod yn y ffurf a bennir isod.

**SGÔR HYLENDID BWYD**

**FOOD HYGIENE RATING**

**Rheoliadau Sgorio Hylandid Bwyd (Cymru)  
2013, Atodlen 2**

#### **Ffurflen ar gyfer gwneud apêl**

##### **Nodiadau ar gyfer busnesau**

- Fel gweithredwr busnes bwyd mae gennych hawl, o dan adran 5 o Ddeddf Sgorio Hylandid Bwyd (Cymru) 2013, i apelio yn erbyn y sgôr hylandid bwyd a roddwyd i'r sefydliad:
  - a) os nad ydych yn cytuno bod y sgôr yn adlewyrchiad priodol o'r safonau hylandid a ganfuwyd ar yr adeg y cynhaliwyd yr arolygiad;
  - b) os credwch nad oedd y meini prawf sgorio wedi eu cymhwyso'n gywir wrth gynhyrchu eich sgôr hylandid bwyd.
- **Mae gennych 21 diwrnod (gan gynnwys penwythnosau a gwyliau banc) i gyflwyno apêl, o'r dyddiad y cawsoch y llythyr hysbysu.**
- Os gwelwch yn dda, defnyddiwch y ffurflen isod a dychwelwch hi at eich awdurdod lleol – anfonwyd y manylion cyswllt atoch gyda'r hysbysiad ysgrifenedig o'ch sgôr hylandid bwyd. Bydd eich apêl yn cael ei phenderfynu gan swyddog awdurdodedig, a hysbysir chi o ganlyniad eich apêl o fewn 21 diwrnod o'r dyddiad y derbyniwyd yr apêl.

Y gweithredwr busnes bwyd	<input type="text"/>		
Enw'r busnes	<input type="text"/>		
Cyfeiriadau busnes	<input type="text"/>		
Rhif teleffon y busnes	<input type="text"/>		
Cyfeiriad e-bost y busnes	<input type="text"/>		
Dyddiad yr arolygiad	<input type="text"/>	Y sgôr hylendid bwyd a roddwyd	<input type="text"/>
Dyddiad yr hysbyswyd y sgôr	<input type="text"/>		
Enw'r Swyddog Arolygu	<input type="text"/>		

Enw'r person cyswllt (os yw'n wahanol i'r gweithredwr busnes bwyd)	<input type="text"/>
Cyfeiriad y Brif Swyddfa neu gyfeiriadau'r person cyswllt (os ydynt yn wahanol i gyfeiriadau'r gweithredwr busnes bwyd)	<input type="text"/>
Rhif teleffon y person cyswllt	<input type="text"/>

Nid wyf yn cytuno â'r sgôr hylendid bwyd a roddwyd gan y swyddog diogelwch bwyd, oherwydd:

- ☐ Rwyf yn credu nad oedd y meini prawf sgorio wedi eu cymhwyso'n gywir, neu,
- ☐ Nid wyf yn cytuno bod y sgôr yn adlewyrchu'n briodol y safonau hylendid a ganfuwyd ar yr adeg y cynhaliwyd yr arolygiad.

(rhowch esboniad, o dan bob un o'r tri phennawd):

Cydymffurfio â gweithdrefnau hylendid a diogelwch bwyd	<input type="text"/>
Cydymffurfio â gofynion strwythurol	<input type="text"/>

Hyder yn y gweithdrefnau rheoli a rheolaethau			
Llofnod			
Enw mewn priflythrennau			
Swydd		Dyddiad	

**Dychwelwch y ffurflen hon yn awr at eich awdurdod lleol**

## ATODLEN 3

Rheoliad 10

### FFURFLEN AR GYFER CAIS AM AROLYGIAD AILSGORIO

1. Rhaid i'r ffurflen a ddefnyddir gan weithredwr busnes bwyd wrth wneud cais am arolygiad ailsgorio, yn ddarostyngedig i unrhyw addasiadau rhesymol a allai fod yn ofynnol oherwydd amgylchiadau, fod yn y ffurf a bennir isod.

**SGÔR HYLENDID BWYD**

**FOOD HYGIENE RATING**

**Rheoliadau Sgorio Hylandid Bwyd (Cymru)  
2013, Atodlen 3**

#### Ffurflen ar gyfer cais am arolygiad ailsgorio

##### Nodiadau ar gyfer busnesau

- Fel gweithredwr busnes bwyd mae gennych hawl, o dan adran 12 o Ddeddf Sgorio Hylandid Bwyd (Cymru) 2013, i wneud cais ar unrhyw adeg am arolygiad at y diben o ailsgorio, ar yr amod eich bod wedi talu costau rhesymol yr ailsgorio yn unol ag adran 13 o Ddeddf Sgorio Hylandid Bwyd (Cymru) 2013 (oni fydd yr awdurdod bwyd wedi ymatal rhag gofyn am dalu'r costau hynny ymlaen llaw – fel y darperir ar ei gyfer yn adran 12(6) o'r Ddeddf, ac os felly, ceir talu'r costau ar ôl cwblhau'r arolygiad ailsgorio) **ac os bodlonir hefyd** yr amodau canlynol:
  - a) bod unrhyw apêl yn erbyn y sgôr hylandid bwyd bresennol wedi ei phenderfynu;
  - b) eich bod wedi hysbysu'r awdurdod bwyd y gwnaed gwelliannau yn safonau hylandid y sefydliad;
  - c) bod yr awdurdod bwyd o'r farn y byddai'n rhesymol arolygu ac asesu'r sefydliad ymhellach oherwydd y gwelliannau yr honnir eu bod wedi'u gwneud;
  - d) bod y sticer sgôr hylandid bwyd cyfredol yn cael ei arddangos yn eich sefydliad yn unol â gofynion adran 7 o Ddeddf Sgorio Hylandid Bwyd (Cymru) 2013 a rheoliad 9 o Reoliadau Sgorio Hylandid Bwyd (Cymru) 2013;
  - e) eich bod wedi cytuno i sicrhau y caniateir mynediad i'r awdurdod bwyd i gynnal arolygiad o'r sefydliad at y diben o ailsgorio.
- Bydd swyddog yr awdurdod lleol yn rhoi ichi sgôr hylandid bwyd 'newydd', ar sail y lefel o gydymffurfiaeth a ganfyddir ar adeg yr ail ymweliad – dylech fod yn ymwybodol y gall eich sgôr naill ai godi neu ostwng, neu aros fel y mae ar hyn o bryd.
- I wneud cais am ail ymweliad, defnyddiwch y ffurflen isod os gwelwch yn dda a dychwelwch y ffurflen at swyddog diogelwch bwyd eich awdurdod lleol – anfonwyd y manylion cyswllt gyda'r hysbysiad ysgrifenedig o'ch sgôr hylandid bwyd.
- Gwneir yr ail ymweliad o fewn 3 mis ar ôl gwneud y cais, ac fel rheol ni roddir rhybudd ymlaen llaw.

Y gweithredwr busnes bwyd

Enw'r busnes

Cyfeiriadau busnes



Rhif telefon y busnes	<input type="text"/>
Cyfeiriad e-bost y busnes	<input type="text"/>
Dyddiad yr arolygiad	<div>Y sgôr hylendid bwyd a roddwyd</div> <input type="text"/>

Enw'r person cyswllt (os yw'n wahanol i'r gweithredwr busnes bwyd)	<input type="text"/>
Cyfeiriad y Brif Swyddfa neu gyfeiriadau'r person cyswllt (os ydynt yn wahanol i gyfeiriadau'r gweithredwr busnes bwyd)	<input type="text"/>
Rhif telefon y person cyswllt	<input type="text"/>

Os gwelwch yn dda, disgrifiwch y gwelliannau a wnaed gennych, gan gyfeirio at y materion a nodwyd yn y llythyr/adroddiad arolygu a anfonwyd atoch gan eich awdurdod lleol ynghyd â'ch sgôr hylendid bwyd:

Cydymffurfio â gweithdrefnau hylendid a diogelwch bwyd	<input type="text"/>
Cydymffurfio â gofynion strwythurol	<input type="text"/>
Hyder yn y gweithdrefnau rheoli a rheolaethau	<input type="text"/>

Os gwelwch yn dda, darperwch unrhyw dystiolaeth atodol ychwanegol (e.e. ffotograffau, anfonebau, copïau o ddogfennau perthnasol, etc.)

Llofnod	<input type="text"/>		
Enw mewn priflythrennau	<input type="text"/>		
Swydd	<input type="text"/>	Dyddiad	<input type="text"/>

**Dychwelwch y ffurflen hon yn awr at eich awdurdod lleol**

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Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

## SCHEDULE 1

Regulation 3

### FOOD HYGIENE RATING STICKER

1. A food hygiene rating sticker must be in one of the forms shown below.



2. The appropriate form of sticker for an establishment is whichever form shown in paragraph 1 displays the current rating for that establishment.
3. Every sticker must conform to the following specifications—
  - (a) Colour references: Green: c43 m0 y100 k0& Black
  - (b) The dimensions for the stickers (0-5) are 190 mm(wide) x 158 mm (tall)

## SCHEDULE 2

Regulation 6

### FORM FOR MAKING AN APPEAL

1. The form to be used by a food business operator when making an appeal against a rating must, subject to such adaptations as circumstances may reasonably require, be in the form set out below.



**The Food Hygiene Rating (Wales)  
Regulations 2013, Schedule 2**

#### **Form for making an appeal**

##### **Notes for businesses**

- As the operator of a food business you have a right, under Section 5 of the Food Hygiene Rating (Wales) Act 2013, to appeal the food hygiene rating given to the establishment if:
  - a) you do not agree that the rating properly reflects the hygiene standards found at the time of the inspection;
  - b) you believe that the rating criteria were not applied correctly when producing your food hygiene rating.
- **You have 21 days (including weekends and bank holidays) from the date of receipt of the notification letter to lodge an appeal.**
- Please use the form below and return it to your local authority – contact details are provided with the written notification of your food hygiene rating.  
Your appeal will be determined by an authorised officer and the outcome of your appeal will be communicated to you within 21 days from the date the appeal was received.

Food business operator	<input type="text"/>		
Business name	<input type="text"/>		
Business addresses	<input type="text"/>		
Business tel no	<input type="text"/>		
Business email	<input type="text"/>		
Date of inspection	<input type="text"/>	Food hygiene rating given	<input type="text"/>
Date notified of rating	<input type="text"/>		
Name of Inspecting Officer	<input type="text"/>		

Contact name (if different to that of food business operator)	<input type="text"/>
Head Office address or contact addresses (if different to that of food business operator)	<input type="text"/>
Contact tel no	<input type="text"/>

I do not agree with the food hygiene rating given by the food safety officer because:

- ☐ I believe that the rating criteria were not applied correctly, or,
- ☐ I do not agree that the rating properly reflects the hygiene standards found at the time of the inspection.

(please explain, under each of the three headings):

Compliance with food hygiene and safety procedures	<input type="text"/>
Compliance with structural requirements	<input type="text"/>



Confidence in management/control procedures			
Signed			
Name in capitals			
Position		Date	

**Please now return this form to your local authority**

## SCHEDULE 3

Regulation 10

### FORM FOR REQUESTING A RE-RATING INSPECTION

1. The form to be used by a food business operator when requesting a re-rating inspection must, subject to such adaptations as circumstances may reasonably require, be in the form set out below.

**SGÔR HYLENDID BWYD**

**FOOD HYGIENE RATING**

**The Food Hygiene Rating (Wales)  
Regulations 2013, Schedule 3**

#### Form for requesting a re-rating inspection

##### Notes for businesses

- As the operator of a food business you have a right, under Section 12 of the Food Hygiene Rating (Wales) Act 2013, to request at any time, an inspection for the purposes of re-rating, provided that you have paid the reasonable costs of the re-rating in accordance with Section 13 of the Food Hygiene Rating (Wales) Act 2013 (unless the food authority has not required payment of those costs in advance as provided for in section 12(6) of the Act, in which case the costs may be paid after the re-rating inspection has been completed) **and** the following conditions have been met:
  - a) any appeal against the current food hygiene rating has been determined;
  - b) you have notified the food authority of improvements made to hygiene standards at the establishment;
  - c) the food authority considers it reasonable to further inspect and assess the establishment in view of the improvements said to have been made;
  - d) the current food hygiene rating sticker is displayed at your establishment in accordance with the requirement of Section 7 of the Food Hygiene Rating (Wales) Act 2013 and regulation 9 of the Food Hygiene Rating (Wales) Regulations 2013 ;
  - e) you have agreed to ensure that the food authority will be given access to carry out an inspection of the establishment for the purpose of re-rating.
- The local authority officer will give you a 'new' food hygiene rating based on the level of compliance that is found at the time of the re-visit - you should be aware that your rating could go up, down or remain the same.
- To make a request for a revisit, please use the form below and return it to the food safety officer from your local authority – contact details are provided with the written notification of your food hygiene rating.
- The re- rating visit will take place within 3 months of the request being made, and will usually be made without prior notification.

Food business operator

Business name

Business addresses

Business tel no	<input type="text"/>
Business email	<input type="text"/>
Date of inspection	<input type="text"/>
Food hygiene rating given	<input type="text"/>

Contact name (if different to that of food business operator)	<input type="text"/>
Head Office address or contact addresses (if different to that of food business operator)	<input type="text"/>
Contact tel no	<input type="text"/>

Please describe the improvements that you have made with reference to the issues identified in the inspection letter/report provided to you by your local authority with your food hygiene rating:

Compliance with food hygiene and safety procedures	<input type="text"/>
Compliance with structural requirements	<input type="text"/>
Confidence in management/control procedures	<input type="text"/>

Please provide any other supplementary evidence (e.g. photographs, invoices, copies of relevant documentation etc.).

Signed	<div></div>		
Name in capitals	<div></div>		
Position	<div></div>	Date	<div></div>

**Please now return this form to your local authority**

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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2013 Rhif 2903 (Cy. 282)**

**2013 No. 2903 (W. 282)**

**BWYD, CYMRU**

**FOOD, WALES**

Rheoliadau Sgorio Hylendid Bwyd  
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