



Jersey

DRAFT FOOD (JERSEY) REGULATIONS 202-

Contents

Regulation

PART 1	5
GENERAL PROVISIONS	5
1 Interpretation	5
2 Scope of Regulations	6
PART 2	7
LABELLING OF FOOD	7
DIVISION 1 – INTERPRETATION	7
3 Terms used in EU Labelling Regulation	7
4 Meaning of pre-packed	7
5 Meaning of pre-packed for direct sale	7
DIVISION 2 – APPLICATION OF PART 2	7
6 Food supplied to caterers and final consumers	7
7 Food brought into Jersey from other jurisdictions	8
DIVISION 3 – LABELLING AND INFORMATION REQUIREMENTS	8
8 Obligation to label food	8
9 Pre-packed food	8
10 Food that is pre-packed for direct sale	9
11 Distance selling: take aways and delivery	9
12 Hedge veg stands	9
13 Non-prepacked food sold by caterers	10
14 Requirements relating to label	10
15 Language on label	10
DIVISION 4 – MANDATORY PARTICULARS	11
16 Mandatory particulars	11
17 Name	11
18 List of ingredients	12
19 Allergens	12
20 Quantitative indication of ingredients	12
21 Net quantity	13
22 Minimum durability: “use by” date	13
23 Minimum durability: “best before” date	13

24	Special storage conditions or conditions of use	14
25	Instructions for use	14
26	Name and address of manufacturer or supplier	14
27	Place of origin	14
28	Alcoholic strength	15
29	Nutritional declaration.....	15
DIVISION 5 – SPECIFIC LABELLING REQUIREMENTS		15
30	Food for which additional particulars required.....	15
31	Use of unusual processes.....	16
32	Prohibition on claims relating to medicinal qualities	16
DIVISION 6 – OFFENCES		16
33	Offences.....	16
PART 3		17
HYGIENE		17
DIVISION 1 – PRELIMINARY		17
34	Interpretation	17
35	Application of Part 3	17
36	General obligation and offence.....	17
DIVISION 2 – GENERAL HYGIENE REQUIREMENTS		17
37	General hygiene	17
38	Foodstuffs, wrapping and heat treatment	18
39	Food premises.....	18
40	Food premises: movable and temporary premises and dwelling houses	18
41	Vending machines.....	18
42	Training.....	19
DIVISION 3 – HYGIENE REQUIREMENTS: PRIMARY PRODUCTION		19
43	Application of hygiene requirements for primary production	19
DIVISION 4 – HYGIENE REQUIREMENTS: FOOD OF ANIMAL ORIGIN		19
44	Hygiene rules for food of animal origin.....	19
45	Obligations relating to food of animal origin	20
47	Approval of food businesses used for products of animal origin	20
48	Raw milk.....	20
PART 4		21
LICENSES		21
49	Interpretation	21
50	Licensing of food businesses	21
51	Application for licence	21
52	Issue of licence.....	21
53	Application of the Places of Refreshment Law.....	21
54	Variation and revocation of licence	22
55	Review by Minister and appeal to the Royal Court	22
56	Offences.....	23

PART 5	23
FINAL PROVISIONS	23
57 Transitional provision – general	23
58 Transitional provision – licences	23
59 Places of Refreshment (Jersey) Law 1967 amended	23
60 Places of Refreshment (Registration) (Fees) (Jersey) Order 2008 repealed	25
61 Food Safety (Eat Safe Rating) (Jersey) Order 2017 amended	25
62 Citation and commencement.....	25
SCHEDULE 1	26
ALLERGENS	26
1 Allergens	26
2 Power to amend table	27
SCHEDULE 2	28
EXEMPTIONS FROM LABELLING CERTAIN MANDATORY PARTICULARS	28
PART 1	28
INGREDIENTS	28
1 Foods not required to be labelled with list of ingredients	28
2 Constituents of food not required to be included in list of ingredients	28
PART 2	29
ALLERGENS	29
3 Exemption from requirement to list allergens	29
PART 3	29
QUANTITY OF CERTAIN INGREDIENTS OR CATEGORIES OF INGREDIENTS	29
4 Cases where quantitative indication of ingredients not required	29
PART 4	30
NET QUANTITY	30
5 Cases in which net quantity declaration is not required	30
PART 5	30
DURABILITY	30
6 Foods exempted from durability requirements	30
PART 6	31
SPECIAL STORAGE CONDITIONS OR CONDITIONS OF USE	31
7 Cases where instructions for storage and use not required.....	31
PART 7	31
INSTRUCTIONS FOR USE	31
8 Cases where instructions for use not required	31
PART 8	31
NAME OF MANUFACTURER OR SUPPLIER	31

9	Cases where name of food business operator not required	31
PART 9		32
PLACE OF ORIGIN		32
10	Cases where country of origin not required.....	32
PART 10		32
ALCOHOL CONTENT		32
11	Cases where alcohol content not required	32
PART 11		32
NUTRITIONAL DECLARATION		32
12	Food exempted from requirement to include nutritional declaration	32
SCHEDULE 3		34
HYGIENE MEASURES		34
PART 1		34
GENERAL HYGIENE MEASURES		34
1	Transport	34
2	Equipment requirements	34
3	Water supply.....	35
4	Personal hygiene.....	35
5	Foodstuffs	36
6	Temperature control: chill holding	36
7	Temperature control: hot holding	37
8	Wrapping and packaging of foodstuffs	37
9	Heat treatment	37
10	Food waste.....	38
PART 2		38
PREMISES		38
11	General requirements for food premises.....	38
12	Rooms where foodstuffs are prepared, treated or processed	39
13	Requirements for movable and temporary premises and premises used primarily as a private dwelling house.....	40
14	Vending machines.....	41
PART 3		41
PRIMARY PRODUCTION AND ASSOCIATED PROCESSES		41
15	Primary production: general requirements	41
16	Primary production: measures relating to allergens	41
17	Operators rearing, harvesting or hunting animals or producing primary products of animal origin	42
18	Operators producing or harvesting plant products	42



Jersey

DRAFT FOOD (JERSEY) REGULATIONS 202-

*Made**[date to be inserted]**Coming into force**[date to be inserted]*

THE STATES make these Regulations under Articles 6, 8, 17, 20, 59, 60 and 62 of the Food (Jersey) Law 2023

PART 1

GENERAL PROVISIONS

1 Interpretation

In these Regulations –

“allergen” means a substance or product listed in Schedule 1 that may cause allergies or intolerances;

“caterer” means –

- (a) a business (including a business operating from a vehicle or a fixed or mobile stall) in which, in the course of its operations, food is prepared or handled to be ready for consumption by a final consumer; and
- (b) includes a restaurant, canteen, school, hospital, care home and catering enterprise;

“clean seawater” has the meaning given in Regulation 36;

“clean water” has the meaning given in Regulation 36;

“compound ingredient” means an ingredient that is itself the product of more than 1 ingredient;

“food premises” has the meaning given in Regulation 36;

“distance selling” means a sale made without the simultaneous physical presence of the supplier and the final consumer;

“EU Additives Regulation” means Regulation (EC) 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16), as amended from time to time;

“EU Labelling Regulation” means Regulation (EU) 1169/2011 of the European Parliament and the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18), as amended from time to time;

“final consumer” means the consumer of food who will not use it as part of a food business;

“hedge veg stand” means an unstaffed stand that is placed adjacent to a public road for the sale of –

- (a) fruit or vegetables grown by the seller; or
- (b) other food produced by the seller;

“ingredient” –

- (a) means a substance or product, including flavourings, food additives and food enzymes, and a constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product (including in an altered form); but
- (b) does not include residues;

“label” means written or printed material on the wrapper or container of pre-packed food or a tag attached to the container and includes marks made on the food itself;

“Law” means the Food (Jersey) Law 2023;

“licence” means a licence granted under Regulation 54;

“licence holder” has the meaning given in Regulation 51;

“mandatory particulars” means the particulars that must be included on a label under Regulation 16;

“non-prepacked”, in relation to food, means food that is not pre-packed and not pre-packed for direct sale;

“place of origin” means the place a food is indicated as coming from;

“Places of Refreshment Law” means the [Places of Refreshment \(Jersey\) Law 1967](#);

“potable water” has the meaning given in Regulation 36;

“pre-packed” has the meaning given in Regulation 4;

“pre-packed for direct sale” has the meaning given in Regulation 5;

“voluntary organisation” means –

- (a) a registered charity within the meaning of the [Charities \(Jersey\) Law 2014](#); or
- (b) another body of persons, or the trustees of a trust, that is established only for charitable, benevolent or philanthropic purposes.

2 Scope of Regulations

(1) These Regulations do not apply to –

- (a) the production (including primary production), processing, handling or storage of food for domestic use and consumption;
- (b) food prepared and sold or distributed at a one-off event organised by a voluntary organisation;
- (c) unprocessed fruit and vegetables sold on a hedge veg stand.

(2) For the purpose of paragraph (1)(a) use and consumption are domestic if they are non-commercial and –

- (a) take place in a private dwelling house; or
- (b) are occasional or one off instances taking place outside a private home (for example, a school cake sale).

PART 2

LABELLING OF FOOD

DIVISION 1 – INTERPRETATION

3 Terms used in EU Labelling Regulation

Terms defined in the EU Labelling Regulation that are not defined in this Part have the meaning in the EU Labelling Regulation.

4 Meaning of pre-packed

- (1) In this Part, “pre-packed”, in relation to food –
 - (a) means food that is put into packaging before being offered for sale and that is ready for sale to the final consumer or to a caterer; but
 - (b) does not include food that is pre-packed for direct sale.
- (2) Pre-packed food –
 - (a) includes food that is wholly enclosed in packaging before being offered for sale, that is intended to be cooked without opening the packaging and that is ready for sale to the final consumer or to a caterer; but
 - (b) does not include individually wrapped sweets or chocolates that are not enclosed in further packaging and are not intended for sale as individual items.
- (3) Food that is pre-packed must be packaged so that the food, whether wholly or partly enclosed, cannot be altered without opening or changing the packaging.

5 Meaning of pre-packed for direct sale

In this Part, “pre-packed for direct sale” means pre-packed by a retailer, manufacturer or producer of food for sale by that person –

- (a) on the premises where the food is produced;
- (b) on other premises from which the person conducts business under the same name as the business conducted on the premises where the food is pre-packed; or
- (c) from a vehicle or stall used by the person.

DIVISION 2 – APPLICATION OF PART 2

6 Food supplied to caterers and final consumers

This Part applies to –

- (a) food (whether or not it is pre-packed or pre-packed for direct sale) intended to be sold to the final consumer at retail points of sale;
- (b) pre-packed food supplied or sold in the form in which it will be offered for sale to the final consumer; and

- (c) pre-packed food supplied to caterers for supply or sale to the final consumer.

7 Food brought into Jersey from other jurisdictions

- (1) Unless a provision expressly provides to the contrary, this Part does not apply to food that is brought into Jersey from any of the following jurisdictions where it was lawfully produced and sold if the conditions in paragraphs (2) and (3) are met –
 - (a) the United Kingdom;
 - (b) Guernsey;
 - (c) the Isle of Man;
 - (d) an EEA state.
- (2) The first condition is that the food complies with requirements relating to food marking and labelling applicable to the jurisdiction in which the food was produced and sold.
- (3) The second condition is that the food meets the language labelling requirement in Regulation 15.
- (4) If food is brought into Jersey from a jurisdiction other than one mentioned in paragraph (1) and it was lawfully produced and sold in that jurisdiction, the labelling requirements of this Part is satisfied if mandatory particulars complying with this Part are made available in English to the final consumer before purchase.
- (5) The Minister may, by Order, make further provision in relation to the time and manner in which mandatory particulars on foods covered by paragraph (4) are made available to the final consumer.

DIVISION 3 – LABELLING AND INFORMATION REQUIREMENTS

8 Obligation to label food

- (1) Food must be labelled in accordance with the requirements set out in Regulations 9 to 12.
- (2) The labelling and mandatory particulars must comply with the requirements set out in Regulations 16 to 32 unless an exemption or exception in Schedule 2 applies.
- (3) Food that is not required to be labelled with a mandatory particular may include the information on its label.

9 Pre-packed food

- (1) Unless Regulation 12 (hedge veg stands) applies, pre-packed food must be labelled with –
 - (a) the mandatory particulars; and
 - (b) a batch marking.
- (2) If the pre-packed food is sold through distance selling –
 - (a) a batch number and all the mandatory particulars, except the durability indication, must –
 - (i) be available before the purchase is concluded; and

- (ii) appear on the material supporting the sale or be provided, at no additional cost to the final consumer.
- (b) a batch number and all the mandatory particulars must be provided at the time of delivery.
- (3) In this Regulation, “batch marking” means a distinctive mark that enables –
 - (a) the manufacturer or supplier to identify the manufacturing batch or lot from which the food is derived; and
 - (b) the final consumer or an authorised officer to identify the food in the event of a recall of the food.

10 Food that is pre-packed for direct sale

Food that is pre-packed for direct sale must be labelled with the following mandatory particulars –

- (a) the name of the food;
- (b) a list of ingredients;
- (c) information about allergens;
- (d) if the food is not intended by the food business operator to be consumed within 24 hours of purchase, minimum durability.

11 Distance selling: take aways and delivery

- (1) This Regulation applies to the distance selling of food that –
 - (a) is prepared by a caterer and delivered to the consumer;
 - (b) does not need further processing before it is consumed; and
 - (c) is packaged only for delivery.
- (2) If this Regulation applies, the following mandatory particulars must be made available before purchase is concluded at no additional cost to the consumer –
 - (a) the name of the food;
 - (b) a list of ingredients;
 - (c) information about allergens.
- (3) Food that contains an allergen must be clearly labelled with the allergen on the container or packaging.

12 Hedge veg stands

Pre-packed food that is sold on a hedge veg stand must be labelled with the following mandatory particulars –

- (a) the name of the food;
- (b) a list of ingredients;
- (c) information about allergens;
- (d) if the food is not intended by the food business operator to be consumed within 24 hours of purchase, minimum durability.

13 Non-prepacked food sold by caterers

- (1) This Regulation applies to non-prepacked food that is sold by a caterer.
- (2) Information about the following mandatory particulars must be available and easily accessible for all foods before purchase –
 - (a) the name of the food;
 - (b) a list of ingredients;
 - (c) information about allergens.
- (3) The information mentioned in paragraph (2) must be –
 - (a) accurate;
 - (b) provided in a clear and consistent manner; and
 - (c) comply with a code of practice or guidance issued by the Minister.
- (4) Information about allergens must include information about the risks of cross-contamination.
- (5) The Minister may, by Order, prescribe the manner in which the information must be provided.

14 Requirements relating to label

- (1) The label –
 - (a) must be on the food packaging;
 - (b) must be legible, indelible and clearly visible;
 - (c) must not be hidden, obscured or interrupted by other information, pictures or graphics; and
 - (d) may additionally be expressed by the use of pictograms or symbols.
- (2) The label must be in characters –
 - (a) if the largest surface area of the packaging or container is 80 cm² or more, using a font size where the x-height is at least 1.2 mm;
 - (b) if the largest surface area of the packaging or container has an area of less than 80 cm², using a font size where the x-height is at least 0.9 mm.

15 Language on label

- (1) If food is imported from the United Kingdom, Guernsey or the Isle of Man, it must be labelled in English.
- (2) If food is imported from an EEA state, it must –
 - (a) be labelled in a language that is readily understood by the intended consumer; and
 - (a) information about allergens must be available in English to the final consumer before purchase.
- (3) If food is imported from an EEA state and is sold to final consumers at an international food market or similar event for which the Bailiff has granted a licence –
 - (a) it may be labelled in a language that is readily understood by the intended consumer in that EEA state; but

- (b) information about allergens must be available in English to the final consumer before purchase.
- (4) The Minister may, by Order, make further provision in relation to the time and manner in which mandatory particulars and information about allergens are to be made available in English.

DIVISION 4 – MANDATORY PARTICULARS

16 Mandatory particulars

- (1) The mandatory particulars are –
 - (a) the name of the food;
 - (b) a list of ingredients;
 - (c) information about allergens;
 - (d) a quantitative indication of ingredients;
 - (e) the net quantity of the food;
 - (f) minimum durability;
 - (g) special storage conditions or conditions of use;
 - (h) instructions for use if it would be difficult to make appropriate use of the food in the absence of those instructions;
 - (i) the name and address of the manufacturer, supplier or other person who has taken responsibility for the production or packaging of the food;
 - (j) the place of origin of the food;
 - (k) for beverages containing more than 1.2% by volume of alcohol, the actual alcoholic strength;
 - (l) a nutritional declaration.
- (2) Schedule 2 contains exemptions from and exceptions to the requirement to label food with the mandatory particulars.

17 Name

- (1) For the purposes of Regulation 16, the name given to food must be –
 - (a) if a particular name is required by law, that name; or
 - (b) a name in common use or other descriptive term.
- (2) A name in common use or other term must be one that –
 - (a) indicates the nature of the food in terms of its main ingredients and the processes to which it has been subjected; and
 - (b) makes it distinguishable from other products for which the final consumer might otherwise mistake it.
- (3) The name of the food must not be replaced with a name protected by intellectual property, a brand name or a fancy name.
- (4) The labelling must comply with Annex VI of the EU Labelling Regulation (name of food and specific accompanying particulars).

18 List of ingredients

- (1) The ingredients of food must appear under the heading “ingredients” and must be listed in descending order of weight determined at the time the food was prepared.
- (2) Ingredients must be designated by their specific name in accordance with Regulation 17 of these Regulations and Annex VI of the EU Labelling Regulation (name of food and specific accompanying particulars).
- (3) Ingredients present in the form of engineered nanomaterials must be clearly indicated in the list of ingredients with the name of the ingredient followed by the word “nano” in brackets.
- (4) The list of ingredients must comply with the technical rules set out in Annex VII of the EU Labelling Regulation (indication and designation of ingredients).
- (5) Additives must be labelled in accordance with the EU Additives Regulation.
- (6) Part 1 of Schedule 2 contains exemptions from this Regulation.

19 Allergens

- (1) If the food contains an ingredient or processing aid that is an allergen or derived from an allergen that is used in the manufacture of the food and is still present in the finished product –
 - (a) it must be indicated in the list of ingredients with a clear reference to the name of the allergen; and
 - (b) the name of the allergen must be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of font, style or background colour.
- (2) If there is no list of ingredients, the labelling must include the word “contains” followed by the name of the allergen.
- (3) If several ingredients or processing aids originate from a single substance or product, the labelling must indicate the allergen for each ingredient or processing aid.
- (4) Part 2 of Schedule 2 contains exemptions from this Regulation.

20 Quantitative indication of ingredients

- (1) This Regulation applies if –
 - (a) an ingredient or category of ingredients appears in the name of the food or is usually associated with that name by the final consumer;
 - (b) the ingredient or category of ingredients is emphasised on the labelling in words, pictures or graphics; or
 - (c) the name or appearance of the food may be confused with others of its name or appearance.
- (2) If this Regulation applies, there must be an indication of the quantity of the ingredient, or the category of ingredients, and the label must comply with the rules set out in Annex VIII of the EU Labelling Regulation (quantitative indication of ingredients).
- (3) Part 3 of Schedule 2 contains exceptions to this Regulation.

21 Net quantity

- (1) The net quantity of a food must be expressed using litres, centilitres, millilitres, kilograms or grams, as appropriate.
- (2) Units of volume must be used for liquid products and units of mass for other products.
- (3) The label must comply with the technical rules set out in Annex IX of the EU Labelling Regulation (net quantity declaration).
- (4) Part 4 of Schedule 2 contains exemptions from this Regulation.

22 Minimum durability: “use by” date

- (1) Food must be labelled with a durability indication consisting of a “use by” date if, from the microbiological point of view, it is highly perishable and, as a consequence, is likely to constitute an immediate danger to health after a short period.
- (2) The “use by” date is the date up to and including which food must be used if properly stored.
- (3) The durability indication must be accompanied by the words “use by”, which must –
 - (a) be in the same field of vision as the indication; or
 - (b) be followed by a reference to where on the packaging the indication is to be found.
- (4) The “use by” date must be expressed in terms of –
 - (a) a day followed by a month; or
 - (b) a day, a month and a year (in that order).
- (5) Part 5 of Schedule 2 contains exemptions from this Regulation.

23 Minimum durability: “best before” date

- (1) Food to which Regulation 22 does not apply must be labelled with a durability indication consisting of a “best before” date.
- (2) The “best before” date is an indication of the date up to and including which food can reasonably be expected to retain its specific properties if properly stored.
- (3) The durability indication must be accompanied by the words “best before”, which must –
 - (a) be in the same field of vision as the indication; or
 - (b) be followed by a reference to where on the packaging the indication is to be found.
- (4) The “best before” date must be expressed –
 - (a) in terms of a day, a month and a year (in that order); or
 - (b) in accordance with the following table –

Length of time food can reasonably be expected to retain its specific properties	Form of indication
3 months or less	Day and month only
More than 3 months but not more than	Month and year only, if the words “best

Length of time food can reasonably be expected to retain its specific properties	Form of indication
18 months	before” are replaced by the words “best before end”
More than 18 months	Month and year only, or a year only, if (in either case) the words “best before” are replaced by the words “best before end”

- (5) Part 5 of Schedule 2 contains exemptions from this Regulation.

24 Special storage conditions or conditions of use

- (1) If, in order to maintain the safety, quality or integrity of food, it is necessary for the final consumer to follow specific storage instructions, the food must be marked or labelled with those instructions.
- (2) If food is intended to be consumed in a condition other than that in which it is sold, it must be marked or labelled with instructions that will allow the final consumer to prepare it for consumption as intended.
- (3) Part 6 of Schedule 2 contains exceptions to this Regulation.

25 Instructions for use

- (1) Food must be labelled with instructions for use if it would be difficult to make appropriate use of the food in the absence of those instructions.
- (2) The instructions must enable the food to be used appropriately.
- (3) Part 7 of Schedule 2 contains exceptions to this Regulation.

26 Name and address of manufacturer or supplier

- (1) Food must be labelled with the name and address of the manufacturer, supplier or other person who has taken responsibility for the production or packaging of the food.
- (2) If none of the persons referred to in paragraph (1) are in the British Islands or the EEA, the food must be labelled with the name and address of the seller.
- (3) Part 8 of Schedule 2 contains exceptions to this Regulation.

27 Place of origin

- (1) Food must be labelled with a place of origin if –
 - (a) it is a food listed in paragraph (2); or
 - (b) a failure to do so could mislead the final consumer about the true country of origin or place of provenance.
- (2) The foods are –
 - (a) beef, veal, lamb, mutton, pork, goat and poultry;
 - (b) fish and shellfish;
 - (c) honey;

- (d) olive oil;
 - (e) wine;
 - (f) fruit and vegetables.
- (3) If the country of origin or place of provenance is given and it is not the same as for its primary ingredients –
- (a) the country of origin or place of provenance must also be given; or
 - (b) it must be clearly indicated that the country of origin or place of provenance of the primary ingredient is different from that of the food.
- (4) Part 9 of Schedule 2 contains exceptions to this Regulation.

28 Alcoholic strength

- (1) If a beverage contains more than 1.2% by volume of alcohol, the label must indicate the actual alcoholic strength by volume in the form of a figure and the symbol “% vol”.
- (2) The alcoholic strength of a beverage is determined at 20°C.
- (3) Part 10 of Schedule 2 contains exceptions to this Regulation.

29 Nutritional declaration

- (1) This Regulation applies to food that is made by a manufacturer that is not a manufacturer of small quantities.
- (2) If this Regulation applies, the food must be labelled with a nutritional declaration in accordance with Articles 30 to 35 of the EU Labelling Regulation.
- (3) In this Regulation, “manufacturer of small quantities” means a manufacturer that complies with all of the following –
 - (a) it is located in Jersey;
 - (b) it employs fewer than 10 individuals;
 - (c) it supplies food (including via distance selling) directly to final consumers in Jersey.
- (4) Part 11 of Schedule 2 contains exemptions from paragraph (2).

DIVISION 5 – SPECIFIC LABELLING REQUIREMENTS

30 Food requiring additional particulars

- (1) The following foods must comply with the requirements of Annex III of the EU Labelling Regulation (foods for which labelling must include additional particulars) –
 - (a) foods packaged in gases other than air;
 - (b) foods containing sweeteners;
 - (c) foods containing glycyrrhizinic acid or its ammonium salt;
 - (d) beverages, other than those listed in paragraph (2), with a caffeine content that exceeds 150 mg per litre (after reconstitution if in concentrated or dried form);

- (e) foods (other than beverages) with added caffeine;
 - (f) foods with added phytosterols, phytosterol esters, phytosterols or phytosterol esters;
 - (g) frozen meat, frozen meat preparations and frozen unprocessed fishery products.
- (2) Paragraph (1)(d) does not apply to beverages based on coffee, tea, or extracts of coffee or tea, if the name of the food includes “coffee” or “tea”.

31 Use of unusual processes

- (1) This Regulation applies if food or an ingredient is produced outside Jersey, the United Kingdom or an EEA state and in its production a process is used that is contrary to established processes in Jersey, the United Kingdom or EEA states.
- (2) If this Regulation applies, the label must indicate that the process has been used
- (2) The label must comply with Regulation 14 (requirements relating to label).
- (3) This Regulation applies to food imported from the UK, Guernsey or the Isle of Man that contains food or an ingredient to which paragraph (1) applies.

32 Prohibition on claims relating to medicinal qualities

- (1) Food must not be labelled with a claim, whether directly or by inference, that it may prevent, treat or cure a medical condition.
- (2) Paragraph (1) does not affect the right to make accurate claims about the nutritional qualities of food.

DIVISION 6 – OFFENCES UNDER THIS PART

33 Offences under this Part

A person commits an offence and is liable to a fine of level 3 on the standard scale if that person –

- (a) without reasonable excuse fails to comply with a requirement in this Part;
- (b) intentionally or recklessly marks or labels food with information that is incorrect; or
- (c) makes an alteration to information required to be marked or labelled on food without being authorised to do so by the person responsible for marking or labelling that food.

PART 3

HYGIENE

DIVISION 1 – PRELIMINARY

34 Interpretation

In this Part and Schedule 3 –

“clean seawater” means natural, artificial or purified seawater or brackish water that does not contain micro-organisms, harmful substances or toxic marine plankton in quantities capable of directly or indirectly making the food unsafe.

“clean water” means –

- (a) fresh water that does not contain micro-organisms or harmful substances in quantities capable of directly or indirectly making the food unsafe; and
- (b) clean seawater;

“food premises” means premises where food is stored, processed, prepared for sale or sold;

“potable water” means water complying with the requirements in Article 10 of the Law.

35 Application of Part 3

- (1) This Part applies to the importation, exportation, transportation, placing on the market and handling of food.
- (2) This Part does not apply to direct supply by a producer of small quantities of unprocessed primary products, except fish and shellfish, to –
 - (a) the final consumer; or
 - (b) local retail establishments directly supplying the final consumer.

36 General obligation and offence under this Part

- (1) A food business operator undertaking activities to which this Part applies must –
 - (a) take reasonable measures to ensure that food is protected against contamination and cross-contamination; and
 - (b) comply with the hygiene requirements applicable to their business set out in Regulations 37 to 48 and Schedule 3.
- (2) A person who contravenes this Regulation commits an offence and is liable to a fine.

DIVISION 2 – GENERAL HYGIENE REQUIREMENTS

37 General hygiene

- (1) A person carrying out stages of production, processing and distribution of food must comply with the hygiene requirements in the following paragraphs of Schedule 3 –

- (a) paragraph 1 (transport);
 - (b) paragraph 2 (equipment);
 - (c) paragraph 3 (water supply);
 - (d) paragraph 4 (personal hygiene).
- (2) This Regulation does not apply to primary production and the associated operations referred to in Regulation 43.

38 Foodstuffs, wrapping and heat treatment

A food business operator must comply with the hygiene requirements in the following paragraphs of Schedule 3 –

- (a) paragraph 5 (foodstuffs);
- (b) paragraphs 6 and 7 (temperature control);
- (c) paragraph 8 (wrapping and packaging);
- (d) paragraph 9 (heat treatment);
- (e) paragraph 10 (food waste).

39 Food premises other than movable and temporary premises and dwelling houses

- (1) This Regulation applies to food premises that are not –
- (a) movable and temporary premises (including marquees, market stalls and sales); or
 - (b) premises used primarily as a private dwelling house where food is regularly prepared for placing on the market.
- (2) This Regulation applies to rooms where food is prepared, treated or processed, (including rooms contained in means of transport) but not to separate dining areas.
- (3) If this Regulation applies, a food business operator must ensure that –
- (a) the premises comply with the requirements in paragraph 11 of Schedule 3; and
 - (b) the rooms comply with requirements of 12 of Schedule 3.

40 Food premises: movable and temporary premises and dwelling houses

- (1) A food business operator to which this Regulation applies, must comply with the hygiene requirements in paragraph 13 of Schedule 3.
- (2) This Regulation applies to –
- (a) movable and temporary premises (including marquees, market stalls and vehicles); and
 - (b) premises used primarily as a private dwelling house where foods are regularly prepared for placing on the market.

41 Vending machines

The owner or operator of a vending machine must comply with the hygiene requirements in paragraph 14 of Schedule 3.

42 Training

- (1) A food business operator must ensure –
 - (a) that food handlers are supervised and instructed and trained in food hygiene matters appropriate to their work activity, including risks associated with cross-contamination and the handling of allergens; and
 - (b) that those responsible for the development and maintenance of the procedure referred to in Article 14 of the Law have received adequate training in the application of the HACCP principles.
- (2) The Minister may, by Order, prescribe –
 - (a) the minimum level of training required for particular roles;
 - (b) the manner in which training must be provided; and
 - (c) training providers.

DIVISION 3 – HYGIENE REQUIREMENTS: PRIMARY PRODUCTION

43 Application of hygiene requirements for primary production

- (1) This Regulation applies to primary production and the following associated operations –
 - (a) transport, storage and handling of primary products at the place of production if this does not substantially alter the nature of the primary products;
 - (b) transport of live animals if that transport is necessary to comply with the hygiene requirements in this Part or necessary for food safety;
 - (c) delivery of products of plant origin, fishery products and wild game from the place of production to an establishment if the nature of those products has not been substantially altered.
- (2) If this Regulation applies, a food business operator must –
 - (a) take reasonable measures to ensure that primary products are protected against contamination, taking into account any processing that primary products will subsequently undergo; and
 - (b) comply with the hygiene requirements in Part 2 of Schedule 3.

DIVISION 4 – HYGIENE REQUIREMENTS: FOOD OF ANIMAL ORIGIN

44 Hygiene rules for food of animal origin

- (1) This Regulation applies to processed and unprocessed products of animal origin.
- (2) This Regulation does not apply to food containing both products of plant origin and processed products of animal origin.
- (3) This Regulation applies to retail operations only if –
 - (a) the operations are carried out with a view to the supply of the products to another establishment; and
 - (b) the operations consist of more than storage or transport.

- (4) This Regulation does not apply to the supply of food from a retail establishment to another retail establishment in Jersey if the supply is marginal and the supply is restricted.
- (5) Despite paragraph (3)(b), the food business operator must comply with the temperature requirements in paragraphs 6 and 7 of Schedule 3.

45 Obligations relating to food of animal origin

- (1) If Regulation 44 applies to a food business operator, that operator must comply with the requirements in Annexes II and III of Regulation (EC) 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 20.4.2004, p. 55).
- (2) A food business operator must not use a substance other than potable water to remove surface contamination from products of animal origin unless paragraph 3 of Schedule 3 permits the use of clean water.

47 Approval of food businesses used for products of animal origin

- (1) A person must not operate a food business to which Regulation 44 applies unless the business has been approved by the Minister.
- (2) Approval must be sought in the manner required by the Minister.
- (3) If the Minister refuses to approve the business, the operator may, within 28 days after receiving notice of the refusal, appeal against the Minister's decision to the Royal Court.
- (4) Article 53 of the Law applies, with the necessary modifications, to an appeal under this Regulation as if it were an appeal under Article 53 of the Law.

48 Raw milk

- (1) A person must not sell raw cow's milk to a final consumer unless the person complies with paragraphs (2) to (4).
- (2) The milk must comply with the following standards –

Plate count at 30°C (cfu per ml)	≤ 20,000
Coliforms (cfu per ml)	< 100
- (3) The milk must be sold from the premises on which the cows from which the milk was obtained are maintained.
- (4) The container in which the milk is sold must be labelled with the words "This milk has not been heat-treated and may therefore contain organisms harmful to health".
- (5) A person who contravenes paragraph (1) commits an offence and is liable to a fine.
- (6) In this Regulation, "raw cow's milk" means cow's milk that has not been heated beyond 40°C or undergone a treatment that has an equivalent effect.

PART 4

LICENCES

49 Interpretation

In this Part, “licence holder” means a person (including a body corporate) holding a licence.

50 Licensing of food businesses

A person must not operate a food business unless a licence has been granted to that food business.

51 Application for licence

- (1) A person must apply for a licence in the manner and form required by the Minister.
- (2) The licence application must include a list of the premises from which the food business operates or intends to operate.
- (3) The Minister must publish information setting out –
 - (a) the manner in which an application is to be made;
 - (b) the information required to be contained in the application;
 - (c) the further information, if any, that the Minister may require in relation to the application.
- (4) The Minister may, by Order, prescribe fees payable for the grant of a licence.

52 Grant of licence

- (1) The Minister may grant a licence to a person who applies for a licence.
- (2) The Minister may require that the premises from which the food business operates, or is to operate, are inspected by an authorised officer before the Minister decides whether to grant a licence.
- (3) The licence may include any conditions the Minister considers necessary.

53 Application of the Places of Refreshment Law

- (1) This Regulation applies to premises from which a licence holder operates that are places of refreshment as defined in Article 1 of the Places of Refreshment Law and are of a type referred to in paragraph (2).
- (2) The types of premises are –
 - (a) premises for which a licence is in force under the [Licensing \(Jersey\) Law 1974](#);
 - (b) premises to which paragraph (a) does not apply that are registered, or exempted from registration, under the [Tourism \(Jersey\) Law 1948](#), and in which meals or refreshments are sold only to people resident on those premises;
 - (c) premises forming part a school, and in which meals or refreshments are sold only to pupils and the staff of the school;

- (d) premises provided in connection with a workplace, and in which meals or refreshments are sold only to persons employed by the occupier of the work place;
 - (e) premises where the only refreshments sold consist of ice-cream and non-alcoholic drinks.
- (3) If this Regulation applies, the licence holder must comply with Article 12 (conduct of licensed premises) and Article 13 (permitted hours) of the Places of Refreshment Law respect of those premises.
- (4) The Minister may, with the agreement of the Minister for Sustainable Economic Development, include a condition in the licence that the premises must close earlier than the latest of the hours permitted under the Places of Refreshment Law if –
 - (a) refreshments that are made on the premises are sold for consumption off the premises; or
 - (b) after consulting the Connétable of the parish in which the premises are located, the Minister is satisfied that it is appropriate to do so in order to avoid unreasonable disturbance to residents near the premises.

54 Variation and revocation of licence

- (1) A licence holder may request, in the manner required by the Minister, that the licence is varied.
- (2) The Minister may vary or revoke a licence on their own initiative if they consider it necessary.
- (3) If the Minister refuses to vary a licence following a request under paragraph (1), or varies or revokes a licence under paragraph (2), they must notify the licence holder, in writing, of –
 - (a) the decision and the reasons for it; and
 - (b) the licence holder's right to review and appeal under Regulation 55.

55 Review by Minister and appeal to the Royal Court

- (1) A person entitled to be notified of a decision referred to in paragraph (2) ("relevant person") may, within 28 days after the notification is received, request that the Minister review the decision.
- (2) The decisions are a decision to –
 - (a) refuse to grant a licence under Regulation 52;
 - (b) impose a condition under Regulation 52;
 - (c) vary a licence under Regulation 54;
 - (d) revoke a licence under Regulation 54.
- (3) A request for a review must contain –
 - (a) the relevant person's name and address for correspondence;
 - (b) the food business to which the decision relates;
 - (c) the grounds on which the request is made, including why the relevant person disagrees with the decision.
- (4) The Minister must determine a request from a relevant person that meets the requirements of paragraph (3) within 30 working days after receiving the request.

- (5) The determination of the Minister is substituted for the original decision.
- (6) The Minister may suspend the effect of a decision that is subject to review until the determination of that review.
- (7) If, on review, the Minister upholds the original decision in whole or in part, the Minister must notify the relevant person, in writing, of –
 - (a) the decision and the reasons for the decision; and
 - (b) the relevant person's right to appeal under paragraph (8).
- (8) The relevant person may, within 28 days after the notification is received, appeal against the Minister's decision to the Royal Court.
- (9) Article 53 of the Law applies, with the necessary modifications, to an appeal under this Regulation as if it were an appeal under Article 53 of the Law.
- (10) In this Regulation, "working day" means a day, other than –
 - (a) a Saturday or Sunday;
 - (b) Christmas Day or Good Friday; or
 - (c) a day that is a public holiday under the [Public Holidays and Bank Holidays \(Jersey\) Act 2010](#).

56 Offences

- (1) A person who operates a food business without a licence commits an offence and is liable to a fine.
- (2) A person who does not comply with a condition of a licence commits an offence and is liable to a fine.
- (3) A person has a defence to an offence under paragraph (2) if the person has taken all reasonable steps available to them to comply with the condition.
- (4) A person who provides information connected with an application for a licence knowing that it is false or misleading commits an offence and is liable to a fine.

PART 5

FINAL PROVISIONS

57 Transitional provision – general

58 Transitional provision – licences

A person who is the proprietor of premises that are registered under the Places of Refreshment Law at the time these Regulations come into force is exempt from the requirement to have a licence under Part 5 of this Law until that registration expires."

59 [Places of Refreshment \(Jersey\) Law 1967](#) amended

- (1) This Regulation amends the [Places of Refreshment \(Jersey\) Law 1967](#).
- (2) In Article 1 (interpretation) –
 - (a) the following definitions are deleted –

- (i) “officer”;
 - (ii) “registered premises”;
- (b) in the definition “applicant”, for “named as proprietor in an application for the registration, or for the renewal of the registration, of a place of refreshment” there is substituted “applying for, or granted, a permit under Article 13(4)”;
- (c) after the definition “contravene” there is inserted –
“licensed premises” means premises operated by a food business operator that is licensed under Part 5 of the Food (Jersey) Regulations 202-;
- (3) Articles 2 to 11 are deleted.
- (4) In Article 12 (conduct of registered premises). in the following places. for “registered premises” there is substituted “licensed premises” –
 - (a) the heading;
 - (b) paragraph (1) in each place it occurs;
 - (c) paragraph (2) in each place it occurs;
 - (d) paragraph (3);
 - (e) paragraph (4);
 - (f) paragraph (5).
- (5) In Article 13 (permitted hours) –
 - (a) in paragraph (1), for “registered premises” there is substituted “licensed premises”;
 - (b) paragraph (3) is deleted;
 - (c) in paragraph (4), for “registered premises” there is substituted “licensed premises”;
 - (d) in paragraph (6), for “registration” there is substituted “licence”;
 - (e) paragraph (7) is deleted;
 - (f) in paragraph (8), in both places it occurs, for “registered premises” there is substituted “licensed premises”;
 - (g) in paragraph (9)(a) and (b), for “registered premises” there is substituted “licensed premises”;
 - (h) in paragraph (10), for “registered premises” there is substituted “licensed premises”;
 - (i) in paragraph (11), for “registered premises” there is substituted “licensed premises”.
- (6) After Article 13 there is inserted –

13A Notice of refusal or cancellation of permit

- (1) If a Connétable intends to refuse or revoke a permit, they must –
 - (a) inform the applicant in writing of the intended decision and provide written reasons for it; and
 - (b) inform the applicant that they may make representations about the decision to refuse or revoke the permit and the manner and time in which those representations must be made.

- (2) If, after considering any representations made by the applicant, the Connétable decides to refuse or revoke the permit, they must inform the applicant in writing of the decision and inform the applicant of their right –
 - (a) to request written reasons and the manner in which the request must be made; and
 - (b) to appeal under Article 13B.
- (3) If the applicant requests written reasons under paragraph (2)(a), the Connétable must provide those reasons within 7 days starting on the day the Connétable receives the request.

13B Right of appeal

- (1) Any person aggrieved by a decision referred to in paragraph (2) may appeal to the Inferior Number of the Royal Court on the ground that the decision of the Connétable was unreasonable having regard to all the circumstances of the case.
- (2) The appeal must be made within 15 days starting on the day after the person receives notice of the decision.
- (3) The decision of the Inferior Number of the Royal Court is final and without further appeal, but without prejudice to the right of the Inferior Number to refer the matter to the Superior Number of the Royal Court.
- (4) If a person appeals against the revocation of a permit, the revocation does not take effect until the appeal is abandoned or determined.

60 Places of Refreshment (Registration) (Fees) (Jersey) Order 2008 repealed

The Places of Refreshment (Registration) (Fees) (Jersey) Order 2008 is repealed.

61 Food Safety (Eat Safe Rating) (Jersey) Order 2017 amended

- (1) This Regulation amends the Food Safety (Eat Safe Rating) (Jersey) Order 2017.
- (2) In Article 1 (interpretation) –
 - (a) in the definition “food hygiene requirements” for “Food Hygiene (General Provisions) (Jersey) Order 1967” there is substituted “Food (Jersey) Regulations 202-”;
 - (b) in the definition “Law” for “Food Safety (Jersey) Law 1966”, there is substituted “Food (Jersey) Law 2023”.
- (3) In Article 2 (allocation and notification of Eat Safe rating) –
 - (a) in paragraph (1) for “Article 41” there is substituted “Article 26”;
 - (b) paragraph (2)(c) is deleted.

62 Citation and commencement

These Regulations may be cited as the Food (Jersey) Regulations 202- and come into force on the day the Food (Jersey) Law 2023 comes into force.

SCHEDULE 1

(Regulation 1)

ALLERGENS**1 Allergens**

The products and substances in the table, including products of, or derived from them, are allergens unless set out as an exception in the table.

	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) 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 a carrier for vitamin or carotenoid preparations; (b) fish gelatine or Isinglass used as a 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 from 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 (<i>Amygdalus communis</i> L.); hazelnuts (<i>Corylus avellana</i>); walnuts (<i>Juglans regia</i>);	Nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin.

	Product or substance	Exceptions
	cashews (<i>Anacardium occidentale</i>); pecan nuts (<i>Carya illinoensis</i> (Wangenh.) K. Koch); Brazil nuts (<i>Bertholletia excelsa</i>); pistachio nuts (<i>Pistacia vera</i>); macadamia or Queensland nuts (<i>Macadamia ternifolia</i>)	
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 SO ₂ , which are to be calculated for products as proposed ready for consumption or as reconstituted according to the manufacturer's instructions	
13	Lupin	
14	Molluscs	

2 Power to amend table

The Minister may, by Order, amend the table in paragraph 1.

SCHEDULE 2

(Regulation 8)

EXEMPTIONS FROM AND EXCEPTIONS TO LABELLING CERTAIN MANDATORY PARTICULARS**PART 1****INGREDIENTS****1 Foods not required to be labelled with list of ingredients**

The following foods do not need to be labelled with a list of ingredients –

- (a) carbonated water to which no other ingredient has been added and that is marked or labelled as being carbonated;
- (b) vinegar that is derived by fermentation exclusively from a single basic product and to which no other ingredient has been added;
- (c) cheese, butter, fermented milk and fermented cream to which no other ingredient has been added other than lactic products, enzymes and micro-organic cultures essential to manufacture or, in the case of cheese other than fresh curd cheese and processed cheese, the amount of salt needed for its manufacture;
- (d) food consisting of a single ingredient –
 - (i) if the name of the food enables the nature of the ingredient to be clearly identified by the final consumer; and
 - (ii) that contains no additives;
- (e) fresh fruit and vegetables, including potatoes, that have not been peeled, cut or treated;
- (f) beverages containing more than 1.2% by volume of alcohol;
- (g) food sold or supplied in packaging where the largest surface area is less than 10 cm² if a list of ingredients is available to the final consumer on request;
- (h) food or beverages sold in glass bottles intended for reuse by the manufacturer of the food or beverage if the bottle is indelibly marked with the ingredients and bears no label, ring or collar.

2 Constituents of food not required to be included in list of ingredients

The following constituents of a food are not required to be included in the list of ingredients –

- (a) the constituents of an ingredient that have been temporarily separated during the manufacturing process and later reintroduced but not in excess of their original proportions;
- (b) food additives and food enzymes –
 - (i) that are present in a food only because they were contained in 1 or more ingredients of that food, in accordance with the carry-over principle referred to in points (a) and (b) of Article 18(1) of the EU Additives

Regulation and serve no technological function in the finished product;
or

- (ii) that are used as processing aids;
- (c) carriers (as defined in Article 3(2) of the EU Additives Regulation) and substances that are not food additives but are used in the same way and with the same purpose as carriers, and that are used only in the quantities strictly necessary for that purpose;
- (d) substances that are not food additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in an altered form;
- (e) water –
 - (i) if the water is used during the manufacturing process solely for the reconstitution of an ingredient used in concentrated or dehydrated form;
or
 - (ii) if it is in a liquid medium that is not normally consumed.

PART 2

ALLERGENS

3 Exemption from requirement to list allergens

Allergens are exempt from the requirement to be included in the list of ingredients if the name of the food clearly refers to the allergen.

PART 3

QUANTITY OF CERTAIN INGREDIENTS OR CATEGORIES OF INGREDIENTS

4 Cases in which quantitative indication of ingredients not required

A quantitative indication of ingredients is not required –

- (a) if the drained net weight is indicated in accordance with Annex IX of the EU Labelling Regulation;
- (b) if the quantities must already appear on the label under other requirements of these Regulations or the EU Labelling Regulation;
- (c) if the ingredient is used in small quantities for the purpose of flavouring;
- (d) if the ingredient appears in the name of the food but is not likely to affect the choice of the final consumer because the variation in quantity does not characterise the food or distinguish it from other foods;
- (e) for fruits, vegetables and mushrooms and mixtures of herbs and spices that are labelled in accordance with Annex VII of the EU Labelling Regulation;
- (f) if the ingredient or category of ingredient is covered by the indication “with sweetener(s)” or “with sugar(s) and sweetener(s)” in accordance with Annex III of the EU Regulation;
- (g) for added vitamins or minerals if they are subject to a nutrition declaration under Regulation 29;

- (h) for food sold or supplied in packaging where the largest surface area is less than 10 cm²;
- (i) food or beverages sold in glass bottles intended for reuse by the manufacturer of the food or beverage if the bottle is indelibly with the quantitative indication of ingredients and bears no label, ring or collar.

PART 4

NET QUANTITY

5 Foods exempted from net quantity declaration requirements

A declaration of the net quantity is not required for foods –

- (a) that are subject to considerable loss in their volume or mass and that are sold by number or weighed in the presence of the purchaser;
- (b) if the net quantity is less than 5 g or 5 ml, unless the food is a herb or spice;
- (c) that are normally sold by number if the number of items can be seen and easily counted from the outside, or the number of items is indicated on the label.

PART 5

DURABILITY

6 Foods exempted from durability requirements

The following foods are not required to be labelled with an appropriate durability indication –

- (a) pre-packed fresh fruit and vegetables (other than sprouting seeds and similar products) unless they have been peeled, cut or similarly treated;
- (b) wines and products similar to wine made from fruit;
- (c) drinks with an alcoholic strength by volume of 10% or more;
- (d) drinks, fruit juices and fruit nectars in individual containers each of more than 5 litres that are intended for supply to caterers;
- (e) vinegar;
- (f) cooking salt;
- (g) sugar;
- (h) bread and flour confectionery that, given the nature of its content, is normally consumed within 24 hours of its preparation;
- (i) chewing gum and similar products;
- (j) confectionery products consisting solely, or almost solely, of flavoured or coloured sugars.

PART 6**SPECIAL STORAGE CONDITIONS OR CONDITIONS OF USE****7 Cases in which instructions for storage and use not required**

If instructions for storage and use would be required under Regulation 24, they are not required for the following foods –

- (a) food sold or supplied in packaging where the largest surface area is less than 10 cm²;
- (b) food or beverages sold in glass bottles intended for reuse by the manufacturer of the food or beverage if the bottle is indelibly marked with the instructions and bears no label, ring or collar.

PART 7**INSTRUCTIONS FOR USE****8 Cases in which instructions for use not required**

If instructions for use would be required under Regulation 25, they are not required for the following foods –

- (a) food sold or supplied in packaging where the largest surface area is less than 10 cm²;
- (b) food or beverages sold in glass bottles intended for reuse by the manufacturer of the food or beverage if the bottle is indelibly marked with the instructions and bears no label, ring or collar.

PART 8**NAME OF MANUFACTURER OR SUPPLIER****9 Cases in which name of food business operator not required**

The name of the manufacturer or supplier required under Regulation 26 is not required for the following foods –

- (a) food sold or supplied in packaging where the largest surface area is less than 10 cm²;
- (b) food or beverages sold in glass bottles intended for reuse by the manufacturer of the food or beverage if the bottle is indelibly marked with the name and bears no label, ring or collar.

PART 9**PLACE OF ORIGIN****10 Cases in which country of origin not required**

If an indication of the place of origin would be required under Regulation 27, it is not required for the following foods –

- (a) food sold or supplied in packaging where the largest surface area is less than 10 cm²;
- (b) food or beverages sold in glass bottles intended for reuse by the manufacturer of the food or beverage if the bottle is indelibly marked with the place of origin and bears no label, ring or collar.

PART 10**ALCOHOL CONTENT****11 Cases in which alcohol content not required**

An indication of the alcohol content is not required for the following beverages –

- (a) beverages sold or supplied in packaging where the largest surface area is less than 10 cm²;
- (b) food or beverages sold in glass bottles intended for reuse by the manufacturer of the food or beverage if the bottle is indelibly marked with the alcohol content and bears no label, ring or collar.

PART 11**NUTRITIONAL DECLARATION****12 Food exempted from requirement to include nutritional declaration**

A nutritional declaration is not required for the following foods –

- (a) unprocessed products that consist of a single ingredient or category of ingredients;
- (b) processed products that have only be subjected to the process of maturing and that consist of a single ingredient or category of ingredients;
- (c) waters intended for human consumption, including those where the only added ingredients are carbon dioxide or flavourings;
- (d) herbs, spices or mixtures of herbs and spices;
- (e) salt and salt substitutes;
- (f) table top sweeteners;
- (g) coffee extracts and chicory extracts, whole or milled coffee beans and whole or milled decaffeinated coffee beans;
- (h) herbal and fruit infusions, tea, decaffeinated tea, instant or soluble tea or tea extract, decaffeinated instant or soluble tea or tea extract containing no added

ingredients other than flavourings that do not modify the nutritional value of the product;”

- (i) fermented vinegars and substitutes for vinegar, including those where the only added ingredients are flavourings;
- (j) flavourings;
- (k) food additives;
- (l) processing aids;
- (m) food enzymes;
- (n) gelatine;
- (o) jam setting compounds;
- (p) yeast;
- (q) chewing gum;
- (r) food in packaging or containers where the largest surface area is less than 25 cm².

SCHEDULE 3

(Regulation 38)

HYGIENE MEASURES

PART 1

GENERAL HYGIENE MEASURES

1 Transport

- (1) Conveyances and containers used for transporting foodstuffs must –
 - (a) be kept clean and maintained in good repair and condition to protect foodstuffs from contamination; and
 - (b) be designed and constructed to permit adequate cleaning and disinfection.
- (2) Containers in conveyances must not be used for transporting anything other than foodstuffs if doing so could result in contamination.
- (3) If conveyances and containers are used for transporting anything in addition to foodstuffs, or are used for transporting different foodstuffs at the same time, products must be separated if necessary.
- (4) Bulk foodstuffs in liquid, granulate or powder form must be transported in receptacles and containers reserved for the transport of foodstuffs.
- (5) Containers must be marked in a clearly visible and indelible manner, in English, to show that they are used for the transport of foodstuffs.
- (6) If conveyances and containers have been used for transporting anything other than foodstuffs or have been used for transporting different foodstuffs, there must be effective cleaning between loads to avoid the risk of contamination.
- (7) Foodstuffs in conveyances and containers must be placed and protected in a way that minimises the risk of contamination.
- (8) If necessary, conveyances and containers used for transporting foodstuffs must be capable of maintaining foodstuffs at appropriate temperatures and must allow those temperatures to be monitored.

2 Equipment requirements

- (1) All articles, fittings and equipment with which food comes into contact, except non-returnable containers and packaging, must –
 - (a) be effectively cleaned and, if necessary, disinfected with a frequency that is sufficient to avoid the risk of contamination;
 - (b) be constructed and made of materials that minimise the risk of contamination that and enable them to be kept clean and, if necessary, disinfected;
 - (c) be kept in good order, repair and condition;
 - (d) be installed in a manner that allows adequate cleaning of the equipment and the surrounding area.
- (2) If necessary, equipment is to be fitted with appropriate control devices that guarantee compliance with paragraphs 6 and 7.

- (3) If chemical additives have to be used to prevent corrosion of equipment and containers, they must be used in accordance with standard practice and manufacturer's instructions.

3 Water supply

- (1) Premises on which a food business operates must have an adequate supply of potable water that must be used whenever necessary to ensure that foodstuffs are not contaminated.
- (2) Clean water may be used –
 - (a) with whole fishery products;
 - (b) with live bivalve molluscs, echinoderms, tunicates and marine gastropods; and
 - (c) to wash non-food contact surfaces.
- (3) If clean water is used, it must not be a source of contamination for the foodstuffs.
- (4) If non-potable water is used (for example for fire control, steam production, refrigeration and other similar purposes) it must circulate in a separate, identified system and must not connect with, or allow reflux into, potable water systems.
- (5) Recycled water used in processing or as an ingredient must not present a risk of contamination and must be of the same standard as potable water, unless the Minister is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.
- (6) Ice that comes into contact with food, or that could contaminate food, must be
 - (a) made from potable water or, when used to chill whole fishery products, clean water; and
 - (b) made, handled and stored under conditions that protect it from contamination.
- (7) Steam used directly in contact with food must not contain a substance that presents a hazard to health or is likely to contaminate the food.
- (8) If heat treatment is applied to foodstuffs in hermetically sealed containers, the water used to cool the containers after heat treatment must not be a source of contamination for the foodstuff.

4 Personal hygiene

- (1) Every person working in an area where food is handled must –
 - (a) maintain a high degree of personal cleanliness;
 - (b) wear suitable, clean and, if necessary, protective clothing;
 - (c) not do the following within the food-handling area –
 - (i) spit;
 - (ii) use a tobacco product or a device intended for the inhalation of vaporised nicotine or another substance.
- (2) A person must not be permitted to handle food or enter an area where food is handled if there is a likelihood of direct or indirect contamination and if the person is –
 - (a) suffering from, or a carrier of, a disease likely to be transmitted through food; or
 - (b) afflicted with infected wounds, skin infections, sores or diarrhoea.

- (3) A person affected by a disease or condition in sub-paragraph (2) who is employed in a food business, and who is likely to come into contact with food, must immediately report the illness or symptoms, and if possible their causes, to the food business operator.

5 Foodstuffs

- (1) A food business operator must not accept raw materials or ingredients, other than live animals, or other material used in processing products, if –
- (a) they are known to be, or might reasonably be expected to be, contaminated with parasites, pathogenic micro-organisms or toxic, decomposed or foreign substances; and
 - (b) after the food business operator has applied normal sorting and preparatory or processing procedures, the final product would remain unfit for human consumption.
- (2) Raw materials and ingredients stored by a food business must be kept in appropriate conditions designed to prevent harmful deterioration and to protect them from contamination.
- (3) At all stages of production, processing and distribution, food must be protected against contamination that is likely to render the food unfit for human consumption, injurious to health or contaminated in a way that it would be unreasonable to expect it to be consumed in that state.
- (4) Adequate procedures must be in place to control pests and to prevent domestic animals from having access to places where food is prepared, handled or stored (or, where the Minister so permits in special cases, to prevent that access from resulting in contamination).
- (5) Food businesses that manufacture, handle and wrap processed foodstuffs must have –
- (a) suitable rooms that are large enough for the separate storage of raw materials from processed material; and
 - (b) sufficient separate refrigerated storage.
- (6) Hazardous and inedible substances, including animal feed, must be adequately labelled and stored in separate and secure containers.
- (7) Equipment, conveyances and containers used for the processing, handling, transport or storage of allergens must not be used for the processing, handling, transport or storage of food not containing that allergen, unless the equipment, conveyances and containers have been cleaned and checked at least for the absence of a visible debris of allergen.

6 Temperature control: chill holding

- (1) This paragraph applies to raw materials, ingredients, intermediate products and finished products likely to support the reproduction of pathogenic micro-organisms or the formation of toxins at temperatures exceeding 8°C.
- (2) Food to which this paragraph applies must not be kept at or in food premises at a temperature exceeding 8°C.

- (3) Food referred to in sub-paragraph (1) that is being conveyed as part of a distance selling transaction to a final consumer must be kept at a temperature that is not likely to give rise to a risk to health.
- (4) The cold chain must not be interrupted but limited periods outside temperature control are permitted to accommodate the practicalities of handling during preparation, transport, storage, display and service of food, if it does not result in a risk to health.
- (5) If foodstuffs are to be held or served at chilled temperatures they must be cooled as quickly as possible following the heat-processing stage, or final preparation stage if no heat process is applied, to a temperature that does not result in a risk to health.
- (6) The thawing of foodstuffs must be undertaken in a way that minimises the risk of growth of pathogenic micro-organisms or the formation of toxins in the foods.
- (7) During thawing, foods must not be subjected to temperatures that would result in the food presenting a risk to health.
- (8) Following thawing, food must be handled in a manner that minimises the risk of growth of pathogenic micro-organisms or the formation of toxins.
- (9) If run-off liquid from the thawing process may present a risk to health it must be adequately drained.

7 Temperature control: hot holding

Food must be kept at or above 63°C if it is food that –

- (a) has been cooked or reheated for service or is displayed for sale; and
- (b) needs to be kept at or above 63°C to control the growth of pathogenic micro-organisms or the formation of toxins.

8 Wrapping and packaging of foodstuffs

- (1) Material used for wrapping and packaging must not be a source of contamination.
- (2) Wrapping materials must be stored in a manner that ensures that they are not exposed to a risk of contamination.
- (3) Wrapping and packaging operations must be carried out in a manner that avoids contamination of the products.
- (4) If appropriate and in particular in the case of cans and glass jars, the integrity of the container's construction and its cleanliness must be assured.
- (5) Wrapping and packaging material reused for foodstuffs must be easy to clean and to disinfect.

9 Heat treatment

- (1) Food placed on the market in hermetically sealed containers must comply with this paragraph.
- (2) Heat treatment processes used to process an unprocessed product or to process further a processed product must –
 - (a) raise every part of the product treated to an appropriate temperature for an appropriate period of time; and
 - (b) prevent the product from becoming contaminated during the process.

- (3) Food business operators must regularly check the main relevant parameters (particularly temperature, pressure, sealing and microbiology), including by the use of automatic devices, to ensure that the process in use achieves the desired objectives.
- (4) The process used must conform to an internationally recognised standard (for example, standards for pasteurisation, ultra-high temperature or sterilisation).

10 Food waste

- (1) Food waste must be removed from rooms where food is present as quickly as possible, to avoid their accumulation.
- (2) Food waste must be deposited in closable containers, unless food business operators can demonstrate to the Minister that other types of containers or evacuation systems used are appropriate.
- (3) Containers must be of an appropriate construction, be kept in sound condition, be easy to clean and to disinfect.
- (4) Adequate provision must be made for the storage and disposal of food waste.
- (5) Refuse stores must be designed and managed in a way that enables them to be kept clean and, where necessary, free of animals and pests.
- (6) All waste must be eliminated in a hygienic and environmentally friendly way and must not constitute a direct or indirect source of contamination.
- (7) In this paragraph “food waste” means waste food, non-edible by-products and other refuse but does not include surplus food that the food business operator intends to donate under Article [2] of the Food (Jersey) Order 202-.

PART 2

FOOD PREMISES

11 General requirements for food premises

- (1) Food premises must be kept clean and maintained in good repair and condition.
- (2) The layout, design, construction, siting and size of food premises must –
 - (a) permit adequate maintenance, cleaning and disinfection, avoid or minimise airborne contamination, and provide adequate working space to allow for the hygienic performance of all operations;
 - (b) protect against the accumulation of dirt, contact with toxic materials, the shedding of particles into food and the formation of condensation or undesirable mould on surfaces;
 - (c) permit good food hygiene practices, including protection against contamination and, in particular, pest control; and
 - (d) where necessary, provide suitable temperature-controlled handling and storage conditions that are –
 - (i) of sufficient capacity for maintaining foodstuffs at appropriate temperatures; and
 - (ii) designed to allow those temperatures to be monitored and, where necessary, recorded.

- (3) An adequate number of flush lavatories must be available, connected to an effective drainage system and not directly opening into rooms in which food is handled.
- (4) An adequate number of washbasins must be available that are –
 - (a) designated for washing hands;
 - (b) provided with hot and cold running water and materials for washing and hygienically drying hands; and
 - (c) where necessary, separate from the facilities for washing food.
- (5) There must be suitable and sufficient means of natural or mechanical ventilation.
- (6) Mechanical airflow from a contaminated area to a clean area must be avoided.
- (7) Ventilation systems must be constructed in a manner that enables filters and other parts requiring cleaning or replacement to be readily accessible.
- (8) Sanitary conveniences must have adequate natural or mechanical ventilation.
- (9) Food premises must have adequate natural or artificial lighting.
- (10) Drainage facilities must be adequate for the purpose intended and must be designed and constructed to avoid the risk of contamination.
- (11) If drainage channels are fully or partially open, they must be designed to ensure that waste does not flow from a contaminated area towards or into a clean area, in particular an area where foods likely to present a high risk to the final consumer are handled.
- (12) Adequate changing facilities for personnel must be provided.
- (13) Cleaning agents and disinfectants must not be stored in areas where food is handled.
- (14) A room directly opening into a sleeping place must not be used for the handling of food.

12 Rooms where foodstuffs are prepared, treated or processed

- (1) The design and layout of rooms where food is prepared, treated or processed (including rooms contained in means of transport) must permit good food hygiene practices, including protection against contamination between and during operations.
- (2) In particular –
 - (a) floor surfaces must be maintained in a sound condition and be easy to clean and to disinfect and, where appropriate, must allow adequate surface drainage;
 - (b) wall surfaces must be maintained in a sound condition and be easy to clean and to disinfect;
 - (c) ceilings (or, where there are no ceilings, the interior surface of the roof) and overhead fixtures must be constructed and finished in a way that prevents the accumulation of dirt and reduces condensation, the growth of undesirable mould and the shedding of particles;
 - (d) windows and other openings must be constructed to prevent the accumulation of dirt and if they can be opened to the outside environment must, where necessary, be fitted with insect-proof screens that, can be easily removed for cleaning;
 - (e) if open windows would result in contamination, windows are to remain closed and fixed during production;
 - (f) doors must be easy to clean and to disinfect; and

- (g) surfaces (including surfaces of equipment) in areas where foods are handled and in particular those in contact with food, must be maintained in a sound condition and must be easy to clean and to disinfect.
- (3) Surfaces (including floors, walls and surfaces of equipment) must be cleaned using impervious, non-absorbent, washable and non-toxic materials unless the food business operator can satisfy the Minister that other materials used are appropriate.
- (4) Adequate facilities that are constructed of corrosion-resistant materials, easy to clean and have an adequate supply of hot and cold water must be provided, where necessary, for the cleaning, disinfecting and storage of utensils and equipment.
- (5) Adequate provision must be made, where necessary, for washing food and every sink or other facility provided for the washing of food must have an adequate supply of hot or cold potable water consistent with the requirements of paragraph 3 and must be kept clean and, where necessary, disinfected.
- (6) Rooms used for the preparation of food must not be used as a sleeping place.

13 Requirements for movable and temporary premises and premises used primarily as a private dwelling house

- (1) Premises must be, so far as is reasonably practicable, sited, designed, constructed and kept clean and maintained in good repair and condition to avoid the risk of contamination, in particular by animals and pests.
- (2) In particular, where necessary –
 - (a) appropriate facilities must be available to maintain adequate personal hygiene (including facilities for the hygienic washing and drying of hands, hygienic sanitary arrangements and changing facilities);
 - (b) surfaces in contact with food must be in a sound condition and be easy to clean and, where necessary, to disinfect and must be made of smooth, washable, corrosion-resistant and non-toxic materials, unless food business operators can satisfy the competent authority that other materials used are appropriate;
 - (c) adequate provision is to be made for the cleaning and, where necessary, disinfecting of utensils and equipment;
 - (d) where foodstuffs are cleaned as part of the food business's operations, adequate provision must be made for this to be undertaken hygienically;
 - (e) an adequate supply of hot or cold potable water must be available;
 - (f) adequate arrangements and facilities for the hygienic storage and disposal of hazardous and inedible substances and waste (whether liquid or solid) must be available;
 - (g) adequate facilities and arrangements for maintaining and monitoring suitable food temperature conditions must be available;
 - (h) foodstuffs must be placed in a way that avoids the risk of contamination so far as is reasonably practicable.
- (3) Stalls, vehicles and rooms used for the preparation of food must not be used as a sleeping space.

14 Vending machines

- (1) Vending machines must be, so far as is reasonably practicable, sited, designed, constructed and kept clean and maintained in good repair and condition to avoid the risk of contamination, in particular by animals and pests.
- (2) In particular –
 - (a) surfaces in contact with food must be in a sound condition and must be easy to clean and to disinfect;
 - (b) adequate provision must be made for the cleaning and, where necessary, disinfecting of the machine;
 - (c) adequate arrangements and facilities for the hygienic storage and disposal of hazardous and inedible substances and waste (whether liquid or solid) must be available;
 - (d) adequate facilities and arrangements for maintaining and monitoring suitable food temperature conditions must be available;
 - (e) foodstuffs must be placed in a way that avoids the risk of contamination, so far as is reasonably practicable.
- (3) The machine must be cleaned using impervious, non-absorbent, washable and non-toxic materials, unless the operator of the vending machine can satisfy the Minister that other materials used are appropriate.

PART 3

PRIMARY PRODUCTION AND ASSOCIATED PROCESSES

15 Primary production: general requirements

Food business operators producing primary products must take appropriate and adequate measures –

- (a) to keep clean and, where necessary after cleaning, to disinfect, in an appropriate manner, equipment, containers, crates, vehicles and vessels;
- (b) to use potable water, or clean water, whenever necessary to prevent contamination;
- (c) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
- (d) as far as possible to prevent animals and pests from causing contamination;
- (e) to store and handle waste and hazardous substances in a way that prevents contamination; and
- (f) to take account of the results of relevant analyses carried out on samples taken from animals or other samples that have importance to human health.

16 Primary production: measures relating to allergens

Equipment, conveyances and containers used for the harvesting, transport or storage of an allergen must not be used for the harvesting, transport or storage of food not containing that substance or product, unless the equipment, conveyances and containers have been cleaned and checked at least for the absence of visible debris of that substance or product.

17 Operators rearing, harvesting or hunting animals or producing primary products of animal origin

Food business operators rearing, harvesting or hunting animals or producing primary products of animal origin must take appropriate and adequate measures –

- (a) to keep facilities used in connection with primary production and associated operations, including facilities used to store and handle feed, clean and, where necessary after cleaning, disinfected in an appropriate manner;
- (b) as far as possible to ensure the cleanliness of animals going to slaughter and, where necessary, production animals;
- (c) to prevent the introduction and spread of contagious diseases transmissible to humans through food, including by taking precautionary measures when introducing new animals and reporting suspected outbreaks of those diseases to the Minister; and
- (d) to use feed additives and veterinary medicinal products correctly, as required by legislation applying to their use.

18 Operators producing or harvesting plant products

Food business operators producing or harvesting plant products are to take appropriate and adequate measures –

- (a) to ensure hygienic production, transport and storage conditions for plant products;
- (b) to ensure the cleanliness of plant products; and
- (b) to use plant protection products and biocides correctly, as required by legislation applying to their use.