Infrastructure and Environment

Regulation Directorate

Consultation Paper:
Draft Food (Jersey) Regulations 202-

Published 31 July 2025

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Introduction to the Consultation

In December 2022, the States Assembly passed the Food (Jersey) Law 2023. Once enacted, this law will replace the Food Safety (Jersey) Law 1966, modernising the regulation of food in Jersey to better protect human health and consumer interests.

As is standard practice, the new law outlines several areas where secondary (or subordinate) legislation is required to bring its provisions into effect. Until these regulations are in place, the primary law cannot be implemented. During the Assembly debate, a commitment was made by the then Minister for the Environment and supported by the current Minister to consult on these subordinate regulations. The draft regulations are attached to this consultation.

The Minister is launching this consultation to ensure that food businesses and Jersey consumers are fully informed about the proposed regulations and have the opportunity to provide feedback. In addition to gathering views, this consultation offers a valuable opportunity for the Regulation Directorate to explain the rationale behind the new regulations and to promote awareness of their content.

Purpose and Use of Feedback

The feedback received will help shape the final draft of the regulations that will be presented to the States Assembly for approval.

While this commentary does not form part of the legislation itself, it is intended to help readers understand the context and purpose of the proposed laws – something that may not always be immediately clear from the legal text alone. A more comprehensive explanation of how the law will operate will be provided in guidance to be published when the law takes effect. This guidance will include links to useful resources, such as those from the UK Food Standards Agency, which has supported similar legislation and provides particularly helpful materials for food businesses.

Scope of the Consultation

This consultation focuses on the draft regulations that are expected to be brought before the Assembly later this year. In addition to introducing new elements – such as detailed requirements for food allergen labelling and proposals for a new licensing scheme – this consolidates existing regulations, particularly those relating to food hygiene, into a single, streamlined set of regulations. This will allow several outdated laws to be repealed, creating a clearer and more accessible legal framework.

Who Should Respond

The Directorate is keen to hear from anyone with an interest in these new regulations – not only food businesses, but also individuals who may be directly affected, especially in relation to food allergens. We are all consumers when it comes to the food we eat, and everyone has a stake in food safety.

The Directorate aims to strike a balance between protecting public health – recognising that, in the most serious cases, unsafe food can cause illness or death – and avoiding unnecessary burdens on food businesses that could limit the variety and availability of food. This is why the approach includes a mix of law and guidance. The tone is intended to be supportive, encouraging businesses to demonstrate a duty of care to their customers while continuously improving and maintaining high standards. The goal is to provide effective oversight without being burdensome – a light-touch approach where possible, but always with public health as the priority.

How to Participate
All food businesses are currently required by law to register with the Directorate. Around 1,300 businesses with valid email addresses are being sent this consultation document. We are also reaching out to trade and industry bodies and other stakeholders to seek their views. Members of the public can download the consultation from the gov.je website, and hard copies are available on request.

Following the ten-week consultation period, a report will be compiled based on the responses received. Any necessary changes will be made to the draft legislation before it is lodged with the States Assembly for debate in early 2026. If approved, the new laws are expected to come into effect shortly thereafter.

Responding to the Consultation
The consultation includes a number of specific questions on which we would welcome your views. There is also space for general comments. Before responding, please read this consultation paper, which provides important background and context. For ease of reference, the questions are included at the end of each section and are also available in a separate document for electronic submission via the online survey link.

When responding, please indicate the capacity in which you are submitting your views – whether as a food business, a representative body or professional organisation, or as a member of the public. This helps the Directorate understand the perspective behind each response and ensures that feedback is considered appropriately.

Timeframe

The anticipated timetable for the implementation of the new food regulations is outlined below. Please note that these dates are indicative and may be subject to change if any stage requires additional time:

Stage	Estimated Date
Launch of public consultation	31 July 2025
Close of consultation (10 weeks)	09 October 2025
Analysis of responses and preparation of report	23 October 2025
Finalisation of draft regulations	11 November 2025
Lodging of legislation with the States Assembly	08 December 2025
Debate and approval by the States Assembly	20 January 2026
New regulations come into effect	Q1 2026

How to Respond

You can provide your feedback in one of the following ways:

- Online survey:
  https://survey.gov.je/s/ConsultationPaperDraftFoodJerseyRegulations202-/

- Email:
  RegulationEnquiries@gov.je

- Post:
  Environment and Consumer Protection
  Government of Jersey
  Union Street
  St Helier
  JE2 3DN

The closing date for responses is **09 October 2025**

How we will use your information

The information you provide will be processed in accordance with the Data Protection (Jersey) Law 2018 for the purposes of this consultation. For more details, please refer to the Environmental and Consumer Protection privacy notice.

The Government of Jersey may quote or publish responses to this consultation in various formats, including:

- Sharing with other interested parties on request
- Submission to the Scrutiny Office
- Inclusion in published reports
- Media coverage
- Publication on www.gov.je
- Summary listings in consultation reports

However, names and addresses of individuals will not be published without consent. Confidential responses will still be included in any statistical summaries or thematic analysis of views expressed.

Please note that under the Freedom of Information (Jersey) Law 2011, information submitted as part of this consultation may be released if requested, but no personal data will be disclosed.

Summary

This consultation seeks views on the proposed regulatory framework for the enforcement of:

- Licensing scheme for food businesses
- Food Standards (including Labelling and Food Allergens information)
- Food Hygiene and Safety

The primary aim of the proposed regulations is to protect human health and consumer interests by ensuring that food placed on the market is safe, accurately described and handled hygienically throughout the supply chain.

These regulations bring together several interdependent elements, each of which plays a vital role in the overall framework. These elements are designed to work in harmony – no single provision can function effectively in isolation.

For example, there is little value in introducing new food allergen labelling requirements without also ensuring that food is prepared in environments where cross-contamination risks are minimised through robust hygiene and safety practices. Similarly, if businesses repeatedly fail to meet these standards, it is essential that the Government has the tools to take appropriate action through a revised licensing scheme.

This integrated approach is intended to support consumer safety, promote business accountability, and ensure that Jersey's food laws are modern, coherent, and enforceable.

Section A: Food Standards, including Labelling and Food Allergens

Ensuring that consumers receive clear, accurate, and accessible information about the food they purchase – including details on ingredients, allergens, origin, and nutrition – is essential to prevent misleading descriptions or presentations. It also supports consistent labelling, enabling informed consumer choices and protecting public health.

One of the most high-profile gaps in Jersey's current food legislation – frequently highlighted by the public and media, including a Jersey Evening Post editorial urging the Government to "get on with it"- is the lack of direct legal provision for allergen labelling. This is in addition to the need for the introduction of Hazard Analysis and Critical Control Point (HACCP) requirements.

According to the UK Food Standards Agency, approximately 6% of UK adults have a food allergy, not including those with food intolerances. Furthermore, around 1 in 100 people are estimated to have coeliac disease, a serious autoimmune condition triggered by gluten.

Even trace amounts of allergens – such as a drop of milk, a fragment of peanut, or a few sesame seeds – can trigger reactions. Symptoms range from mild (itching, rashes) to severe (vomiting, breathing difficulties, anaphylaxis, and in rare cases, death). For many families, especially those with children, the anxiety around allergens is constant and deeply felt.

Thanks in large part to the work of the Jersey Food Allergy Group, public awareness of food allergens has grown. However, awareness alone is not enough. A clear and enforceable legal framework is needed to reflect the seriousness of the issue and to help prevent potentially life-threatening incidents. The goal is to make eating out safer and more inclusive, while ensuring that any new requirements are proportionate and workable for food businesses.

We do not want to wait for a tragedy to occur in Jersey before taking action, as has happened elsewhere.

Labelling Requirements and Allergen Information

There is currently no cure for food allergies or coeliac disease. The only way to manage these conditions is to avoid the triggering foods. This makes it essential for food businesses to provide clear, accurate, and accessible information about allergenic ingredients.

Given that most of Jersey's pre-packed food is imported from the UK and mainland Europe, it is both practical and sensible to adopt a harmonised approach to allergen labelling. This includes aligning with UK/EU standards for:

- Pre-packed foods
- Hospitality settings (eat-in and takeaway)
- Pre-packed for direct sale (PPDS) items

Some food businesses in Jersey already voluntarily follow these practices, and most imported products already meet UK/EU labelling standards. However, formalising these expectations in law will ensure consumers receive clear, accurate and accessible information about the food they buy.

Moreover, the majority of Jersey's visitors come from the UK and Europe and may reasonably expect allergen information to be provided in line with what they are used to. These visitors have

sometimes contacted the Directorate to enquire or complain about the lack of allergen information. Failing to meet these expectations could pose reputational risks to Jersey's tourism and hospitality sectors.

Legal Requirements Under the Draft Regulations

Under the proposed legislation, food business operators must ensure consumers receive clear accurate and accessible information about the food they buy. In respect of allergens, this includes information on 14 specified allergens in the food they prepare or sell. This information must be available in English.

Where the allergens are not labelled in English (e.g. imported goods), businesses may comply by:

- Applying stickers with English translations, or
- Providing QR codes that link to English-language information

An exception in the draft regulations is proposed for temporary specialist markets, such as the Norman market operating under the Bailiff's permission. These vendors would not be expected to fully label products in English but should be able to:

- Answer questions about ingredients, or
- Provide a printed explanation of allergen content

Supporting Businesses and Protecting Consumers

Businesses that follow the new laws and accompanying guidance will be better protected in the event of an incident – demonstrating that they exercised due diligence i.e. they took all reasonable precautions to avoid the commission of the offence.

It is important to acknowledge that human error can never be entirely eliminated in food preparation. However, a strong legal framework, supported by clear guidance, can significantly reduce risks and improve outcomes for everyone.

The EU and UK have had allergen labelling laws in place since 2014. Jersey is not breaking new ground – we are catching up with best practice in neighbouring jurisdictions.

Summary

The overarching aim is to improve the provision of food safety. Information should be clear, accurate and accessible so that consumers can make safer, more informed choices. For example, while individuals with allergies must continue to ask questions and take precautions, these new measures will make it more likely that they receive accurate and helpful answers.

Ultimately, we want to ensure that everyone can enjoy food safely in a welcoming environment.

Labelling and Food Allergens Requirements

Under the proposed legislation, food business operators will be required to provide information on the following 14 allergens (non-exhaustive list), as defined in UK and EU food law:

	Product or substance	Exceptions
1	Cereals containing gluten, namely – wheat (for example, spelt and Khorasan wheat) rye barley oats hybridised strains of the cereals above	(a) wheat based glucose syrups, including dextrose (b) wheat based maltodextrins; (c) (c) glucose syrups based on barley; (d) cereals used for making alcoholic distillates, including ethyl alcohol of agricultural origin.
2	Crustaceans	
3	Eggs	
4	Fish	(a) fish gelatine used as carrier for vitamin or carotenoid preparations; (b) fish gelatine or Isinglass used as fining agent in beer and wine.
5	Peanuts	
6	Soybeans	(a) fully refined soybean oil and fat; (b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, and natural D-alpha tocopherol succinate from soybean sources; (c) vegetable oils derived phytosterols and phytosterol esters from soybean sources (d) plant stanol ester produced from vegetable oil sterols from soybean sources.
7	Milk (including lactose)	(a) whey used for making alcoholic distillates including ethyl alcohol of agricultural origin; (b) lactitol
8	Nuts, namely – almonds (*Amygdalus communis L.*), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoinensis* (Wangenh.) K. Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia or Queensland nuts (*Macadamia ternifolia*)	nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin
9	Celery	
10	Mustard	
11	Sesame seeds	
12	Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre in terms of the total SO2 which are to be calculated for products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers	
13	Lupin	
14	Molluscs	

Labelling Requirements by Food Type

Labelling obligations will vary depending on how the food is sold.

The key categories are:

- **Non-Pre-Packed Food (Loose Food)**
- **Pre-Packed Food**
- **Pre-Packed for Direct Sale (PPDS)**
- **Distance Selling of Foods**

Non-Pre-Packed Food

This category includes food that is not packaged at all, or is packed at the customer's request or immediately before sale:

- Loose items at deli counters (e.g. meats, cheeses)
- Meals served in cafés and restaurants
- Drinks made to order in coffee shops
- Food packed on the premises at the consumer's request

For non-pre-packed foods, a full ingredients list is not required, but allergen information must be provided. This information must be:

- Accurate
- Available
- Easily accessible to the consumer

How Allergen Information Can Be Provided

There is flexibility in how allergen information is provided, but accuracy and clarity are essential. Unfortunately, poor practices – such as incorrect signage, outdated menus, or vague disclaimers – can put consumers at serious risk.

The UK Food Standards Agency (FSA) advises:

"Our advice to food businesses providing non-prepacked food is that written allergen information supported by a conversation works best for consumers."

What This Means in Practice

Acceptable methods include:

- Clearly written allergen information on menus, signage, or printed sheets
- Ingredient lists or recipe books available to staff
- Digital displays or QR codes linking to up-to-date allergen details
- Verbal communication from trained staff – only when clearly signposted e.g.

"Please ask a member of staff about allergens in our food."

Unacceptable practices include:

- Saying "we don't know" when asked about allergens
- Using blanket disclaimers like "all our foods may contain allergens"
- Relying solely on verbal information without proper staff training or signage
- Providing outdated or misleading written information

Consumer Expectations
Research shows that consumers prefer written allergen information, especially in settings like cafés, restaurants, takeaways, and market stalls. This should be backed up by a knowledgeable conversation when needed.

Pre-Packed Food

Pre-packed food refers to a single item. It is enclosed in packaging so that the contents cannot be altered without opening. It can be partially covered. This category includes most of the food products typically found in supermarkets and retail stores, such as:

- Packaged sandwiches
- Bottled drinks
- Ready meals
- Snack items

Consumers are generally familiar with the labelling requirements for prepacked food which includes name of food, use by date, storage instructions, full list of ingredients (emphasised allergens, nutrition, etc) to be displayed on these products.

Labelling Requirements
For pre-packed foods, the law requires that mandatory allergen information must be:

- Easily accessible
- Displayed in a conspicuous place
- Clearly visible
- Legible

This information is typically included in the ingredients list, with allergens emphasised (e.g. in bold, underlined, or a different colour) to ensure they stand out.

Pre-Packed for Direct Sale (PPDS)

The change follows the tragic case of Natasha Ednan-Laperouse, a 15-year-old who died after suffering a severe allergic reaction to a baguette sandwich that did not list sesame – an ingredient she was allergic to – on the packaging. At the time, only verbal allergen information was required, and the information provided was inadequate. In response, Natasha's Law came into force in the UK on 1 October 2021, requiring clearer labelling for Pre-Packed for Direct Sale (PPDS) foods.

Natasha's story is one of several that have shaped the UK's approach to food safety and standards. Another is the case of Mason Jones, a five-year-old boy from Caerphilly who died in 2005 after eating E. coli-contaminated meat served at his school. The outbreak, traced to serious hygiene failings at a butcher's premises, affected over 150 people and led to a criminal conviction for food safety breaches. Mason's death underscored the critical importance of rigorous hygiene practices and enforcement in food production and supply.

Together, these cases have driven significant reforms in food hygiene, safety, and labelling standards – reminding us of the human cost when systems fail, and the responsibility we all share in protecting public health.

What is Pre-Packed for Direct Sale (PPDS) Food?
PPDS refers to food that is:

- Packaged on the same premises where it is offered or sold to the final consumer, and
- Pre-packed before the final consumer selects or orders it

Examples include:

- Fast food items pre-packed before sale (e.g. burgers under heat lamps)
- Pre-packaged pizzas, rotisserie chickens, salads, and pasta pots
- Burgers or sausages pre-packed by a butcher for sale
- Free samples (e.g. cookies) packed on-site

Labelling Requirements for PPDS
Under the proposed regulations, PPDS food must be labelled with:

- The name of the food,
- A full ingredients list, and
- with allergens clearly emphasised (e.g. bold, underlined)

This ensures that consumers can make informed choices without needing to ask staff.

What is Not PPDS
The following are not considered PPDS:

- Loose items (e.g. bread rolls, pastries) not in packaging when selected
- Food wrapped after the customer orders it (e.g. made-to-order sandwiches)
- Food displayed unwrapped and only packaged at the point of sale
- Food placed into packaging at the customer's request

Distance Selling of Foods

Where food is ordered through 'Distance Selling', for example, online or by phone, food businesses are required to provide food information including allergens at two key stages of the ordering process:

1. At the time of ordering

- This can be provided in writing (e.g. on a website, digital menu, or printed catalogue)
- Or verbally (e.g. over the phone)

2. At the point of delivery

- Allergen information may be provided in writing (e.g. allergen stickers on packaging, printed menu)
- Or verbally (e.g. by the delivery driver)

This ensures that consumers are informed before making a purchase and again when receiving the food, helping to reduce the risk of allergic reactions.

Best Practice Guidance
The UK Food Standards Agency (FSA) provides extensive best practice guidance and tools for food businesses on its website: www.food.gov.uk

Resources include:

- Online food allergy training
- E-learning modules
- Allergen checklists
- Guidance documents for different types of food businesses

Key Principles for Written Allergen Information

Written allergen information must be:

- Easy to use
- Clear
- Comprehensive
- Accurate

It is not acceptable for a business to say they don't know if a food contains allergens, or to use blanket disclaimers like "**all** foods may contain allergens."

Allergen information must be specific, complete, and tailored to each food item.

It has to be available in English.

Exclusions from Labelling Requirements – Charity Cake Sales and Similar Activities

We recognise that some food activities are occasional, small-scale and very low risk so should not be subject to the same requirements as commercial food businesses. Examples include:

- Cakes made for a school fête or charity cake sale
- Food prepared at home for a cultural celebration (e.g. Lunar New Year)

In these cases:

- Licensing under the Food Law may not be required
- Labelling requirements may not apply
- However, food must still be safe to eat, and we strongly encourage:
    - Following food hygiene and safety best practices
    - Providing accurate ingredient and allergen information where possible

Officers at Environment and Consumer Protection are available to offer advice if needed.

Note: Anyone running a food business from home must be licensed and comply with labelling and allergen rules.

Charities producing food on a larger scale are also required to be licensed and follow the relevant labelling requirements to ensure food safety.

'Best Before' and 'Use By' Dates – A Reminder
The legislation reinforces the importance of understanding food date labels:

Use By Date

- Indicates safety
- Do not consume food after this date, even if it looks or smells fine
- Common on perishable items like meat, dairy, and ready-to-eat salads

Best Before Date (sometimes shown as BBE – Best Before End)

- Indicates quality, not safety
- Food may still be safe to eat after this date, but may not be at its best

Many UK supermarkets have removed best before dates from fresh produce to reduce food waste.

Imported Foodstuffs – Use of Unusual Processes
Currently, products such as chlorine-washed chicken and hormone-treated beef are not imported into the UK or EU - Jersey's primary sources of food imports. However, future Free Trade Agreements (FTAs) entered into by the UK may permit such imports from other countries.

As Jersey is bound by both UK FTAs and World Trade Organization (WTO) rules, it would not be possible to ban these products outright. However, the proposed regulations include provisions for the labelling of foods produced using "unusual processes", such as chemical washes or hormone treatments.

This approach would:

- Provide transparency for consumers
- Allow individuals to make informed choices
- Potentially influence import decisions based on consumer demand

The intention is not to restrict consumer choice, but to ensure that labelling empowers consumers to make decisions aligned with their preferences and values.

New Labelling Requirements
In line with EU and UK standards, the proposed regulations introduce several new labelling requirements:

- Place of origin must be clearly stated on food labels
- Nutritional declarations will be required (with exemptions for small businesses)
- Quantitative Ingredient Declarations (QUID) must be used to show the percentage of key ingredients
- Restaurants and cafés must indicate if food:
    - Has been irradiated, and/or
    - Contains any of six artificial food colours linked to hyperactivity in children

We welcome your views on these proposals – please refer to the consultation questions.

Responding to the Consultation – Section A: Food Standards, including Labelling and Food Allergens

Please indicate the capacity in which you are responding to this consultation. This helps the Directorate understand the perspective behind each response and ensures that feedback is considered appropriately.

☐ As a food business

☐ As a representative body/professional organisation

☐ As a member of the public

If you selected 'representative body/professional organisation', please specify the organisation and your role below:

Organisation name: _____

Your role: _____

Consultation Questions – Section A: Food Standards, including Labelling and Food Allergens

1. **Do you support the introduction of legal requirements for food allergen labelling in Jersey?**
   ☐ Yes
   ☐ No
   ☐ Not sure

2. **Do you agree that food businesses, particularly restaurants and cafes, should be required to provide food allergen information for non-pre-packed (loose) food?**
   ☐ Strongly agree
   ☐ Agree
   ☐ Neutral
   ☐ Disagree
   ☐ Strongly disagree

3. **How should food allergen information for non-pre-packed food ideally be provided?**
   ☐ In writing only
   ☐ Verbally only
   ☐ In writing, supported by a conversation if requested
   ☐ No preference

4. **Do you support the requirement for Pre-Packed for Direct Sale (PPDS) food to include a full ingredients list with food allergens emphasised?**
   ☐ Yes
   ☐ No
   ☐ Not sure

5. **Recognising that some small food businesses may be affected for the first time by the requirement to provide written food allergen labelling on Pre-Packed for Direct Sale (PPDS) foods (e.g. sandwiches made and packed on-site), a one-year grace period is proposed before the rule becomes mandatory.**

   Do you think this grace period is appropriate?
   - ☐ Yes
   - ☐ No
   - ☐ Not sure

   If 'No', how long do you think the grace period should be?
   - ☐ No grace period
   - ☐ 6 months
   - ☐ 18 months
   - ☐ 2 years
   - ☐ Other

6. **Do you agree that food allergen information should be provided at both the point of ordering and delivery for food sold online or by phone?**
   - ☐ Strongly agree
   - ☐ Agree
   - ☐ Neutral
   - ☐ Disagree
   - ☐ Strongly disagree

7. **Do you agree that food allergen information must always be available in English before any food purchase?**
   - ☐ Strongly agree
   - ☐ Agree
   - ☐ Neutral
   - ☐ Disagree
   - ☐ Strongly disagree

8. **Food prepared by private individuals for one-off charity or cultural events (e.g. cake sales or Lunar New Year celebrations) would not be required to meet formal labelling rules. However, individuals would be encouraged to list known ingredients, provide accurate food allergen information, and follow good hygiene and safety practices.**

   Do you agree with this approach?
   - ☐ Yes
   - ☐ No
   - ☐ Not sure

9. **Other than for food allergies, food labelling can be in a language that is readily understood by the intended consumer. For example, a shop selling food imported from Portugal predominantly to the Portuguese community can label its food in Portuguese.**

   Would this be acceptable?

   ☐ Yes
   ☐ No
   ☐ Not sure

10. **We are proposing that food sold at a 'temporary international market' (e.g. the Norman Market), licensed by the Bailiff, be exempt from the requirement to provide labelling in English. However, traders would still be expected to respond to ingredient and food allergen queries or provide a printed explanation.**

    Would this be acceptable?

    ☐ Yes
    ☐ No
    ☐ Not sure

11. **In line with UK and EU law, nutrition labelling would be required on certain food packaging. However, this would apply only to local manufacturers exporting off-Island, not to those selling solely within Jersey. Small businesses would be exempt.**

    Would you be supportive of this approach?

    ☐ Yes
    ☐ No
    ☐ Not sure

12. **We are considering a requirement to include Quantitative Ingredient Declarations (QUID) labelling for meat content in Pre-Packed for Direct Sale (PPDS) foods (such as stating 'pork (80%)' on a sausage roll). Does this place an excessive burden on small businesses, particularly in Jersey?**

    ☐ Yes
    ☐ No
    ☐ Not sure

13. **Do you think the overall approach to labelling and food allergens strikes the right balance between protecting consumers and being practical for food businesses?**

    ☐ Yes
    ☐ No
    ☐ Not sure

Section B: Food Hygiene and Safety

The new regulations incorporate and modernise the provisions of the Food Hygiene (General Provisions) (Jersey) Order 1967, with much of the detail now included for ease of reference in the schedules of the regulations, rather than in the main body of the law.

These updated regulations are comprehensive and cover among other things:

- General hygiene measures
- Premises and equipment standards
- Staff hygiene
- Food preparation and handling
- Temperature control
- Packaging and storage

This section aims to ensure that food is safe at every stage of its journey – from preparation to consumption – by setting clear, practical standards for food businesses.

Training Requirements

The Food (Jersey) Law 2023 introduces a requirement to implement and maintain procedures based on Hazard Analysis and Critical Control Points (HACCP) - an internationally recognised system for managing food safety risks.

To support this, the proposed regulations will require that food handlers receive specific training in food hygiene, with a particular but not exclusive focus on:

- Control of cross-contamination risks
- Temperature controls
- Cleaning (inc. use of correct chemicals)
- Safe handling of allergens
- Pest control measures

This ensures that all staff involved in food preparation and service understand their responsibilities and are equipped to maintain high standards of food safety.

Promoting a Positive Food Safety Culture

While not currently part of the draft regulations, there is a desire to stress the importance of fostering a positive food safety culture within food businesses. This refers to the attitudes, values, and behaviours that influence how food safety is managed on a day-to-day basis.

Key principles include:

- Leadership from management in setting expectations and modelling good practice
- Shared responsibility – every employee plays a role in ensuring food is safe and suitable
- Awareness of human behaviour as a critical factor in food safety outcomes

A strong food safety culture demonstrates a business's commitment to protecting both its customers and staff and is increasingly recognised as a key indicator of long-term compliance and success.

Primary Production
The updated regulations place greater emphasis on primary production – the earliest stages of the food chain, including the management of animals and crops.

Key provisions include:

- Ensuring that animals and plants are raised and handled in ways that protect food safety
- Specific hygiene requirements for products of animal origin, such as:
- Milk handling
- Fish storage
- Meat processing

There are also provisions on animal health and traceability, including measures for monitoring the health of animals before they enter the food chain, as well as systems for tracing food products back to their source in case of a food safety issue.

These requirements are aligned with EU food hygiene law, helping to ensure that Jersey's food production standards are internationally recognised and that local producers remain competitive in potential export markets.

Responding to the Consultation – Section B: Food Hygiene and Safety
Please indicate the capacity in which you are responding to this consultation. This helps the Directorate understand the perspective behind each response and ensures that feedback is considered appropriately.

☐ As a food business

☐ As a representative body/professional organisation

☐ As a member of the public

If you selected 'representative body/professional organisation', please specify the organisation and your role below:

Organisation name: _____

Your role: _____

Consultation Questions – Section B: Food Hygiene and Safety

1. **Do you support the proposal to update and consolidate existing food hygiene legislation into a single set of regulations?**
   ☐ Yes
   ☐ No
   ☐ Not sure

2. **How confident are you that current food hygiene practices observed meet the standards proposed in the new regulations?**
   ☐ Very confident
   ☐ Somewhat confident
   ☐ Not very confident
   ☐ Not confident at all
   ☐ Not applicable

3. **Do you agree that food safety should be the responsibility of all employees, not just management?**
   ☐ Strongly agree
   ☐ Agree
   ☐ Neutral
   ☐ Disagree
   ☐ Strongly disagree

4. **Do you agree with the requirement for food handlers to be trained in food hygiene, including allergen awareness and cross-contamination risks?**
   ☐ Strongly agree
   ☐ Agree
   ☐ Neutral
   ☐ Disagree
   ☐ Strongly disagree

5. **Do you support the inclusion of specific hygiene requirements for primary production (e.g. handling of milk, fish, and meat products)?**
   - ☐ Yes
   - ☐ No
   - ☐ Not sure

6. **Do you believe the proposed regulations strike the right balance between ensuring food safety and being practical for food businesses to implement?**
   - ☐ Yes
   - ☐ No
   - ☐ Not sure

7. **How important do you believe a strong food safety culture is in ensuring safe food practices within a business?**
   - ☐ Very important
   - ☐ Important
   - ☐ Somewhat important
   - ☐ Not important
   - ☐ Don't know

8. **Would you support the inclusion of a requirement to promote a positive food safety culture in the new regulations?**
   - ☐ Yes
   - ☐ No
   - ☐ Not sure

9. **How confident are you that your current food safety practices reflect a strong food safety culture?**
   - ☐ Very confident
   - ☐ Somewhat confident
   - ☐ Not very confident
   - ☐ Not confident at all
   - ☐ Not applicable

10. **Would you find it helpful if the Government of Jersey provided a self-assessment tool to help businesses evaluate their food safety culture?**
    - ☐ Yes
    - ☐ No
    - ☐ Maybe

Section C: Proposals for a New Licensing Scheme

The food industry is a vital part of Jersey's economy, contributing significantly to employment, tourism, and community wellbeing. According to Statistics Jersey, accommodation and food services activities contributed approximately £230 million to the Island's Gross Value Added (GVA) in 2023 - £124 million from food and beverage service activities and £106 million from accommodation.

(Note: The accommodation sub-sector primarily includes hotels, while the food and beverage service activities largely comprise restaurants, cafés, and bars. A business is classified into one sub-sector based on its primary activity.)

With this level of importance comes a responsibility to uphold high food safety standards to protect public health and maintain consumer confidence.

The Food (Jersey) Law 2023 includes provision for the Minister to introduce a new licensing scheme for food businesses, including the ability to raise fees.

While the draft regulations outline some of the legal aspects of the proposed scheme, this section sets out the policy rationale behind how the new licensing arrangements might work. We welcome your feedback on these proposals.

Current Regulatory Landscape

At present:

- Registration of food premises is free and includes access to services such as inspections, technical guidance, and participation in the Eat Safe scheme. There are approximately 1,300 registered food businesses in Jersey.
- A few hundred food businesses – such as cafés and snack bars – are also required to obtain a Places of Refreshment licence, currently costing £101 per year.
- Other food businesses, such as restaurants that serve alcohol, are covered by the Licensing Law (Jersey) 1974 and pay £434 per year for an alcohol licence (currently under review), but do not contribute directly to the food inspection programme.
- Ice cream vans and stalls selling ice cream (moveable structures) must apply for a separate licence under the Food Safety (Ice cream stalls etc) (Jersey) Order 1969. This currently costs £127.40 annually. Fewer than 20 licences were issued in 2024.

This fragmented system presents several limitations:

- It lacks a consistent mechanism for cost recovery
- It does not incentivise businesses to maintain up-to-date records
- It creates administrative burdens through duplicate registration and licensing processes

New Arrangements Proposed

The proposed licensing scheme aims to reduce the administrative burden by requiring food businesses to submit their details only once under a streamlined system. All businesses involved in any stage of food production, processing, or distribution would be covered.

Since all such businesses are already required to register, the new arrangements are not expected to be onerous, but they would be more meaningful and effective for all parties involved.

Currently, because registration is free, there is little incentive for businesses to keep their records up to date. This can hinder effective communication and, ultimately, pose risks to public health.

Elevating the current registration system to a licensing scheme would:

- Raise the perceived importance of food safety compliance
- Provide a clearer legal mechanism for action against non-compliant businesses
- Support a graduated enforcement approach based on risk and behaviour

Licensing would serve as the entry point to the law, enabling more visible and timely action against businesses that, despite repeated engagement, fail to meet minimum standards. The law supports a nuanced, proportionate approach – encouraging compliance with minimal interference, while always prioritising public health.

The proposed four-phase enforcement model would be:

- Engage
- Explain
- Encourage
- Enforce

Revoking a licence would be a last resort, used only when other efforts to secure compliance have failed.

Licensing Process and Transition

- Annual licences would be issued via an online system, similar to existing processes for Places of Refreshment and Rented Dwelling licences.
- Renewals would be designed to be as simple and efficient as possible.
- Transition arrangements would ensure continuity for existing businesses:
    - No pre-inspection of currently registered premises
    - Businesses would be contacted within the first 12 months to update their details

Key Features of the Proposed Licensing Scheme

Feature	Description
Risk-Based Licensing	Businesses categorised by risk (e.g. type of food, customer vulnerability). Higher-risk businesses face more frequent inspections and higher fees.
User-Pays Model	Fees reflect the level of regulatory oversight required, ensuring a fair contribution to food safety infrastructure.
Streamlined Compliance	Replaces multiple registration systems with a single licensing process, reducing duplication and improving data accuracy.
Legal Foundation	Articles 6 – 8 of the *Food (Jersey) Law 2023* provide the legal basis for licensing, including application procedures, conditions, fees, and enforcement.

Benefits of Licensing
The introduction of the new Food (Jersey) Law 2023 and its supporting regulations presents an appropriate opportunity for food businesses to contribute fairly to the cost of regulation through a modernised licensing scheme

Key benefits of the proposed licensing system include:

Enhanced Food Safety
Licensing will help ensure that food businesses consistently meet hygiene and safety standards. This will reduce the risk of foodborne illnesses and better protect public health.

Increased Consumer Confidence
Displaying a valid food licence signals to consumers that a business is committed to food safety and quality. This transparency can build trust in both the business and Government oversight, encouraging consumers to choose licensed establishments.

Improved Quality Control
Licensing promotes consistent standards across the industry and encourages staff training in key areas such as food hygiene, allergen awareness and management, and safe food handling practices. It can also act as a barrier to entry, discouraging casual or ill-prepared operators from entering the market without due regard for food safety.

Fairness and Transparency
A risk-based, user-pays model ensures that all businesses are treated equitably, with fees proportionate to the level of regulatory oversight required.

Efficient Use of Resources
Licensing enables regulators to focus their efforts on higher-risk operations, improving the effectiveness of inspections and enforcement while reducing unnecessary burdens on low-risk businesses.

In summary, implementing a food licensing scheme would strengthen Jersey's food safety infrastructure, enhance consumer trust, support consistent quality standards, and provide a fair and transparent framework for regulatory oversight – all while safeguarding public health.

Cost Recovery Model

The primary cost associated with delivering food safety services is internal staffing resources. The introduction of a user-pays model under the new licensing framework would ensure that licensing fees more accurately reflect the time and resources spent by officers in inspecting and supporting food premises. This approach aligns with broader public sector principles of cost recovery and proportionality.

A Risk-Based, Tiered Approach
The proposed model introduces a structured, risk-based framework for licensing food businesses. It builds on existing Directorate data – such as type of food premises and consumers at risk scores – to classify businesses into priority tiers.

- **Higher-risk businesses** (e.g. those manufacturing high-risk foods or exporting off-island) would be subject to more frequent inspections and higher fees, reflecting the greater regulatory input required.
- **Lower-risk businesses** (e.g. newsagents or sweetshops selling only pre-packed snacks) would pay lower fees, proportionate to their reduced oversight needs.
- Some **very small, low-risk businesses** may be licensed but exempt from fees, where appropriate.

This classification would be determined through a desktop assessment by subject matter experts, using professional judgement and sector knowledge. Factors considered would include:

- Type of food handled
- Nature of business activity
- Processing methods
- Vulnerability of the customer base

Efficiency and Fairness
This model formalises what is already common practice – inspection frequency based on risk – and allows for more efficient use of limited resources. It enables food inspectors to focus on businesses that pose the greatest potential risk to public health.

The model also introduces the concept of "earned autonomy". Businesses that demonstrate strong compliance – either through robust internal food safety systems or external accreditation – may benefit from reduced inspection frequency and perhaps lower fees.

Legal and Procedural Foundations

- Article 8 of the Food (Jersey) Law 2023 provides the legal basis for licensing, including the making of provisions on:
    - Who may hold a licence
    - Conditions for licence removal
    - Fee structures and enforcement mechanisms

- The 200+ premises currently licensed under the Places of Refreshment Law would be covered by the new licensing arrangements. Some of the existing provisions for these premises – such as permitted opening hours and the role of the Constable in approving or cancelling permits – would be retained in the Places of Refreshment (Jersey) Law 1967, with the new regulations making reference to that law for those matters.
- Additional procedural elements (e.g. complaints, appeals, licence conditions) would be modelled on the rented dwellings licensing scheme, which provides a tested and fair framework for regulatory enforcement.

Charging Model

To ensure a fair and sustainable approach to regulatory oversight, the proposed licensing system adopts a full cost recovery model. This model categorises food businesses into three risk-based tiers – Low, Medium, and High Risk – with charges proportionate to the level of regulatory intervention likely to be required.

Low Risk (E and D Rated)
These businesses handle only low-risk food products or pre-packed high-risk items and typically operate with medium to high frequency. They pose minimal risk to public health and require limited oversight.

Examples could include:

- Retailers of low-risk non-POAO (Products of Animal Origin), such as confectionery, flour-based goods, and unprocessed fruit and vegetables (e.g. honesty boxes)
- Public houses that do not serve meals beyond low-risk snacks (e.g. crisps, nuts)
- Fishing vessels selling or providing raw/live fish directly to consumers or fish markets

Medium Risk (C and B Rated)
This category includes the majority of food businesses. These establishments handle or prepare high-risk foods but do not engage in manufacturing or serve particularly vulnerable populations. They require a moderate level of oversight.

Examples could include:

- Hotels, restaurants and cafés
- Butchers and bakers
- Other outlets preparing or selling high-risk items without extensive processing

High Risk (A Rated)
High-risk businesses are involved in the manufacture, processing, or repackaging of high-risk foods, or serve vulnerable groups. These operations require the most intensive oversight due to their complexity and potential public health impact.

Examples could include:

- Meat importers and specialist butchers
- Manufacturers and processors of dairy products
- Exporters of POAO
- Producers of food supplements
- Healthcare settings such as care homes

Why This Matters

This tiered approach ensures that:

- Charges are proportionate to the risk posed by each business type
- Regulatory effort is aligned with public health priorities
- The model supports a sustainable funding framework for food safety services

Recouping the Cost of Service Delivery
To support the sustainability of Jersey's food safety regulatory services, it is essential that licensing fees reflect the true cost of service delivery. A detailed analysis of current food inspection activities has been undertaken to inform a fair and transparent charging model.

This analysis considered:

- Staff time
- Administrative support
- Associated operational costs

The estimated annual cost of delivering these services is approximately £300,000.

Proposed Fee Structure

To achieve full cost recovery, the following annual fees are proposed:

Risk Tier	Annual Fee	Description
Low Risk	£200	Minimal oversight required; low-risk or pre-packed food handling only
Medium Risk	£350	Moderate oversight; handling/preparation of high-risk foods
High Risk	£500	Intensive oversight; manufacturing, processing, or serving vulnerable groups

This model ensures that charges are proportionate to the level of regulatory effort required, aligning with public health priorities and supporting a sustainable funding framework.

Addressing Current Inequities

Currently, the Directorate operates under a fragmented charging system, where some businesses contribute to the cost of regulation while others do not – often based on the legislation they fall under, rather than the actual food safety risks associated with their activities or the types of food they produce.

This inconsistency is increasingly viewed as unfair, particularly when lower-risk businesses are charged while higher-risk operations may not be.

A risk-based model addresses this imbalance by ensuring:

- Equity across all business types
- Proportionality in fees
- Transparency in how regulatory costs are recovered

The Case for Reform

Without reform, the Directorate would be unable to recover the costs associated with food inspection activities. This would have direct and significant consequences, including:

- Reduced capacity for inspections and enforcement
- Constraints on staffing levels
- Limited investment in training and professional development
- Potential decline in public trust in food safety standards

Over time, these pressures could increase risks to consumer protection, particularly in high-risk and vulnerable settings.

Conclusion

Implementing a fair, risk-based charging model is critical not only for achieving cost recovery but also for:

- Safeguarding public health
- Maintaining a trusted regulatory framework
- Ensuring the long-term resilience of Jersey's food safety system

Responding to the Consultation – Section C: Proposals for a New Licensing Scheme
Please indicate the capacity in which you are responding to this consultation. This helps the Directorate understand the perspective behind each response and ensures that feedback is considered appropriately.

☐ As a food business

☐ As a representative body/professional organisation

☐ As a member of the public

If you selected 'representative body/professional organisation', please specify the organisation and your role below:

Organisation name: _____

Your role: _____

Consultation Questions – Section C: Proposals for a New Licensing Scheme

1. **Do you support the introduction of a new licensing scheme for food businesses in Jersey?**
   ☐ Yes
   ☐ No
   ☐ Not sure

2. **Do you agree that licensing should replace the current food registration system to better reflect the importance of food safety compliance?**
   ☐ Strongly agree
   ☐ Agree
   ☐ Neutral
   ☐ Disagree
   ☐ Strongly disagree

3. **Do you support the proposed risk-based approach to licensing, where higher-risk businesses are subject to more oversight and higher fees?**
   ☐ Yes
   ☐ No
   ☐ Not sure

4. **Do you believe the proposed fee levels (£200 for low risk, £350 for medium risk, £500 for high risk) are fair and proportionate?**
   ☐ Yes
   ☐ No
   ☐ Not sure

5. **Would a single, streamlined licensing process reduce the administrative burden for businesses or organisations?**
   - ☐ Yes
   - ☐ No
   - ☐ Not sure

6. **Do you agree with the principle of 'earned autonomy', where businesses with a strong record of compliance may benefit from reduced inspection frequency or perhaps lower fees?**
   For example, schemes like Red Tractor certification could be used to demonstrate high standards.
   - ☐ Strongly agree
   - ☐ Agree
   - ☐ Neutral
   - ☐ Disagree
   - ☐ Strongly disagree

Consultation Feedback: Submit your own comments

Responding to the Consultation – Submit your own comments on the proposed Draft Food (Jersey) Regulations 202-

Please indicate the capacity in which you are responding to this consultation. This helps the Directorate understand the perspective behind each response and ensures that feedback is considered appropriately.

☐ As a food business

☐ As a representative body/professional organisation

☐ As a member of the public

If you selected 'representative body/professional organisation', please specify the organisation and your role below:

Organisation name: _____

Your role: _____

In this section, we welcome any comments or feedback you may have in addition to the answers provided to the specified questions.

All questions and the option to submit your own comments can be completed using the online survey. https://survey.gov.je/s/ConsultationPaperDraftFoodJerseyRegulations202-/