

# STATES OF JERSEY



Jersey

## **DRAFT FOOD (JERSEY) REGULATIONS 202- (P.113/2025): AMENDMENT**

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**Lodged au Greffe on 24th February 2026  
by the Environment, Housing and Infrastructure Scrutiny Panel  
Earliest date for debate: 10th March 2026**

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**STATES GREFFE**

DRAFT FOOD (JERSEY) REGULATIONS 202- (P.113/2025): AMENDMENT

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**1 PAGE 44, REGULATION 56 –**

In Regulation 56, delete paragraph (4).

**2 PAGE 47, REGULATION 62 –**

In Regulation 62(1), for “1 October 2026 is exempt from the requirement to have a licence under Part 4 of these Regulations” substitute “Part 4 of these Regulations comes into force is exempt from the requirement to have a licence under that Part”.

**3 PAGE 50, REGULATION 66 –**

In Regulation 66, for “1 October 2026” substitute “a day to be specified by the States by Act”.

ENVIRONMENT, HOUSING AND INFRASTRUCTURE SCRUTINY PANEL

## REPORT

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This amendment accompanies the Environment, Housing & Infrastructure Scrutiny Panel's Comments to the Draft Food (Jersey) Regulations 202- ([P.113/2025.Com](#)).

### Introduction

The Panel fully supports the overarching intention of the Regulations to modernise Jersey's food regulation framework and safeguard public health but remains concerned about the inclusion of a business pays licensing model and does not consider that the Regulation Directorate will be ready to implement the Regulations consistently or with sufficient clarity by the commencement date of 1st October 2026.

### Background

The Draft Food (Jersey) Regulations 202- ([P.113/2025](#)) were lodged by the Minister for the Environment ('the Minister') on 10th December 2025. The main provisions introduced by the Regulations are:

- Mandatory food allergen labelling
- Updating and consolidating the existing food hygiene legislation
- A new food licensing scheme

Over the 2025 summer period, the Government of Jersey undertook a ten-week consultation on the draft proposals.<sup>1</sup> The Panel's first briefing took place in July 2025 on the proposals and, following the publication of the [Consultation Feedback Report](#), the Panel received a further briefing in November 2025 on the consultation results.

In order to support its scrutiny of the Regulations, the Panel requested written submissions from the Jersey Hospitality Association, Chamber of Commerce and Jersey Business and published a survey targeted at food organisations. While no written submissions were received from those organisations, the survey gathered ninety responses<sup>2</sup> and the Panel received written submissions from The Sustainable Co-Operative<sup>3</sup> ('SCOOP') and Jersey Association of Child Carers.<sup>4</sup>

Finally, the Panel held a public hearing with the Minister and Departmental Officers on 9th February 2026 to clarify the proposals, seek the Minister's response to the survey findings, and examine the intended plans for implementation.

### Licence Fees

The Panel's survey gathered 90 responses, representing a broad range of food operators, including cafés, restaurants, home-based producers, farmers, retailers, fishers, charities, and mobile vendors. The responses demonstrated: <sup>5</sup>

- 74% of respondents strongly opposed the principle of business contribution for licensing or inspection services.
- Serious concern regarding the affordability of proposed fees, particularly in the context of rising operating costs.

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<sup>1</sup> [Gov.je Consultation Page - Food \(Jersey\) Regulations 202-](#)

<sup>2</sup> [Results Summary](#)

<sup>3</sup> [2026.01.21 Written Submission - The Sustainable Co-Operative](#)

<sup>4</sup> [2026.01.17 Written Submission - Jersey Association of Child-Carers](#)

<sup>5</sup> [Results Summary](#)

- Widespread preference for exemptions or reduced fees for small operators, charities, and part-time or seasonal businesses.
- Fear of business closure or reduction in services for micro and small businesses.

The Panel received concern from the survey results, as well as a written submission from SCOOP, that the fees would disproportionately affect small producers, micro-businesses, and early-career food enterprises<sup>6</sup> and that a risk-based fee structure would discourage businesses from offering allergen-friendly or higher-risk foods, potentially forcing some to reduce production or close altogether.<sup>7</sup>

The Panel is concerned that this will reduce market participation, consumer choice, and the diversity of Jersey's local food economy, which could lead to a greater reliance on the importation of food. Such contraction may also have wider implications for the hospitality and tourism sectors, which rely on the availability of varied, locally produced food. These impacts sit at odds with the government's wider aims of supporting entrepreneurship, the rural economy, and a vibrant economy, particularly the Common Strategic Priority of "enhancing opportunities for business".<sup>8</sup>

The Panel also noted that the government's [Consultation Paper](#) stated that the charging model was designed to "recoup the cost-of-service delivery" and set out an estimated annual cost of food safety functions of £300,000.<sup>9</sup> However, the [Accompanying Report](#) removed this explanation, and, during a public hearing held on 9th February 2025, Regulation Directorate Officers clarified that the proposed fee model represents only partial cost recovery.<sup>10</sup> This shift has raised concerns that consultees may not have been presented with a consistent justification for the fees or a transparent explanation of how charges were derived.

Moreover, although the Panel relied on the illustrative fee model set out in the [Consultation Paper](#) for its scrutiny, the Minister's ongoing reconsideration of the licensing fees means that the Panel has been unable to scrutinise the final confirmed proposals. The Panel remains seriously concerned that there is no clear explanation of how the licensing fees will ultimately be calculated.

Finally, the Panel noted that, during the public hearing, the Minister repeatedly stressed that the Regulations are a public health measure.<sup>11</sup> The Panel considers that if public health protection is the primary purpose of the Regulations, then the associated costs should be met by central government, not transferred to businesses. Food safety underpins consumer confidence and the wider reputation of Jersey's food sector, helping to prevent the kinds of incidents that carry far broader social and economic consequences. In this context, the Panel considers it reasonable that the funding of these protections reflects their wider public benefit.

Given the significant opposition to a business-pays fee model, the potential erosion of diversity and choice within Jersey's small-scale food economy, the absence of a detailed and transparent fee proposal, the lack of clarity over how fees would be calculated and the Minister's own emphasis that the Regulations are fundamentally a matter of public health, the Panel propose to remove the Minister's ability to levy fees for licences.

If adopted, Part 1 this amendment would ensure that the new licensing framework proceeds without introducing fees for food businesses, thereby preventing additional financial and administrative pressures. This avoids the risk of local business closures, reduced services, or decreased participation from the smallest operators to preserve diversity, consumer choice, and the vitality of Jersey's local food economy.

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<sup>6</sup> [Results Summary](#)

<sup>7</sup> [Results Summary](#)

<sup>8</sup> [Common Strategic Policy 2024 to 2026.pdf](#)

<sup>9</sup> [Public Hearing Transcript](#), pg. 24

<sup>10</sup> [Public Hearing Transcript](#), pg. 27

<sup>11</sup> [2026.02.09 Public Hearing Transcript](#), pg. 14

The Directorate has confirmed that these functions can be delivered within existing resources, and the Panel therefore understands that this amendment would not weaken the regulatory or public-health protections within the Regulations, as inspection and compliance requirements would continue unchanged.

### Commencement Date

Throughout its scrutiny, the Panel identified significant uncertainty regarding the scope of the Regulations and the activities to which they will apply.

The Panel understands from its briefings that Regulations consider five types of food businesses, alongside a list of out-of-scope activities described in Article 2. However, the boundaries between these categories remain unclear, and the Panel was unable to obtain consistent explanations of how common activities such as occasional fundraising events, voluntary food provision, or minor packing and processing at hedge-veg stands, would be treated in practice.

Conflicting information as set out in the Regulations, [Accompanying Report](#), and evidence provided during the public hearing further added to this uncertainty. Officers acknowledged that their examples and classifications were “*not an exhaustive list*”, had not undergone full consultation, and that its communications would require substantial further development before implementation.<sup>12</sup>

This lack of clarity has already created significant uncertainty for those seeking to understand their obligations, with the submissions received from SCOOP<sup>13</sup> and Jersey Association of Child Carers<sup>14</sup> expressing a lack of clarity about how the Regulations will apply to organisations of their type.

In addition to the lack of clarity on scope, the Panel identified substantial concerns regarding the Directorate's readiness to implement the Regulations by the specified commencement date of 1st October 2026.

During the public hearing, Officers were clear that key operational work was not yet underway, stating that progressing implementation “*is not in train at the moment*” and further acknowledging that they “*would only look to consider how operationally we may be able to implement this once we get the agreement from the Assembly*”.<sup>15</sup> The Panel also heard that digital development work is dependent on future prioritisation and funding.<sup>16</sup>

Officers further noted that the full scale of affected food businesses is not yet known, acknowledging that “*we do not know what we do not know*” regarding operators not currently registered.<sup>17</sup> This indicates that the foundational scoping work required to implement the Regulations is incomplete.

Finally, the Panel notes that the [Accompanying Report](#) states that the Minister intends to return to the Assembly closer to 1st October 2026 with a more developed fee model for the licensing scheme.<sup>18</sup> While the Panel has lodged an amendment to remove the Minister's ability to levy fees, the absence of a confirmed fee proposal reinforces the overall lack of readiness and Directorate's inability to provide clear and reliable information to businesses ahead of the proposed commencement date.

When asked directly whether the proposed timeline was achievable, the Minister responded: “*We hope so.*”<sup>19</sup> The Panel does not consider this sufficient assurance for a major regulatory transition

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<sup>12</sup> [2026.02.09 Public Hearing Transcript](#), pg. 16

<sup>13</sup> [2026.01.21 Written Submission - The Sustainable Co-Operative](#)

<sup>14</sup> [2026.01.17 Written Submission - Jersey Association of Child-Carers](#)

<sup>15</sup> [2026.02.09 Public Hearing Transcript](#), pg. 35

<sup>16</sup> [2026.02.09 Public Hearing Transcript](#), pg. 36

<sup>17</sup> [2026.02.09 Public Hearing Transcript](#), pg. 41

<sup>18</sup> [2026.02.09 Public Hearing Transcript](#), pg. 14

<sup>19</sup> [2026.02.09 Public Hearing Transcript](#), pg. 36

affecting hundreds of operators across a sector valued at £215 million a year, one that the Minister himself stressed must not be put at risk.<sup>20</sup>

Given the lack of clarity on the scope of the Regulations, the incomplete guidance and communications, the absence of progressed operational systems and the Minister's caution that the food sector must not be put at risk, the Panel considers that the fixed commencement date of 1st October 2026 serves as an unrealistic timetable that will place undue pressure on both the Department and industry.

Proceeding with a fixed commencement date in these circumstances risks undermining confidence in the implementation process and without adequate time for meaningful engagement, clear guidance, and collaborative planning, there is a significant risk that stakeholders will feel unprepared and unsupported, ultimately affecting the effective functioning of the Regulations.

The Panel therefore believes it in the best interest of both the Directorate and industry to remove the commencement date from the Regulations through Part 2 of the amendment. This will allow the Directorate sufficient time to finalise guidance, complete operational planning, consult meaningfully with industry and the public, and bring forward a commencement date only when it is confident that the necessary clarity, systems, and engagement are in place.

Part 3 of the amendment will allow the commencement date to be set by Act of the States Assembly, ensuring that implementation occurs only when the Minister and the Assembly are satisfied that the necessary preparations are in place, thereby avoiding unnecessary disruption to the food sector.

While this may delay commencement of the Regulations, it also provides the flexibility for the Assembly to bring them into force on 1st October 2026 if the Directorate can demonstrate readiness, or earlier if appropriate.

### **Financial and staffing implications**

Removing the ability to levy fees would mean that the cost of administering and enforcing the food safety regime would remain funded by central government, as is currently the case. Officers have confirmed that while the new licensing system may create some additional work, it is anticipated that this will largely be absorbed within the existing inspection regime. There are no additional manpower implications arising from Part 1 of the amendment.

Parts 2 and 3 of the amendment are also not expected to have any direct staffing or financial implications for the Regulation Directorate, as implementation work is already intended to be delivered within existing resources. However, removing the fixed commencement date may alter the sequencing of this work, allowing staffing and financial requirements to be phased more appropriately over time.

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<sup>20</sup> [2026.02.09 Public Hearing Transcript](#), pg. 39