

STATES OF JERSEY



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

**Presented to the States on 5th March 2026
by the Minister for the Environment**

STATES GREFFE

COMMENTS

I thank the Environment, Housing and Infrastructure Scrutiny Panel for its comments and proposed amendments on the Draft Food (Jersey) Regulations 202- (P113/2025) that are to be debated at the next States sitting.

I welcome the Panel's support for my efforts "to modernise Jersey's food regulations, improve hygiene standards and protect health and consumer interests' and I'm pleased that the Panel recognises my aim of 'streamlining the existing food regulation framework".

It is clear from our consultation over the summer that there is widespread support for the regulations from the public and many food businesses. I am grateful that 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 protection, and ensuring that consumers are provided with accurate and reliable information".

Where we appear to part ways is when considering the Panel's amendment that would remove, in effect, my ability to consider a fee arrangement to accompany a new licensing scheme.

Therefore, I oppose the amendment lodged by the Scrutiny Panel to remove the fee-making powers from these Regulations. I recognise the anxiety around the subject of fees – our consultation over the summer identified similar concerns from food businesses over such proposals. So, I understand the potential impact.

However, I do not think the approach put forward by Scrutiny in this amendment is the right way to proceed to allay these concerns.

These Regulations do not specify fees. They simply insert the legal mechanism to introduce them if desired by the next Minister for the Environment. It is simply a good law drafting principle to insert such provision in this way. Article 8(i) of the primary Food Law states that Regulations can be brought to the Assembly to provide for "the prescribing of any fee payable upon an application for a licence, the grant of a licence, or the renewal of a licence".

Given that the primary law has been passed by the Assembly, a future Minister will continue to have the ability to come back once again with Regulations that allow for a future fees Order to be made.

Therefore, the possibility of introducing a fee would always remain.

A better option is to allow a future Minister to come forward with a fees proposal as permitted under these regulations which the Assembly could then consider. If the Scrutiny amendment is adopted, a consequence would be a protracted two-stage process whereby the Minister has to come forward with Regulations once again if they wish to introduce a fee.

Before any further consideration of fees takes place, I commit to carrying out a public consultation on possible fee arrangements. The response to this would help determine the way forward.

To remove the fee mechanism from these Regulations is an unnecessary step.

Licence fees are not a new concept. In fact, many food businesses already pay licence fees that were introduced back in the 1960s. Under the ‘Places of Refreshment Law 1967’ and ‘Ice Cream Stalls Order 1969’, food businesses already pay £103 and £130 a year respectively. These licences would be repealed by these Regulations as they are incorporated into the new unified licensing arrangement. This will result in a net loss of annual income to the department of £22,000.

The fees associated with these existing licensing schemes only apply to a very small selection of food businesses – those that sell meals, and mobile establishments that sell ice cream (around 200 in total). This means that the majority of food businesses are not paying a fee. This is not fair given that many of the larger food businesses, including our export industries, benefit greatly from the continued support from my officers. For example, lab testing on products and export health certificates are chargeable in many other jurisdictions but remain free in Jersey.

A fairer fee structure would create a level playing field, with all businesses contributing (according to their risk profile) to the cost of services provided by the department, such as regular inspections, advice sessions like Breakfast Bites, and accreditation under the Eat Safe scheme.

Removing the fee mechanism simply means that my team would continue to receive their budget directly from the Treasury. A more equitable solution is to ask food businesses to contribute a small amount directly.

The department is committed to supporting small businesses and innovative start-ups through a discount and fee waiver scheme. Many charities and community-based enterprises could also benefit by remaining outside the scope of these Regulations.

I encourage all States Members to support the maintenance of fee Order-making powers in the Regulations and to reject the Scrutiny amendment.

Removing the 1 October 2026 start date

The Panel is also proposing to remove from the regulations the fixed start date of 1 October 2026 when, if adopted, the Regulations would commence.

I am very keen that businesses are up to speed with the new requirements – particularly around allergens – and that any licensing scheme is clear, felt fair and can be delivered. To make sure this is the case, I accept that it makes sense to remove the fixed date so that faith in the Regulations and their delivery is not jeopardised by an over-ambitious timetable. Nonetheless, I will be directing officers to proceed at pace such that 1 October should remain a target date even if no longer embedded in the regulations.

When the next Minister is chosen, they should bring forward a Commencement Act at an early stage to make sure that the momentum continues and that these important Regulations are not forgotten or overlooked.

Scrutiny commented that ‘the objectives of the Regulations are well-founded and, in principle, command broad support.’ I believe that at their core they strike a fair balance between safeguarding Islanders and visitors while supporting the viability of local food businesses. We need to get them across the line and into effect as soon as we reasonably can.