

## OBSTRUCTING FOOD HYGIENE OFFICER

### Food Hygiene Regulations (NI) 2006

- 15.- (1) Any person who—
- (a) intentionally obstructs any person acting in the execution of the Hygiene Regulations; or
  - (b) without reasonable cause, fails to give to any person acting in the execution of the Hygiene Regulations any assistance or information which that person may reasonably require of him for the performance of his functions under the Hygiene Regulations,
- shall be guilty of an offence.
- (2) Any person who, in purported compliance with any such requirement as is mentioned in paragraph (1)(b)—
- (a) furnishes information which he knows to be false or misleading in a material particular; or
  - (b) recklessly furnishes information which is false or misleading in a material particular,
- shall be guilty of an offence.
- (3) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### Maximum Sentence

*Food Hygiene Regulations (NI) 2006, Reg.17(2)*  
*Summarily Only: 3 months imprisonment and/or £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>
Offence under Regulation 15(1)(a)	Fine	Conditional Discharge to Community Order
Offence under Regulation 15(1)(b)	Fine	Conditional Discharge to Fine
Offence under Regulation 15(2)	Fine	Fine to Community Order

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
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	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.