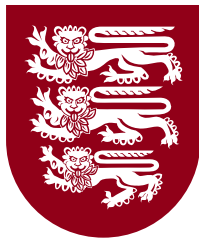


STATES OF JERSEY



Jersey

DRAFT FOOD (JERSEY) REGULATIONS 202-

Lodged au Greffe on 10th December 2025
by the Minister for the Environment
Earliest date for debate: 3rd February 2026

STATES GREFFE

REPORT

Background

In December 2022, the States Assembly passed the [Food \(Jersey\) Law 2023 \(P.105/2022\)](#). Once enacted, this Law will replace the [Food Safety \(Jersey\) Law 1966](#), modernising the regulation of food in Jersey to better protect human health and consumer interests.

As is standard practice, the new Law outlines several areas where secondary (or subordinate) legislation is required to bring certain of its provisions into effect. For example, Article 20 of the primary Law stated that Regulations may make provision relating to allergens – and this is what, among other things, these Regulations do.

A draft of the proposed Regulations was subject to a ten-week consultation over the summer and while few changes have been required as a result, the exercise provided an opportunity for members of the public and food businesses to comment on the proposals. A total of 129 responses were received, with almost an equal number of responses from members of the public and food businesses. The exercise also served to raise the profile of the impending Regulations and presented an opportunity to explain the rationale behind them and to say more about their content.

Across the consultation, the responses generally indicated strong support for the Minister's proposals as set out in the draft Regulations in the following areas:

Food allergen labelling:

There was overwhelming support for introducing legal requirements for food allergen labelling in Jersey, across both food businesses and members of the public.

Labelling approach:

A majority of respondents agreed that the overall approach proposed to labelling and allergens struck the right balance between protecting consumers and being practical for food businesses.

Food hygiene legislation:

There was overwhelming support for updating and consolidating existing food hygiene legislation into a single set of Regulations.

In bringing forward these Regulations, the aim is to strike a balance between protecting public health, recognising that in the most serious cases, unsafe food can cause illness or death, while avoiding unnecessary burdens on food businesses that could limit the variety and availability of food.

Guidance

The Regulations if adopted are scheduled to come into force on 1 October 2026. In advance of this date, there will be comprehensive guidance on how the Regulations will work in practice. This guidance will include links to useful resources, such as those from the UK Food Standards Agency, which has supported similar legislation and provides particularly helpful materials for food businesses. This would be supplemented by a Jersey-focused Q & A section answering common queries raised around the implementation of the new Regulations.

The overall approach is intended to be supportive, encouraging businesses to demonstrate a duty of care to their customers while continuously improving and maintaining high standards. The goal

is to provide effective oversight without being burdensome with a light-touch approach where possible, but always with public health as the priority.

The intention in drawing up these Regulations has never been to extend the scope of the food regulatory framework into areas, occasions, events or individuals that have up to now functioned quite adequately without such oversight or intervention.

The focus of these Regulations is centred on food businesses which are undertakings, whether for profit or not, public or private, that carries out activities relating to any stage of production of food.

While it is impossible to cover all ‘real world’ situations, descriptors such as occasional, small-scale, and one-off help determine whether food made or served at particular events is or is not within scope of the Regulations – both licensing and labelling. Of course, pragmatic assessments may often need to be made.

There is a provision that some food activities are occasional, small-scale and very low risk will not be subject to these Regulations. To clarify further, charities that do not operate as a food business are out of scope. When assessing whether a business or charitable undertaking is covered by these Regulations, the regularity of activity and degree of organisation would be taken into account.

Furthermore, the Minister has Order-making powers to amend the scope of the Regulations to cover various circumstances, including exclusions of categories of person/organisation, particular types of events, and temporary or one-off instances.

Examples include:

- Cakes made for a school/community fête or charity cake sale by home bakers
- Food prepared at home for a cultural celebration (e.g. Lunar New Year)
- Food being prepared for a wake by family members
- Christmas or Liberation Day celebratory parish meals for senior parishioners held at the parish/community hall
- The annual Royal Square Soup Kitchen
- Barbeque and events for youth organisations, i.e. Scout Clubs
- Sports team coach providing homemade sandwiches and/or orange segments after a match
- Volunteers providing coffee, tea and biscuits to members after an event
- School children providing own ingredients for a cookery class, to take home and eat
- A colleague bringing in homemade treats to share in the workplace

In these cases:

- Licensing under the Food Law would not be required
- Labelling requirements would not apply

However, food must still be safe to eat, and anyone preparing or serving food would be strongly encouraged to follow food hygiene and safety best practices and provide accurate ingredient and allergen information where possible.

Detail

These draft Regulations cover the proposed regulatory framework around Food Standards (including Labelling and Food Allergens information) [Part 2], Food Hygiene and Safety [Part 3], and Licensing of food businesses [Part 4].

The primary aim of the proposed Regulations is to protect human health and consumer interests by ensuring that food placed on the market is safe, accurately described and handled hygienically throughout the supply chain. This will ultimately benefit everyone on the Island, both residents and visitors.

As the Island increasingly promotes its distinctive offerings, including local produce and cuisine, visitors are likely to assume that food safety standards particularly those relating to allergens are equivalent to those in their home jurisdiction. It is important that these expectations are met to ensure public confidence.

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

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

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

Food standards including allergens

While much of the current food laws remain fit for purpose, one of the most high-profile gaps in Jersey's current food legislation and frequently highlighted by the public and media is the lack of direct legal provision for allergen labelling. Our current legislation on food labelling dates back to 2005 and pre-dates the relevant EU/UK legislation that introduced allergen requirements in 2014.

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

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

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

Improving the provision of information to consumers about food allergens present in more food settings means they will have greater confidence and safety in the food they buy or consume.

We should take proactive steps now to reduce the risk of a serious incident occurring in Jersey, rather than waiting for it to occur.

Labelling requirements and allergen information

Given there is currently no cure for food allergies or coeliac disease (or intolerances), the only way to manage these conditions is strict avoidance of allergenic foods and the availability of emergency treatment for accidental exposure. This is why it is essential that the public have access to accurate information available to make informed choices of the foods they are buying and consuming. This makes it essential for food businesses to provide clear, accurate, and accessible information about allergenic ingredients.

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

- Pre-packed foods
- Hospitality settings (eat-in and takeaway)
- Pre-packed for direct sale (PPDS) items e.g. sandwiches made, pre-packaged and sold on the premises

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

Moreover, the majority of Jersey's visitors come from the UK and Europe and may reasonably expect allergen information to be provided in line with what they are used to. These visitors have on occasion contacted the Directorate to enquire or complain about the lack of allergen information. Failing to meet these expectations could pose reputational risks to Jersey's tourism and hospitality sectors.

Legal requirements under the draft Regulations

Under the proposed legislation, food business operators must ensure consumers receive clear accurate and accessible information about the food they buy. In respect of allergens, this includes information on 14 specified allergens in the food they prepare or sell (see list in Schedule 1). Additional allergens can be added by Ministerial Order. The allergen information must be available in English.

Where the allergens are not already labelled in English (e.g. some imported goods), businesses may comply by applying stickers with English translations, or providing QR codes that link to English-language information.

An exception in the draft Regulations is proposed for temporary one-off specialist markets, such as the Norman market operating under the Bailiff's permission. These vendors would not be expected to fully label products in English but should be able to answer questions about ingredients, or provide a printed explanation of allergen content.

We recognise that there are a number of businesses in Jersey that specialise in the sale of food to members of a particular nationality or ethnic group where the food may be labelled in the language of the intended final consumer, but even in these cases allergen information must be available in English (by written or verbal means) to the final customer before purchase.

Supporting businesses and protecting consumers

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

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

While individuals with allergies must continue to ask questions and take precautions, these new measures will make it more likely that they receive accurate and helpful answers.

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

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

Labelling requirements by food type

The Regulations set out the food labelling obligations according to how the food is presented and sold.

The key categories are:

- Non-Pre-Packed Food (Loose Food) [*Article 13*]
- Pre-Packed Food [*Article 9*]
- Pre-Packed for Direct Sale (PPDS) [*Article 10*]
- Distance Selling of Foods [*Article 11*]

Non-pre-packed food

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

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

For non-pre-packed foods, a full ingredients list is not required, but allergen information must be provided. This information must be accurate, available and easily accessible to the consumer.

How allergen information can be provided

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

The UK Food Standards Agency (FSA) advises:

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

What this means in practice

Acceptable methods include:

- Clearly written allergen information on menus, signage, or printed sheets
- Ingredient lists or recipe books available to staff
- Digital displays or QR codes linking to up-to-date allergen details

- Verbal communication from trained staff – only when clearly signposted e.g. “Please ask a member of staff about allergens in our food.”

Unacceptable practices include:

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

Consumer expectations

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

Pre-packed food

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

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

Labelling requirements

For pre-packed foods, the law requires that mandatory allergen information must be easily accessible, displayed in a conspicuous place, clearly visible and legible.

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

What is Pre-Packed for Direct Sale (PPDS) food?

PPDS refers to food that is packaged on the same premises where it is offered or sold to the final consumer, and pre-packed before the final consumer selects or orders it.

Examples of PPDS include:

- Sandwiches made on the premises and put into a plastic box on the premises for sale
- Fast food items pre-packed before sale (e.g. sausage rolls under heat lamps)
- Pre-packaged pizzas, rotisserie chickens, salads, and pasta pots
- Burgers or sausages pre-packed by a butcher for sale
- Free samples (e.g. cookies) packed on-site

The labelling of PPDS food came to the fore following the tragic case of Natasha Ednan-Laperouse, a 15-year-old who died after suffering a severe allergic reaction to a baguette sandwich that did not list sesame (an ingredient she was allergic to) on the packaging. At the time, only verbal allergen information was required on food presented in this way and the information provided was inadequate. In response, Natasha’s Law ([Link to Natasha Allergy Research Foundation website](#)) came into force in the UK on 1 October 2021, requiring clearer labelling for Pre-Packed for Direct Sale (PPDS) foods.

Labelling requirements for PPDS

Under the proposed Regulations, PPDS food must be labelled with the name of the food, a full ingredients list, and with allergens clearly emphasised (e.g. bold, underlined).

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

What is not PPDS

The following are not considered PPDS:

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

Distance selling of foods

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

1. At the time of ordering
This can be provided in writing (e.g. on a website, digital menu, or printed catalogue) or verbally (e.g. over the phone).
2. At the point of delivery
Allergen information may be provided in writing (e.g. allergen stickers on packaging, printed menu), or verbally (e.g. by the delivery driver).

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

Best practice guidance

The UK [Food Standards Agency](http://www.food.gov.uk) (FSA) provides extensive best practice guidance and tools for food businesses on its website: www.food.gov.uk

Resources include online food allergy training, e-learning modules, allergen checklists and guidance documents for different types of food businesses.

Key principles for written allergen information

Written allergen information must be easy to use, clear, comprehensive and accurate.

It is not acceptable for a business to say they don't know if a food contains allergens, or to use blanket disclaimers like "all foods may contain allergens". Allergen information must be specific, complete, and tailored to each food item and it has to be available in English.

Other information on labels

‘Best Before’ and ‘Use By’ dates

The legislation places strong emphasis on understanding food date labels, particularly the distinction between ‘Use By’ and ‘Best Before’ dates. A ‘Use By’ date is about safety, not quality. Food should never be consumed after this date, even if it appears or smells fine, because it may pose a health risk. These dates are commonly found on highly perishable items such as meat, dairy products, and ready-to-eat salads. Under the proposed changes, it will be illegal to sell food past its ‘Use By’ date to protect consumers from potential harm.

In contrast, a ‘Best Before’ date, sometimes shown as BBE, meaning Best Before End relates to quality rather than safety. Food may still be safe to eat after this date, but it might not be at its best in terms of taste or texture. These dates are typically found on frozen, dried, and canned foods, as well as many packaged goods. Under the proposals, selling food after its ‘Best Before’ date will not be an offence, provided the food remains fit for consumption.

This approach reflects a growing trend to reduce food waste. For example, many UK supermarkets have already removed ‘Best Before’ dates from fresh produce, encouraging consumers to use their judgment rather than discarding perfectly edible food. By clarifying these rules, the legislation aims to improve food safety while supporting sustainability and reducing unnecessary waste.

Imported foodstuffs and unusual processes

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

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

This approach would provide transparency for consumers, allow individuals to make informed choices and potentially influence import decisions based on consumer demand.

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

New labelling requirements

The proposed Regulations will bring Jersey into line with UK and EU standards by introducing new labelling requirements for food products. One key change is that the place of origin must be clearly stated on all food labels, ensuring transparency for consumers about where their food comes from. In addition, nutritional information will need to be declared on packaging, helping people make informed choices about their diet. There will be exemptions for small businesses to avoid placing an undue burden on operators with limited resources, but the overall aim is to improve clarity and consistency across the market.

Food hygiene and safety

The new Regulations in Part 3 modernise and consolidate the provisions of the [Food Hygiene \(General Provisions\) \(Jersey\) Order 1967](#). To make them easier to use, much of the detail is now set out in Schedule 3 rather than in the main body of the Law.

These updated Regulations provide a comprehensive framework for food hygiene and safety. They address general hygiene measures, standards for premises and equipment, staff hygiene, food preparation and handling, temperature control, and the packaging and storage of food. The aim is to ensure that food remains safe at every stage of its journey from preparation through to consumption, by establishing clear and practical standards for all food businesses.

Training requirements

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

To support this, the proposed Regulations [Regulation 37] will require that food handlers receive specific training in food hygiene, with a particular but not exclusive focus on:

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

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

Primary production

The new Regulations place greater emphasis on primary production – the earliest stages of the food chain, including the management of animals and crops [Schedule 3 – part 4].

Key provisions include ensuring that animals and plants are raised and handled in ways that protect food safety. Specific hygiene requirements for products of animal origin, i.e. milk handling, fish storage, meat processing.

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

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

In summary, ensuring that consumers receive clear, accurate, and accessible information about the food they purchase (including details on ingredients, allergens, origin, and nutrition) is essential to prevent misleading descriptions or presentations. Consistent and accurate labelling facilitates informed consumer choices and protects public health. A failure to do so could ultimately translate into a human cost, which we all wish to avoid.

Proposals for a new licensing scheme

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

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

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

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

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

This fragmented system presents several limitations, such as an administrative burden on businesses through duplicate registration and licensing processes, not incentivising businesses to maintain up-to-date records, and it lacks a consistent mechanism for cost recovery.

New arrangements proposed

The proposed licensing scheme [Parts 4 and 5 of the Regulations] aims to reduce the administrative burden by requiring food businesses to submit their details only once under a streamlined system. It also aims to create an even playing field for all businesses involved in any stage of food production, processing, or distribution.

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

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

Elevating the current registration system to a licensing scheme would raise the perceived importance of food safety compliance, provide a clearer legal mechanism for action against non-compliant businesses, and support a graduated enforcement approach based on risk and behaviour.

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

The proposed four-phase enforcement model would be to engage, explain, encourage and enforce. Revoking a licence would be a last resort, used only when all other efforts to secure compliance have failed.

Licensing process and transition

Under the proposals, annual licences for food businesses would be issued through an online system, similar to the existing processes for Places of Refreshment and Rented Dwelling licences. Renewals would be designed to be simple and efficient, reducing administrative burden for operators. To ensure a smooth transition, existing businesses would not require a pre-inspection

before receiving their licence. Instead, they would be contacted within the first 12 months to update their details, ensuring continuity and minimal disruption during implementation.

The licensing scheme would be risk-based, categorising businesses according to factors such as the type of food they handle and the vulnerability of their customers. Higher-risk businesses would face more frequent inspections, while lower-risk operations would benefit from lighter oversight. This approach replaces multiple registration systems with a single streamlined process, improving data accuracy and reducing duplication. The legal foundation for the scheme is provided by Articles 6 – 8 of the Food (Jersey) Law 2023, which set out application procedures, conditions, fees, and enforcement powers.

Introducing a licensing system offers significant benefits. It will strengthen food safety standards, reduce the risk of foodborne illnesses and protect public health. Displaying a valid licence will also increase consumer confidence, signalling that businesses are committed to hygiene and quality. Licensing promotes consistent standards across the industry, encourages staff training in areas such as allergen management and safe food handling, and acts as a barrier to entry for poorly prepared operators. By focusing regulatory resources on higher-risk businesses, the system ensures inspections and enforcement are more effective while minimising unnecessary burdens on low-risk establishments. Overall, this framework will enhance public trust, support quality control, and provide a fair and transparent approach to food regulation in Jersey.

A risk-based, tiered approach

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

This classification would be determined through a desktop assessment by subject matter experts, using professional judgement and sector knowledge. Factors considered would include the type of food handled, nature of business activity, processing methods and vulnerability of the customer base.

Low risk

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

Examples could include:

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

Medium risk

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

Examples could include:

- Hotels, restaurants and cafés

- Butchers and bakers
- Manufacturing of non-POAO products (alcohol, juices etc.)
- Staff canteens (where open high-risk foods are provided)
- Supermarkets that sell open food items (Deli, butchery etc.)
- Manufacturer of food supplements

High risk

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

Examples could include:

- Meat importers and exporters
- Re-packers of meat and meat products
- Meat cutting plants
- Manufacturers and processors of dairy products
- Manufacturers and processors of other products of animal origin
- Hospitals and other care facilities that provide food to the vulnerable

Efficiency and fairness

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

The model also introduces the concept of “earned autonomy”. Businesses that demonstrate strong compliance, either through robust internal food safety systems or external accreditation, may benefit from reduced inspection frequency.

Legal and procedural foundations

The legal basis for licensing is in Article 8 of the Food (Jersey) Law 2023. It includes provisions on who may hold a licence, the conditions for removing a licence and the scope for fee structures and enforcement mechanisms.

The 200+ premises currently licensed under the Places of Refreshment Law would be covered by the new licensing arrangements. Some of the existing provisions for these premises – such as permitted opening hours and the role of the Constable in approving or cancelling permits – would be retained in the [Places of Refreshment \(Jersey\) Law 1967](#), with the new Regulations making reference to that Law for those matters.

Additional procedural elements (e.g. complaints, appeals, licence conditions) would be modelled on the rented dwellings licensing scheme, which provides a tested and fair framework for regulatory enforcement.

Consultees’ views on the licensing scheme

In the consultation held over the summer, a majority of respondents supported introducing a new licensing scheme for food businesses. Over half agreed that licensing should replace the current food registration system to better reflect the importance of food safety compliance. There was

also recognition that a single, streamlined licensing process would reduce the administrative burden for businesses.

Risk-based approach

Support was less clear for a risk-based approach to licensing. While around half of the members of the public who responded were generally supportive, food businesses were less – albeit by a narrow margin.

Future fee arrangements

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

This inconsistency is increasingly viewed as unfair, particularly when lower-risk businesses are charged while higher-risk operations may not be. The risk-based model could seek to address this imbalance.

In the consultation, the Minister put forward some illustrative fee levels for consideration based around the risk-based licensing model detailed above, with charges proportionate to the risk posed by each business type – with high-risk businesses requiring more frequent inspections and a higher level of regulatory oversight. This received a mixed response.

Therefore, the Minister is considering the best approach to adopt and is proposing to return to the Assembly nearer the planned 1 October 2026 implementation date (for the Regulations) with a more detailed fee proposal. At the forefront of the Minister's thinking is his desire to facilitate a great deal of flexibility around the application of the fees in the sense that he could decide not to impose fees, to waive fees or to discount fees, for example. He could also consider charging for associated activities such as re-inspections where food businesses have failed to meet minimum required standards.

Ultimately a fair, risk-based charging model is critical to help safeguard public health, maintain a trusted regulatory framework and ensure the long-term resilience of Jersey's food safety system.

Impact on Children's Rights

A full Children's Rights Impact Assessment (CRIA) has been completed and follows this report. It confirms that these Regulations will deliver significant benefits for children, particularly in safeguarding their health and well-being. Children are among the most vulnerable to foodborne illness and allergic reactions due to their developing immune systems and reliance on others for safe food provision in settings such as schools, nurseries, and care environments. By introducing clear allergen labelling, robust hygiene standards, and mandatory licensing of food businesses, the Regulations uphold key rights under the UN Convention on the Rights of the Child, including the right to health (Article 24) and an adequate standard of living (Article 27). These measures will help prevent serious incidents, support informed choices, and ensure that all children, especially those with allergies or dietary needs, can access safe, nutritious food in every setting.

Conclusion

These draft Regulations represent a significant step forward in modernising Jersey's food safety framework, aligning it with best practice in the UK and EU while addressing long-standing gaps in our current legislation. They provide clear, enforceable requirements for allergen labelling, hygiene standards, and licensing, ensuring that consumers can make informed choices and that

food businesses operate to consistent, high standards. The integrated approach recognises that food safety is not just about individual measures but about a coherent system where accurate labelling, safe preparation, and effective oversight work together to protect public health.

In bringing these proposals to the Assembly, the Minister seeks to strike a fair balance between safeguarding Islanders and visitors and supporting the viability of local food businesses. These Regulations are comprehensive because the risks they address are real and varied, from allergen-related fatalities to foodborne illness. By adopting them, we will not only reduce those risks but also strengthen consumer confidence, enhance Jersey's reputation as a safe and attractive destination, and provide a transparent, proportionate framework for enforcement. This is an opportunity to future-proof our food laws and demonstrate our commitment to health, safety, and quality for all.

Financial and staffing implications

The implementation of these Regulations will be managed within existing resources in the Regulation Directorate, which already employs a team of food inspectors responsible for inspections, advice, complaints, and investigations. No additional financial or staffing requirements arise from this proposition.

The Minister intends to return to the Assembly closer to the planned implementation date (1 October 2026) with a detailed fee proposal. This will allow flexibility to waive, discount, or apply charges.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

EXPLANATORY NOTE

These Regulations, if made, will make provision for the labelling of food, food hygiene requirements and the licensing of food business operators.

Part 1 contains general provisions.

Regulation 1 contains definitions and introduces *Schedule 1*, which contains a list of substances that are considered allergens.

Regulation 2 sets out the scope of the Regulations and some exceptions. For example, the Regulations do not apply to food produced and consumed in a domestic setting. The Minister of Environment may provide for further exemptions by Order.

Part 2 sets out the requirements relating to the labelling of food placed on the market in Jersey.

Division 1 contains definitions of pre-packed food (*Regulation 3*) and food that is pre-packed for direct sale (*Regulation 4*).

Division 2 specifies when the Regulations apply (*Regulation 5*) and sets out the position in relation to food imported into Jersey from other jurisdictions, including the United Kingdom (*Regulations 6 and 7*).

Division 3 sets out the labelling and information requirements for food placed on the market in Jersey.

Regulation 8 creates an obligation to label food in accordance with the Regulations.

Regulations 8 to 13 set out the obligations in relation to pre-packed food, food that is pre-packed for direct sale, take aways and food deliveries, hedge veg stands and non-prepacked food sold by caterers (for example, food served in a restaurant or café).

Regulation 14 sets out the requirements for the label itself.

Division 4 (Regulations 15 to 29) sets out the mandatory particulars that must appear on a food label when required by Regulations 8 to 13. There are exceptions and exemptions in *Schedule 2*.

Division 5 (Regulations 30 to 32) sets out specific labelling requirements.

Regulation 30 requires that further information is required for food with specific ingredients and that food containing certain artificial food colourings is labelled with a warning about hyperactivity in children.

Regulation 31 requires food to be clearly labelled if it or its ingredients have undergone unusual processes.

Regulation 32 prohibits claims relating to medicinal qualities of food.

Division 6 (Regulation 33) contains offences and penalties. A person commits an offence if they do any of the following: without a reasonable excuse fail to comply with a requirement in *Part 2*, intentionally or recklessly mark or label food with incorrect information, make an unauthorised alteration to the labelling of food or sell food after the use by date. The penalty is a fine of level 3 (£10,000) on the standard scale.

Part 3 (Regulations 34 to 52) sets out requirements relating to hygiene.

Division 1 (Regulations 34 to 37) is preliminary and includes definitions of terms used in *Part 3 (Regulation 34)* and sets out when the Part applies (*Regulation 35*).

Regulation 36 contains general obligations relating to hygiene.

Regulation 37 requires food business operators to ensure food handlers are supervised, instructed and given appropriate training.

Division 2 (Regulation 38) sets out general obligations relating to hygiene. It requires a person carrying out any stage of food production, processing or distribution to comply with the hygiene requirements set out in *Schedule 3* relating to transport, equipment, water supply and personal hygiene.

Division 3 (Regulations 39 to 41) contains obligations in relation to hygiene in food premises, including mobile premises and vending machines. *Schedule 3* contains more detailed obligations and standards.

Division 4 (Regulations 42 to 46) contains provisions about food handling. These include requirements relating to handling of food, wrapping and packaging, heat treatment and food waste in *Regulation 42* and *Schedule 3*. *Regulations 43 to 46* contain obligations relating to the temperature at which food is kept.

Division 5 (Regulation 47) contains provisions relating to hygiene for primary production.

Division 6 (Regulations 48 to 52) contains hygiene requirements for food of animal origin.

Regulation 48 sets out when the requirements apply.

Regulation 49 requires food business operators to which the obligations apply to comply with 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, 30.4.2004, p. 55).

Regulation 50 requires a food business using products of animal origin to be approved by the Minister. A refusal to approve may be appealed to the Royal Court.

Regulation 51 contains requirements relating to the placing on the market of food of animal origin.

Regulation 52 contains provisions relating to the sale of raw cow's milk to a final consumer.

Division 7 (Regulation 53) provides that a person who, without reasonable excuse, fails to comply with a requirement of *Part 3* commits an offence and is liable to a term of imprisonment of up to 2 years, an unlimited fine, or both.

Part 4 (Regulations 54 to 61) contains provisions relating to the licensing of food business operators.

Part 5 (Regulations 62 to 66) contains final provisions.

Regulation 62 is a transitional provision that exempts a person operating from premises registered or licensed under the Places of Refreshment (Jersey) Law 1967 or the Food Safety (Ice-Cream Stalls etc.) (Jersey) Order 1969 from the requirement to obtain a licence under *Part 4* until the registration or licence expires.

Regulations 63 and 64 contains consequential amendments to the Places of Refreshment (Jersey) Law 1967 and Food Safety (Eat Safe Rating) (Jersey) Order 2017.

Regulation 65 repeals legislation that is no longer required.

Regulation 66 gives the title of the Regulations and provides that they come into force on 1 October 2026.



Jersey

DRAFT FOOD (JERSEY) REGULATIONS 202-

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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 trigger an allergy or intolerance;

“carrier” means a substance that facilitates the handling, application or use of food by dissolving, diluting, dispersing or otherwise physically modifying a food additive or a flavouring, food enzyme, nutrient or other substance added for nutritional or physiological purposes to the food without altering its function (and without exerting any technological effect);

“caterer” –

(a) means 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 and care home;

“clean seawater” has the meaning given in Regulation 34;

“clean water” has the meaning given in Regulation 34;

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

“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;

“fishery products” –

- (a) means seawater or freshwater animals whether wild or farmed and including all edible forms, parts and products of such animals; but
- (b) does not include mammals, reptiles, frogs, live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods;

“flavouring” has the meaning given in Article 3 of Regulation (EC) 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods (OJ L 354, 31.12.2008, p. 34), as amended from time to time;

“food additive” has the meaning given in Article 3 of the EU Additives Regulation;

“food enzyme” means a product obtained from, or obtained from a product of, a plant, animal or micro-organism (including a product obtained by a fermentation process using micro-organisms) that –

- (a) contains 1 or more enzymes capable of catalysing a specific biochemical reaction; and
- (b) is added to food for a technological purpose at any stage of the manufacturing, processing, preparation, treatment, packaging, transport or storage of the food;

“food premises” has the meaning given in Regulation 34;

“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 57;

“licence holder” has the meaning given in Regulation 54;

“mandatory particulars” means the particulars that must be included on a label under Regulation 15;

“place of provenance” means a place that a food is indicated as coming from if it is not the country of origin;

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

“potable water” has the meaning given in Regulation 34;

“pre-packed” has the meaning given in Regulation 3;

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

“processing aid” means a substance that –

- (a) is not consumed as a food by itself;
- (b) is intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing; and
- (c) can result in the unintentional but unavoidable presence in the final product of residues of the substance or its derivatives, provided those residues do not present any health risk and do not have any technological effect on the final product;

“sweetener” means a substance used to impart a sweet taste to foods;

“table-top sweetener” means a preparation of sweeteners, which may contain other food additives or food ingredients, that is intended for sale to the final consumer as a substitute for sugar;

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 or consumed as part of a religious ceremony;
 - (c) food prepared and sold or distributed at a one-off event organised by a voluntary organisation if the food is presents a low risk to human health; or
 - (d) unprocessed fruit and vegetables sold on a hedge veg stand that is grown by the seller.
- (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).
- (3) The Minister may issue guidance as to what foods present a low risk to human health.
- (4) The Minister may, by Order, provide for further exceptions to provisions of these Regulations.
- (5) In this Regulation, “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.

PART 2

LABELLING OF FOOD

DIVISION 1 – INTERPRETATION

3 Meaning of pre-packed

- (1) In this Part, “pre-packed”, in relation to food –
 - (a) means food that is –
 - (i) put into packaging before being offered for sale; and
 - (ii) 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 –
 - (i) wholly enclosed in packaging before being offered for sale;
 - (ii) intended to be cooked without opening the packaging; and
 - (iii) 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) Pre-packed food must be packaged so that the food, whether wholly or partly enclosed, cannot be altered without opening or changing the packaging.

4 Meaning of pre-packed for direct sale

- (1) In this Part, “pre-packed for direct sale” means food that is 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 packed; or
 - (c) from a vehicle or stall used by the person.
- (2) Food is packed if it is placed in any packaging, whether it is partially or wholly enclosed.

DIVISION 2 – APPLICATION OF PART 2

5 Food supplied to caterers and final consumers

This Part applies to –

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

6 Food imported to Jersey from other jurisdictions

- (1) Except for Regulation 31 (use of unusual processes), this Part does not apply to food that is imported to Jersey from any of the following jurisdictions where it was lawfully produced and sold if the conditions in paragraph (2) are met –
 - (a) the United Kingdom;
 - (b) Guernsey;
 - (c) the Isle of Man;
 - (d) an EEA state.
- (2) The food must comply with –
 - (a) the requirements relating to food marking and labelling applicable to the jurisdiction in which the food was produced and sold; and
 - (b) in the case of food imported from an EEA state, the language requirements in Regulation 7.
- (3) If food is imported 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 are satisfied if mandatory particulars complying with this Part are made available in English to the final consumer before purchase.
- (4) For the purposes of this Regulation, food is not imported from a jurisdiction if it transits through that jurisdiction without being placed on the market.
- (5) The Minister may, by Order, make further provision in relation to the time and manner in which mandatory particulars in relation to foods to which paragraph (3) applies are made available to the final consumer.

7 Food imported to Jersey from EEA state: language

- (1) If food is imported into Jersey from an EEA state that is not labelled in English, the mandatory particulars must be available in English to the final consumer before purchase, unless paragraph (2) applies.
- (2) This paragraph applies to food that is sold –
 - (a) at an establishment that specialises in the sale of food to members of a particular nationality or ethnic group; or
 - (b) at a food festival, international market or other one-off event, selling food from a particular country, culture or ethnic group.
- (3) If paragraph (2) applies –
 - (a) the food may be labelled in the language of that country, nationality or ethnic group if the use of that language on the label complies with the EU Labelling Regulation as it applies in the EEA state from which the food is imported; but
 - (b) information regarding 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 on foods imported from an EEA state are made available to the final consumer.

DIVISION 3 – LABELLING AND INFORMATION REQUIREMENTS**8 Obligation to label food**

- (1) Food placed on the market must be labelled in accordance with the requirements set out in Regulations 9 to 14.
- (2) The labelling and mandatory particulars must comply with the requirements set out in Regulations 15 to 32 unless an exemption or exception in Schedule 2 applies.

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 pre-packed for direct sale

- (1) 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) indication of allergens;
 - (d) minimum durability if the food is not intended by the food business operator to be consumed within 24 hours of purchase.
- (2) Food that is pre-packed for direct sale that contains an artificial colouring listed in Regulation 30(3) must include the warning set out in that Regulation.

11 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, an indication of allergens must be made available before the purchase is concluded at no additional cost to the consumer.
- (3) Food that contains allergens must be clearly labelled with those allergens 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) indication of allergens;
- (d) minimum durability if the food is not intended by the food business operator to be consumed within 24 hours of purchase.

13 Non-prepacked food sold by caterers

- (1) This Regulation applies to non-prepacked food that is sold or supplied by a caterer that is not pre-packed or pre-packed for direct sale.
- (2) Information about the following mandatory particulars must be available and easily accessible for all foods before purchase or supply –
- (a) the name of the food;
 - (b) indication of allergens.
- (3) The information mentioned in paragraph (2) must be provided –
- (a) in a clear and consistent manner; and
 - (b) in a manner that complies with any 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 labels

- (1) The label –
- (a) must be on the food packaging;
 - (b) must be legible, indelible and clearly visible;
 - (c) must be in English;
 - (d) must not be hidden, obscured or interrupted by other information, pictures or graphics; and
 - (e) 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, at least 1.2 mm;
- (b) if the largest surface area of the packaging or container has an area of less than 80 cm², at least 0.9 mm.

DIVISION 4 – MANDATORY PARTICULARS

15 Mandatory particulars

- (1) The mandatory particulars are –
 - (a) the name of the food;
 - (b) a list of ingredients;
 - (c) indication of allergens;
 - (d) a quantitative indication of ingredients;
 - (e) the net quantity of the food;
 - (f) 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 country of origin or place of provenance of the food;
 - (k) for beverages containing more than 1.2% by volume of alcohol, the actual alcoholic strength;
 - (l) a nutrition declaration.
- (2) Schedule 2 contains exemptions from and exceptions to the requirement to label food with the mandatory particulars.

16 Name

- (1) The name given to food in the mandatory particulars 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 to the EU Labelling Regulation (name of food and specific accompanying particulars).

17 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 16 of these Regulations and Annex VI to 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 to the EU Labelling Regulation (indication and designation of ingredients).
- (5) Food additives must be labelled in accordance with the EU Additives Regulation.
- (6) “Engineered nanomaterial” has the meaning given in Article 2(1)(h) of the EU Labelling Regulation.
- (7) Schedule 2, Part 1 contains exemptions from this Regulation.

18 Indication of allergens

- (1) This Regulation applies if –
 - (a) food contains an ingredient or processing aid that is an allergen or derived from an allergen; or
 - (b) an ingredient or processing aid that is an allergen or derived from an allergen was used in the manufacture of food and is still present in the finished product.
- (2) If this Regulation applies –
 - (a) the allergen 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.
- (3) If there is no list of ingredients, the labelling must include the word “contains” followed by the name of the allergen.
- (4) 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.
- (5) Schedule 2, Part 2 contains exemptions from this Regulation.

19 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, the label must include an indication of the quantity of the ingredient, or category of ingredients, and the label must comply with the rules set

out in Annex VIII to the EU Labelling Regulation (quantitative indication of ingredients).

- (3) Schedule 2, Part 3 contains exceptions to this Regulation.

20 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 to the EU Labelling Regulation (net quantity declaration).
- (4) Schedule 2, Part 4 contains exemptions from this Regulation.

21 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 may be safely used if properly stored.
- (3) Food must not be sold on a date after the “use by” date.
- (4) 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.
- (5) 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).
- (6) Schedule 2, Part 5 contains exemptions from this Regulation.

22 Durability: “best before” date

- (1) Food to which Regulation 21 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 18 months	Month and year only, if the words “best 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.

23 Special storage conditions or conditions of use

- (1) If, 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 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 labelled with instructions on how to prepare it for consumption as intended.
- (3) Schedule 2, Part 6 contains exceptions to this Regulation.

24 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) Schedule 2, Part 7 contains exceptions to this Regulation.

25 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) is in Jersey, the UK, Guernsey, the Isle Man or the EEA, the food must be labelled with the name and address of the seller.
- (3) Schedule 2, Part 8 contains exceptions to this Regulation.

26 Country of origin or place of provenance: general

- (1) Food must be labelled with a country of origin or place of provenance if a failure to do so could reasonably mislead the final consumer about the true country of origin or place of provenance.
- (2) If the country of origin or place of provenance of the food is given (whether or not it may be misleading) and it is not the same as for its primary ingredients –

- (a) the country of origin or place of provenance of the ingredient 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.
- (3) In this Regulation, “primary ingredient” means an ingredient that –
- (a) represents more than 50% of the food; or
 - (b) a consumer would usually associate with a food of that name;
- (4) Schedule 2, Part 9 contains exceptions to this Regulation.

27 Country of origin or place of provenance: specific foods

- (1) The foods listed in column 1 of the table must be labelled with a country of origin or place of provenance in accordance with the provision listed in column 2 of the EU legislation, as amended from time to time, listed in column 3 –

(1) Food	(2) Provision	(3) EU legislation
Beef and veal	Articles 13, 14 and 15	Regulation (EC) 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ L 204, 11.8.2000, p. 1)
Pork, mutton, lamb, goat and poultry	Articles 5, 6 and 7	Commission Implementing Regulation (EU) 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry (OJ L 335, 14.12.2013, p. 19)
Fish and shellfish	Articles 35 and 38	Regulation (EU) 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products (OJ L 354, 28.12.2013, p. 1)
Honey	Article 2(4)	Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ L 10, 12.01.2002, p. 47)
Olive oil	Article 8	Commission Delegated Regulation (EU) 2022/2104 of 29 July 2022 supplementing Regulation (EU) No 1308/2013 of the European Parliament

(1) Food	(2) Provision	(3) EU legislation
		and of the Council as regards marketing standards for olive oil (OJ L 284, 4.11.2022, pp. 1)
Wine	Article 93	Regulation (EU) 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products (OJ L 347, 20.12.2013, p. 671)
Fruit and vegetables (including loose fruit and vegetables)	Chapters 1 and 2	Commission Delegated Regulation (EU) 2023/2429 of 17 August 2023 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for the fruit and vegetables sector, certain processed fruit and vegetable products and the bananas sector (OJ L 2023.2429, 3.11.2023)

(2) Schedule 2, Part 9 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 text “% vol”.
- (2) The alcoholic strength of a beverage is determined at 20°C.
- (3) Schedule 2, Part 10 contains exceptions to this Regulation.

29 Nutrition 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 nutrition declaration in accordance with Articles 30 to 35 of and Annex I to 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) Schedule 2, Part 11 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 to 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, phytostanols or phytostanol 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”.
- (3) Food that includes the following artificial colourings must be labelled with the words “May have an adverse effect on activity and attention in children” –
 - (a) allura red (E129);
 - (b) azorubine or carmoisine (E122);
 - (c) ponceau 4R (E124);
 - (d) quinoline yellow (E104);
 - (e) sunset yellow FCF (E110);
 - (f) tartrazine (E102).
- (4) Food that has been treated with ionising radiation must have an indication that complies with paragraph 3 of Annex VI to the EU Labelling Regulation.

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.
- (3) The label must comply with Regulation 14 (requirements relating to labels).
- (4) Despite Regulation 6 (food imported to Jersey from other jurisdictions), this Regulation applies to food imported from the UK, Guernsey, the Isle of Man or the EEA 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 labels food with information that is incorrect;
- (c) makes an alteration to information required to be labelled on food without being authorised to do so by the person responsible for marking or labelling that food; or
- (d) sells or distributes food after the use by date.

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;

“EU Food of Animal Origin Regulation” means 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, 30.4.2004, p. 55), as amended from time to time;

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

“manufacturer’s recommended temperature” means a temperature recommended and communicated by the manufacturer in accordance with Regulation 45;

“potable water” means water complying with the requirements specified 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) retail establishments in Jersey directly supplying the final consumer.

36 General obligation under Part 3

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 38 to 52 and Schedule 3.

37 Training

- (1) A food business operator must ensure –
 - (a) that people who handle food are supervised and instructed and trained in food hygiene matters commensurate with 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 Hazard Analysis at Critical Control Points (HACCP) 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 2 – GENERAL HYGIENE REQUIREMENTS**38 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 47.

DIVISION 3 – FOOD PREMISES**39 Food premises other than movable and temporary premises and dwelling houses**

- (1) This Regulation applies to food premises that are not –
 - (a) movable or temporary premises (including marquees, market stalls and vehicles); 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 Schedule 3, paragraph 5; and
 - (b) the rooms comply with requirements of Schedule 3, paragraph 6.

40 Food premises: movable and temporary premises and dwelling houses

- (1) This Regulation applies to –
 - (a) movable or temporary premises (including marquees, market stalls and vehicles); and
 - (b) premises used primarily as a private dwelling house where food is regularly prepared for placing on the market.
- (2) A food business operator to which this Regulation applies must comply with the hygiene requirements in Schedule 3, paragraph 7.

41 Vending machines

A food business operator that is the owner or operator of a vending machine must comply with the hygiene requirements in Schedule 3, paragraph 8.

DIVISION 4 – FOOD HANDLING**42 Foods, wrapping and heat treatment**

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

- (a) paragraph 9 (food);
- (b) paragraph 10 (thawing of food);
- (c) paragraph 11 (wrapping and packaging);
- (d) paragraph 12 (heat treatment);
- (e) paragraph 13 (food waste).

43 Chill holding

- (1) Food that is likely to support the growth of pathogenic micro-organisms or the formation of toxins must be held at or below a temperature of 8°C.
- (2) Paragraph (1) does not apply to food conveyed to the final consumer via distance selling, but the food must be conveyed at a temperature that does not, or is not likely to, give rise to a risk to human health.
- (3) Paragraph (1) does not apply to –
 - (a) food that –
 - (i) has been cooked or reheated;
 - (ii) is for service or on display for sale; and
 - (iii) needs to be kept at or above 63°C to control the growth of pathogenic micro-organisms or the formation of toxins;
 - (b) food that may be kept at ambient temperatures for the duration of its shelf life with no risk to health;
 - (c) food that is being, or has been, subjected to a process such as dehydration or canning intended to prevent the growth of pathogenic micro-organisms at ambient temperatures, unless the food was contained in a hermetically sealed container after, or as a result of, that process and the container has been opened;
 - (d) food that must be ripened or matured at ambient temperatures, but only until the process of ripening or maturation is completed; or
 - (e) raw food intended for further processing (including cooking) before human consumption, but only if that processing, if undertaken correctly, will render that food fit for human consumption.
- (4) Food to which paragraph (1) applies may be held at a temperature above 8°C if it is held at the manufacturer's recommended temperature.

44 Chill holding tolerance periods

- (1) Food to which Regulation 43(1) applies may be kept at a temperature above 8°C if it –
 - (a) is for service or on display for sale;
 - (b) has not previously been kept for service or on display for sale at a temperature above 8°C or the manufacturer's recommended temperature; and
 - (c) has been kept for service or on display for sale for a period of less than 4 hours.
- (2) Food to which Regulation 43(1) may be kept at a temperature above 8°C or the manufacturer's recommended temperature for a limited period consistent with food safety if the food –
 - (a) is being transferred –
 - (i) from premises at which the food was going to be kept at or below 8°C or the manufacturer's recommended temperature to a vehicle used for the purposes of a food business; or
 - (ii) to such premises from such a vehicle; or
 - (b) was kept at a temperature above 8°C or the manufacturer's recommended temperature for an unavoidable reason, for example –

- (i) to accommodate the practicalities of handling during and after processing or preparation;
- (ii) the defrosting of equipment; or
- (iii) temporary breakdown of equipment.

45 Manufacturer's recommended temperature

- (1) A food business operator responsible for manufacturing, preparing or processing food may recommend that it is kept at or below a specified temperature between 8°C and ambient temperatures for a period not exceeding a shelf life specified by the operator.
- (2) The recommendation must be communicated by means of a label on the packaging of the food or other appropriate form of written instruction.
- (3) A food business operator responsible for manufacturing, preparing or processing food may recommend that a food is kept at or below a specified temperature between 8°C and ambient temperatures for a period not exceeding a specified shelf life only if that recommendation is supported by a well-founded scientific assessment of the safety of the food at the specified temperature.

46 Hot holding

- (1) Food must be kept at or above a temperature of 63°C if –
 - (a) it has been cooked or reheated;
 - (b) is for service or on display for sale; and
 - (c) needs to be kept at or above 63°C to control the growth of pathogenic micro-organisms or the formation of toxins.
- (2) Paragraph (1) does not apply if the food –
 - (a) is kept for service or on display for sale for a period of less than 2 hours; and
 - (b) has not previously been kept for service or on display for sale.
- (3) Food to which paragraph (1) applies may be held at a temperature below 63°C if –
 - (a) a well-founded scientific assessment of the safety of the food at temperatures below 63°C has concluded that there is no risk to health if, after cooking or re-heating, the food is held for service or on display at a holding temperature below 63°C for a period of time not exceeding the period specified in that scientific assessment; and
 - (b) the food is held in accordance with the assessment regarding temperature at which it may be kept and the period of time for which it may be kept at that temperature.

DIVISION 5 – HYGIENE REQUIREMENTS: PRIMARY PRODUCTION

47 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;
 - (b) comply with relevant legislation relating to the control of hazards in primary production and associated operations, including –
 - (i) measures to control contamination arising from the air, soil, water, feed, fertilisers, veterinary medicinal products, plant protection products and biocides and the storage, handling and disposal of waste; and
 - (ii) measures relating to animal health and welfare and plant health that have implications for human health, including programmes for the monitoring and control of zoonoses and zoonotic agents; and
 - (c) comply with the hygiene requirements in Schedule 3, Part 4.

DIVISION 6 – HYGIENE REQUIREMENTS: FOOD OF ANIMAL ORIGIN

48 Hygiene requirements for food of animal origin

- (1) This Division applies to processed and unprocessed products of animal origin.
- (2) This Division does not apply to food containing both products of plant origin and processed products of animal origin.
- (3) This Division 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 Division does not apply to the supply of food from a retail establishment to another retail establishment in Jersey if the supply is marginal and restricted.
- (5) The food business operator must comply with the temperature requirements in Regulations 43 to 46 .

49 Obligations relating to food of animal origin

- (1) A food business operator that handles products to which this Division applies must comply with the requirements in Annexes II and III to the EU Food of Animal Origin Regulation.
- (2) A food business operator must not use a substance other than potable water to remove surface contamination from products of animal origin unless Schedule 3, paragraph 3 permits the use of clean water.

50 Approval of food businesses used for products of animal origin

- (1) A person must not operate a food business that handles products to which this Division 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.

51 Placing on market

- (1) A food business operator must not place on the market products of animal origin manufactured in the UK, Guernsey, the Isle of Man or an EEA state, unless the products have been prepared and handled exclusively in establishments that –
 - (a) meet the requirements of legislation in the UK, Guernsey or the Isle of Man or Annexes II and III to the EU Food of Animal Origin Regulation; and
 - (b) are approved to handle products of animal origin by the appropriate authority in the jurisdiction in which they are located.
- (2) A food business operator must not place on the market a product of animal origin from an approved establishment unless –
 - (a) a health mark is applied in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law (OJ L 95, 7.4.2017, p. 1), as amended from time to time; or
 - (b) if that Regulation does not provide for the application of a health mark, an identification mark applied in accordance with Annex II, Section I, to the EU Food of Animal Origin Regulation.
- (3) A food business operator must not –
 - (a) apply an identification mark to a product of animal origin unless the product has been manufactured in an approved establishment in accordance with this Regulation or the EU Food of Animal Origin Regulation; or
 - (b) remove a health mark from meat unless as a result of cutting the meat or processing it or working upon it in another manner.
- (4) A food business operator importing products of animal origin from outside the UK, Guernsey, the Isle of Man or an EEA state must ensure the importation takes place only if –
 - (a) the country of despatch and the establishment from which the product was dispatched are approved by the Minister; and
 - (b) the product meets the requirements of –
 - (i) this Regulation (including the requirements relating to health and identification marking);
 - (ii) Part 3 and Schedule 3 of these Regulations; and
 - (iii) any restrictions on import.

- (5) In this Regulation, “approved establishment” means an establishment approved by the Minister under Regulation 50 or by the appropriate authority in the UK, Guernsey, the Isle of Man or an EEA state.

52 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 –

Standard	Colony forming units (cfu) per ml
Plate count at 30°C	20,000 or less
Coliforms	Less than 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) 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.

DIVISION 7 – OFFENCES UNDER THIS PART

53 Offences under this Part

A person who, without reasonable excuse, fails to comply with a requirement in this Part commits an offence and is liable to imprisonment for a term of 2 years or to a fine.

PART 4

LICENCES

54 Interpretation

In this Part, “licence holder” means a person holding a licence.

55 Licensing of food businesses

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

56 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.

57 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.

58 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 not 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 of a school, and in which meals or refreshments are sold only to pupils and 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 workplace;
 - (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 in 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 to avoid unreasonable disturbance to residents near the premises.

59 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 60.

60 Review by Minister and appeal to 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 reviews the decision.
- (2) The decisions are a decision to –
 - (a) refuse to grant a licence under Regulation 57;
 - (b) impose a condition under Regulation 57;
 - (c) vary a licence under Regulation 59;
 - (d) revoke a licence under Regulation 59.
- (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 receiving the notification given under paragraph (7), 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](#).

61 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

62 Licences: transitional provision and saving

- (1) A person who is the proprietor of premises that are registered under the following legislation immediately before 1 October 2026 is exempt from the requirement to have a licence under Part 4 of these Regulations until that registration expires –
 - (a) the Places of Refreshment Law;
 - (b) [Food Safety \(Ice-Cream Stalls etc.\) \(Jersey\) Order 1969](#).
- (2) For the purposes of this Regulation, the Places of Refreshment Law and the [Food Safety \(Ice-Cream Stalls etc.\) \(Jersey\) Order 1969](#) continue to apply as if they were unamended or repealed by these Regulations to premises registered under them until the registration expires or a licence is granted.

63 [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 4 of the Food (Jersey) Regulations 202-;
- (3) Articles 2 to 11 are deleted.
- (4) In Article 12 (conduct of registered premises) –
 - (a) in paragraph (1)(d)(i) for “registration” there is substituted “licence”;
 - (b) in the following places, for “registered premises” there is substituted “licensed premises” –
 - (i) the heading;

- (ii) paragraph (1), in each place it occurs;
 - (iii) paragraph (2), in each place it occurs;
 - (iv) paragraph (3);
 - (v) paragraph (4);
 - (vi) 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) for paragraph (11) there is substituted –
- (11) Nothing in this Article applies to licenced premises within the Port of St Helier or the airport.
- (6) After Article 13 there is inserted –

13A Notice of refusal or revocation of permit

- (1) If a Connétable intends to refuse or revoke a permit under Article 13, 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 does not affect 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.
- (7) In Article 16(1) (penalties) –
 - (a) sub-paragraph (a) is deleted;
 - (b) in sub-paragraph (b) –
 - (i) in clause (i), “, a registration certificate, or” is deleted;
 - (ii) in clause (ii), “a registration certificate, or” is deleted.

64 [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.

65 Repeals

The following enactments are repealed –

- (a) [Food Hygiene \(General Provisions\) \(Jersey\) Order 1967](#);
- (b) [Food Safety \(Analyses\) \(Jersey\) Order 1967](#);
- (c) [Food Safety \(Ice-Cream Stalls etc.\) \(Jersey\) Order 1969](#);
- (d) [Milk and Dairies \(General Provisions\) \(Jersey\) Order 1992](#);
- (e) [Imported Food \(Jersey\) Order 1998](#);
- (f) [Food \(Registration of Premises\) \(Jersey\) Order 2001](#);
- (g) [Food Safety \(Labelling\) \(Jersey\) Order 2005](#);
- (h) [Places of Refreshment \(Registration\) \(Fees\) \(Jersey\) Order 2008](#).

66 Citation and commencement

These Regulations may be cited as the Food (Jersey) Regulations 202- and come into force on 1 October 2026.

SCHEDULE 1

(Regulation 1)

ALLERGENS**1 Allergens**

The products and substances in the table, including products of them and products 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 food 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 ingredient 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 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 indicate allergens

Allergens are exempt from the requirement to be indicated 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 to 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 to 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 to the EU Labelling 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) for 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 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 food –

- (a) that is subject to considerable loss in its volume or mass and that is 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 is normally sold by number if the number of items can be seen and easily counted from the outside of the packaging, or the number of items is indicated on the label.

PART 5

DURABILITY

6 Foods exempted from durability indication requirements

The following foods are not required to be labelled with a 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 23, 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 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 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 25 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**COUNTRY OF ORIGIN OR PLACE OF PROVENANCE****10 Cases in which indication of country of origin or place of provenance not required**

If an indication of the country of origin or place of provenance would be required under Regulation 26 or 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 country of origin or place of provenance 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**NUTRITION DECLARATION****12 Food exempted from requirement to include nutrition declaration**

A nutrition 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 been subjected only 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 and similar products;
- (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 food must –
 - (a) be kept clean and maintained in good repair and condition to protect food 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 food if doing so could result in contamination.
- (3) If conveyances and containers are used for transporting anything in addition to food, or are used for transporting different food at the same time, products must be separated if necessary.
- (4) Bulk food in liquid, granulate or powder form must be transported in containers reserved for the transport of food.
- (5) Containers must be marked in a clearly visible and indelible manner, in English, to show that they are used for the transport of food.
- (6) If conveyances and containers have been used for transporting anything other than food or have been used for transporting different food, there must be effective cleaning between loads to avoid the risk of contamination.
- (7) Food 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 food must be capable of maintaining food 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 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 these Regulations.

- (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 the 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 food is 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 food.
- (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 food 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 food in hermetically sealed containers, the water used to cool the containers after heat treatment must not be a source of contamination for the food.

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; and
 - (c) not do the following within the food-handling area –
 - (i) spit; or
 - (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.
- (4) A person affected by an infectious disease that is likely to be transmitted through food who is employed in a food business, and who is likely to come into contact with food, must not return to work until they have been free of symptoms for at least 48 hours or another period recommended by medical experts.

PART 2

FOOD PREMISES

5 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) if necessary, provide suitable temperature-controlled handling and storage conditions that are –
 - (i) of sufficient capacity for maintaining food at appropriate temperatures; and
 - (ii) designed to allow those temperatures to be monitored and, if 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 water and materials for washing and hygienically drying hands; and
 - (c) if 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 to an area where foods likely to present a high risk to the health of the final consumer are handled.
- (12) If necessary, 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.

6 Rooms where food is 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 but excluding dining areas) must permit good food hygiene practices, including protection against contamination between and during operations.
- (2) In particular –
 - (a) floor surfaces must –
 - (i) be maintained in a sound condition;
 - (ii) be easy to clean and, if necessary, to disinfect;
 - (iii) be made of impervious, non-absorbent, washable, non-toxic materials unless the food business operator can satisfy the Minister that other materials are appropriate; and
 - (iv) where appropriate, allow adequate surface drainage;
 - (b) wall surfaces must –
 - (i) be maintained in a sound condition;
 - (ii) be easy to clean and, if necessary, to disinfect;
 - (iii) have a smooth surface up to a height appropriate for the operations taking place in the room unless the food business operator can satisfy the Minister that another type of surface is appropriate;
 - (iv) be made of impervious, non-absorbent, washable, non-toxic materials unless the food business operator can satisfy the Minister that other materials are appropriate;
 - (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 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, if necessary, be fitted with insect-proof screens that can be easily removed for cleaning;
 - (e) windows must remain closed and fixed during the preparation, treatment or processing of food if open windows would result in contamination;
 - (f) doors must –
 - (i) be easy to clean and, if necessary, to disinfect; and
 - (ii) have smooth, non-absorbent surfaces unless the food business operator can satisfy the Minister that another surface is appropriate;

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

7 Requirements for movable and temporary premises and premises used primarily as 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, if 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 maintained in a sound condition and be easy to clean and, if necessary, to disinfect and must be made of smooth, washable, corrosion-resistant and non-toxic materials, unless food business operators can satisfy the Minister that other materials used are appropriate;
 - (c) adequate provision must be made for the cleaning and, if necessary, disinfecting of utensils and equipment;
 - (d) if food is 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 and 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) food must be handled 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.

8 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 maintained in a sound condition and must be easy to clean and to disinfect;
 - (b) adequate provision must be made for the cleaning and, if 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) food must be placed in the machine 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

FOOD HANDLING

9 Food

- (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 –
 - (a) unfit for human consumption;
 - (b) injurious to health; or
 - (c) 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 food 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 for the absence of a visible debris of allergen.

10 Thawing of food

- (1) The thawing of food must be undertaken in a way that minimises the risk of growth of pathogenic micro-organisms or of the formation of toxins in the food.
- (2) During thawing, food must not be subjected to temperatures that would result in the food presenting a risk to health.
- (3) Following thawing, food must be handled in a manner that minimises the risk of growth of pathogenic micro-organisms or the formation of toxins.
- (4) If run-off liquid from the thawing process may present a risk to health it must be adequately drained.

11 Wrapping and packaging of food

- (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, the integrity of the container's construction and its cleanliness must be assured, in particular in the case of cans and glass jars.
- (5) Wrapping and packaging material reused for food must be easy to clean and to disinfect.

12 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 further process 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 ensures compliance with subparagraph (2).

- (4) The process used must conform to an internationally recognised standard (for example, standards for pasteurisation, ultra-high temperature or sterilisation).

13 Food waste

- (1) Food waste must be removed from rooms where food is present as quickly as possible, to avoid its 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 and 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, if 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.

PART 4

PRIMARY PRODUCTION AND ASSOCIATED PROCESSES

14 Primary production: general requirements

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

- (a) to keep clean and, if 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 food 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.

15 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 that is not, or does

not contain, that allergen, unless the equipment, conveyances and containers have been cleaned and checked at least for the absence of visible debris of that allergen.

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

- (1) 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 clean and, if necessary after cleaning, disinfected in an appropriate manner;
 - (b) as far as possible to ensure the cleanliness of animals going to slaughter and, if necessary, animals kept for the production food;
 - (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.
- (2) Paragraph (1)(a) also applies to facilities used to store and handle feed.

17 Operators producing or harvesting plant products

Food business operators producing or harvesting plant products must 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
- (c) to use plant protection products and biocides correctly, as required by legislation applying to their use.