STATES OF JERSEY

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

Presented to the States on 24th February 2026
by the Environment, Housing and Infrastructure Scrutiny Panel

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STATES GREFFE

COMMENTS

These Comments have been prepared by the Environment, Housing and Infrastructure Scrutiny Panel (hereafter 'the Panel') on the Draft Food (Jersey) Regulations 202- (P.113/2025) ('the Regulations'), which were lodged by the Minister for the Environment ('the Minister') on 10th December 2025.

Background

The Regulations give practical effect to the Food (Jersey) Law 2023, adopted in 2022 (P.105/2022), which will replace the Food Safety (Jersey) Law 1966.

The core aim of the Regulations is to modernise Jersey's food regulation system 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.

The Regulations include a number of provisions to achieve this aim, the most notable of which being:

- mandatory food allergen labelling,
- updating and consolidating the existing food hygiene legislation, and
- the introduction of a food licensing scheme.

The Regulations contain a commencement date of 1st October 2026.

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

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

The survey responses represented a broad range of food operators such as cafés, restaurants, home-based producers, farmers, retailers, fishers, charities, and mobile vendors and the Panel would like to thank those who took the time to complete this.

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

[1] Gov.je Consultation Page - Food (Jersey) Regulations 202-
[2] Results Summary
[3] 2026.01.21 Written Submission - The Sustainable Co-Operative
[4] 2026.01.17 Written Submission - Jersey Association of Child-Carers

Support for the Proposition

Since receiving its first briefing, the Panel has supported the Minister's intention in bringing the Regulations to modernise Jersey's food regulation, improve hygiene standards and protect human health and consumer interests.

The Panel is also supportive of the Regulations' aim of streamlining the existing food regulation framework, which includes the food business registration system, the Eat Safe scheme and the licensing requirements under the Places of Refreshment (Jersey) Law 1967 and the Food Safety (Ice-Cream Stalls etc.) (Jersey) Order 1969. The Panel agrees with the Accompanying Report's characterisation of the present arrangements as a "*fragmented system*" that creates inefficiencies for both the Directorate and the food industry.[5]

Labelling

The Panel is particularly supportive of the provisions to introduce mandatory allergen labelling to strengthen protections for those with allergies and food-related health risks.

The Regulations will also introduce mandatory nutrition labelling for prepacked foods, with exemptions for small businesses that are:[6]

- located in Jersey,
- employ less than 10 individuals, and
- supply food directly to customers in Jersey.

During the public hearing, the Panel questioned why the exemption threshold for nutritional labelling was set at 10 employees, noting that staff numbers may not reflect a business's actual scale and could unintentionally capture small operators that may casually employ more than 10 people. Officers explained that alternative thresholds such as turnover data would be impractical to collect. They confirmed the limit mirrors U.K. and E.U. rules and is intended to only capture medium to large manufacturers.[7] The Panel also questioned how businesses who only employ part-time staff would be treated, with Officers noting that the Regulations allow for a level of flexibility that will ensure small operators are not captured unintentionally.[8]

The Panel asked whether the exemption disadvantages small producers outside Jersey, such as those in Guernsey, potentially reducing consumer choice. The Minister and Officers responded that exporters would need to meet U.K. and E.U. nutritional labelling rules, so most imported goods would already comply.[9] The Minister also argued that maintaining equivalence is essential to protect future trade and avoid compliance concerns during upcoming sanitary and phytosanitary discussions.[10]

While the Panel supports the Minister's aim of protecting Jersey's future trade in international markets, it stresses that small island operators and trade between Channel Islands should be supported and protected where possible.

[5] Accompanying Report, pg. 11
[6] Draft Food (Jersey) Regulations, Article 29
[7] Public Hearing Transcript, pg. 9
[8] Public Hearing Transcript,, pg. 9
[9] Public Hearing Transcript, pg. 13
[10] Public Hearing Transcript, pg. 14

During the public hearing, the Minister also emphasised that while Jersey must reach a level of equivalence with the U.K. and E.U., he is committed to applying the Regulations in as light-touch a manner as possible to avoid making life "*any more difficult than it has to be*" for local businesses. Directorate Officers similarly confirmed that flexibility has been built into the proposals "*where possible*" for local markets.[11] In light of this, the Panel urges the Minister to monitor the impact of the Regulations closely to ensure that the appropriate balance between meeting international obligations and maintaining small-island pragmatism is achieved and sustained over time.

The Panel also raised minor concerns about the requirement for food labelling to be provided for only in English, given the operation of cafes, markets and vendors that conduct their business solely in other languages. The Minister and Officers confirmed that exemptions have been provided for large cultural festivals and visiting specialist markets, such as the Norman Market.[12] However, all other food operators that conduct their business in languages other than English will not be exempt from allergen labelling and must provide this information in English either through written or verbal form.[13]

Areas of Concern

Notwithstanding the Panel's support for the Regulations, there are areas where it remains concerned.

Scope of the Regulations

The Regulations define "food businesses" as "undertakings, whether for profit or not, public or private, that carries out activities relating to any stage of production of food."[14]

During its two briefings the Panel repeatedly raised concerns around the scope of the Regulations. This was especially pronounced when considering the licensing scheme, particularly for small-scale and occasional food sellers, as well as food activities carried out by charities, sports clubs and social groups.

The Panel understands from its briefings that there are five types of food businesses described in the Regulations:

1. In scope of the Regulations but exempt from parts of the Regulations
2. Licensed but exempted from fees
3. Licensed as low risk
4. Licensed as medium risk
5. Licensed as high risk

Regulation 2 sets out the activities that are out of scope of the Regulations, these are:

- food for domestic consumption,
- food for religious ceremonies,
- one-off or voluntary events if low-risk, and
- unprocessed hedge-veg stands grown by the seller.

[11] Public Hearing Transcript,, pgs. 13-14
[12] Public Hearing Transcript, pg. 7
[13] Public Hearing Transcript, pg. 7
[14] Accompanying Report, pg. 3

The Panel understand that the Regulation Directorate will conduct case-by-case assessments of operators and activities to determine whether and which parts of the Regulations apply.

Notwithstanding these complexities, the Panel has been unable to gather sufficient clarity on how the Regulations will be applied in practice.

For example, Regulation 2 lists "one-off or voluntary events if low risk" as out of scope of the Regulations, however, on page 3 of the Accompanying Report, examples of one-off and voluntary events are listed as exempt from only parts of the Regulations: licensing and labelling. The Panel sought further clarity on this during the public hearing, however the advice given stated that those example activities would be exempt from licensing only:[15]

> ***Deputy A.F. Curtis:***
>
> *You mentioned about those [activities] being exempt from licences and I thought I heard are not touched by the regulations. Could you confirm if those who are exempt then [are] not touched [by] the regulations under this?*
>
> ***Group Director, Regulation:***
>
> *It is the exemption of licence, my apologies, but…The primary law will still apply.*

Another source of confusion arose from the absence of any definition of "processing" within the Regulations. Given that "unprocessed hedge-veg stands grown by the seller" are explicitly listed as out of scope, the Panel interpreted this to imply that any activity involving the processing of those products would fall within scope. The Panel raised this during the public hearing, however, the matter became less, rather than more clear.

Officers stated that a hedge veg stand that sells washed potatoes that are placed in a "crimped" bag will be exempt from labelling requirements whereas potatoes placed in a "sealed" bag would not, however, the rest of the Regulations would still apply.[16]

To further compound these inconsistencies, Directorate Officers also acknowledged that its own explanatory material remains incomplete. Officers stated that the examples and classifications provided to date are *"not an exhaustive list"* and had *"not been through full consultation"*, explaining that they were intended merely *"to get an idea about the types of things that… we need to improve on [and] be more clear."*[17]

The Directorate noted that it would *"try to do that with the food industry before the implementation by 1st October,"* seeking feedback and developing *"a range of communication styles"* to ensure that the relevant guidance becomes *"shared common knowledge."*[18]

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[15] Public Hearing Transcript, pg. 17
[16] Public Hearing Transcript, pg. 5
[17] Public Hearing Transcript, pg. 16
[18] Public Hearing Transcript, pgs. 16-17

This lack of clarity has already created significant uncertainty for those seeking to understand their obligations, with submissions received from SCOOP[19] and Jersey Association of Child Carers[20] stating that they did not know how the Regulations would apply in practice.

During the public hearing, the Directorate also confirmed that the full scope of affected businesses is not yet known, saying that "*we do not know what we do not know*" in relation to those not already registered.[21] The Minister then drew a parallel to the rented dwelling licensing scheme, where the initial estimate of 15,000 dwellings ultimately proved to be 18,000 once the regulation was enacted and the licences applied for.[22] This example underscores the Directorates' own acknowledgement that, at this stage, it cannot quantify the number of food businesses that will fall under the scope of the Regulations.

As a result, the Panel finds that the scope of the Regulations is not yet coherently defined and that there is insufficient information to determine how certain activities will be treated in practice both by stakeholders and the Directorate.

Licencing Scheme

The Regulations propose to introduce a food licensing scheme that shall operate on a risk-based, business-pays fee model.

The Panel understands the intention behind the scheme to be for the purposes of:

1. ensuring that all food businesses meet minimum hygiene and safety standards as a matter of public health,
2. consolidating the existing fragmented framework into a single, streamlined system, and
3. recovering the cost of food inspection and registration activities incurred by the Regulation Directorate.

The Panel noted that the Consultation Paper set out a range of illustrative fees based on "risk" type and describes that the fee amounts are "proportionate to the level of regulatory intervention likely to be required," [23] which are as follows:

- Low risk: £200
- Medium risk: £350
- High risk: £500

The government's Consultation Feedback Report highlighted significant opposition to the licensing scheme's fee model, and in response to this, the Accompanying Report states that the Minister is still considering the best approach and intends to return to the Assembly closer to the planned implementation date of 1st October 2026 with a more detailed proposal.[24]

19 2026.01.21 Written Submission - The Sustainable Co-Operative
20 2026.01.17 Written Submission - Jersey Association of Child-Carers
21 Public Hearing Transcript, pg. 41
22 Public Hearing Transcript, pg. 41
23 Consultation Paper, pg. 25
24 Accompanying Report, pg. 14

Given the concerns raised on the licensing scheme, the Panel included a number of questions on the area within its survey for food businesses.

The views collected on contributing financially to the cost of food safety regulation were overwhelmingly negative, with 74% of respondents opposing the principle of paying for licensing or inspection through new fees.[25]

Reactions to the proposed fee range (£200–£500) were similarly negative. Many respondents stated that the fees would pose a strain or could jeopardise the viability of their business. Concerns were also raised that a risk-based fee structure could discourage businesses from offering allergen-friendly or higher-risk foods, thereby reducing choice for consumers.[26]

The Panel noted similar concerns in the media regarding the potential impact of the proposals on shops that sell products specifically for those with food allergies and sought to clarify this in the public hearing. Officers confirmed that shops selling pre-packaged allergen-friendly foods would not be classified as high-risk under the licensing scheme. This would apply only to businesses manufacturing such foods, which Officers confirmed does not occur in Jersey to their knowledge.[27]

When presented with alternative fee or licensing options, respondents to the food survey most strongly supported lower fees for small or micro businesses, exemptions for charities and non-profits, and waivers for part-time or seasonal operators. However, a substantial proportion did not support any of the proposed alternatives, instead expressing fundamental opposition to the introduction of a new licensing scheme altogether. Many advocated for clearer guidance, improved support, and strengthened enforcement of existing systems rather than the introduction of a new fee-based licensing model.[28]

Importantly, small operators indicated that the combined financial and administrative impact could result in reduced services or business closure.[29] SCOOP also commented that the proposed fee structure would operate as a regressive form of taxation. They noted that applying charges that do not consider scale, turnover, or capacity would place a disproportionate burden on start-ups, micro-businesses, and community-focused organisations. SCOOP emphasised that this approach risks entrenching inequality within the sector and actively discouraging the growth of diverse, locally rooted enterprises that contribute significantly to Jersey's social and economic fabric.[30] The Panel is concerned that these impacts would run counter to wider government objectives to encourage entrepreneurship, support the rural economy, and maintain a vibrant, diverse marketplace, particularly the Common Strategic Priority of "enhancing opportunities for business" [31]

In understanding why a business-pays model was adopted, the Panel noted that the government's Consultation Paper states that the charging model was designed to "recoup the cost-of-service delivery" and set out an estimated annual cost of food safety

25 Results Summary
26 Results Summary
27 Public Hearing Transcript, pg. 22
28 Results Summary
29 Results Summary
30 2026.01.21 Written Submission - The Sustainable Co-Operative
31 Common Strategic Policy 2024 to 2026.pdf

functions of £300,000.[32] However, the Accompanying Report removed this explanation, and, during the public hearing, Officers clarified that the proposed fee model represents only partial cost recovery.[33] This shift has raised concerns that consultees may not have been presented with a consistent justification for the fees or a transparent explanation of how charges were derived. Moreover, although the Panel relied on the illustrative fee model set out in the Consultation Paper for its scrutiny, the Minister's ongoing reconsideration of the licensing fees means that the Panel has been unable to scrutinise the final confirmed proposals. The Panel remains seriously concerned that there is no clear explanation of how the licensing fees will ultimately be calculated.

The Regulation Officers also clarified that while the new licensing system may create some additional work, it is anticipated that this will largely be absorbed within the existing inspection regime and that any income generated from licences is treated as Treasury income.[34] As a result, although the scheme may raise more revenue, the Directorate confirmed it will still be required to deliver its functions within current resource levels unless future funding decisions change this position.[35]

Finally, the Panel noted that during the public hearing the Minister repeatedly stressed that the Regulations are fundamentally a public health measure. He stated that the legislation is directed at "*keeping the public safe*" and protecting consumers from "*allergens and risks of contamination, poisoning, sickness, illness, [and] hospital visits*".[36] The Panel considers that if the Regulations are grounded primarily in the protection of public health, then the costs associated with delivering that protection should be funded by central government, rather than transferred to businesses.

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

Implementation

Over the course of its scrutiny, the Panel grew increasingly concerned about the Directorate's readiness to enforce the Regulations on the commencement date of 1st October 2026.

Throughout the public hearing, Officers were clear that key operational work was not yet underway, stating that progressing implementation "*is not in train at the moment*" and further acknowledging that they "*would only look to consider how operationally we may be able to implement this once we get the agreement from the Assembly*".[37] The Panel also heard that digital development work is dependent on future prioritisation and funding.[38]

[32] Public Hearing Transcript, pg. 24
[33] Public Hearing Transcript, pg. 27
[34] Public Hearing Transcript, pg. 31
[35] Public Hearing Transcript, pg. 32
[36] Public Hearing Transcript, pg. 14
[37] Public Hearing Transcript, pg. 35
[38] Public Hearing Transcript, pg. 36

When asked whether the proposed implementation period was sufficient for the Directorate to complete this work, the Minister responded: "*We hope so.*" [39] The Panel does not consider this a sufficiently assured basis for a major regulatory transition affecting hundreds of businesses, with the Minister himself emphasising the significance of avoiding disruption to the sector: [40]

> *"Food and accommodation in Jersey is worth £215 million a year to the Island. It is a hugely valuable part of the economy. We do not want to risk it."*

Given that the full details of the licensing fee model remain unavailable, alongside the broader lack of clarity on the scope of the Regulations, the incomplete guidance and communications, the absence of progressed operational systems, and the Minister's own caution that the food sector must not be placed at risk, the Panel considers the fixed commencement date of 1st October 2026 to be an unrealistic timetable that will place undue pressure on both the Department and industry.

The Panel believes that proceeding with a fixed commencement date in these circumstances risks undermining confidence in the implementation process. Without adequate time for meaningful engagement, clear guidance and collaborative planning, there is a significant risk that stakeholders will feel unprepared and unsupported, ultimately affecting the effective functioning of the Regulations. Therefore, the Panel has lodged a second amendment to remove the specified commencement date from the Regulations.

Conclusion

The Panel fully supports the Minister's intention to modernise Jersey's food regulation framework and recognises the importance of improving hygiene standards, strengthening public health protections, and ensuring that consumers are provided with accurate and reliable information. The objectives of the Regulations are well-founded and, in principle, command broad support.

However, the Panel's scrutiny process has highlighted significant areas of concern that, collectively, demonstrate that the Regulations are not yet in a state suitable for commencement on 1st October 2026.

The Panel considers the scope of the Regulations to be inadequately defined, with inconsistencies between the supporting documentation and the evidence provided during the public hearing further obscuring how the framework is intended to operate in practice. In addition, the Directorate's own explanatory materials remain incomplete and have yet to undergo full consultation, while the essential operational planning and digital development work required to support affected businesses has not yet commenced. At the same time, the Panel's engagement with food businesses has shown that uncertainty surrounding the scope and implications of the Regulations has already generated confusion and concern.

Moreover, in relation to the proposed licensing scheme, the Panel believes that a business-pays model is inappropriate for a framework that the Minister has consistently characterised as a public health measure. Evidence received from food operators

[39] Public Hearing Transcript, pg. 36
[40] Public Hearing Transcript, pg. 39

demonstrates strong opposition to the fees, with many small and micro-businesses warning that the combined financial and administrative burden could threaten their viability. The Panel considers that shifting the cost of safeguarding public health onto businesses risks reducing diversity within the sector and runs counter to wider economic objectives.

The Panel recognises the Minister's commitment to ensuring that the food sector is not put at risk and shares this view. However, given its economic and social importance, the Panel considers it essential that the Regulations do not impose undue burdens on food businesses and that implementation proceeds only when the Directorate can demonstrate that the necessary systems, guidance and engagement are fully developed. This will allow industry to be fully brought on board, fostering the clarity and confidence needed for the successful implementation of the Regulations**.**