

2024.10.01

3.2 Deputy C.D. Curtis of St. Helier Central of the Minister for the Environment regarding reprioritising the progress of the Food (Jersey) Law 2023 Regulations (OQ.171/2024):

Further to the response to Written Question 270/2024, will the Minister consider reprioritising the progress of the Food (Jersey) Law 2023 Regulations, including the labelling of allergens in food, given that restaurants and cafes in Jersey, unlike in the U.K. (United Kingdom), E.U. (European Union) and U.S.A. (United States of America) do not have to provide allergen information; and, if not, will he explain why?"

Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment):

I would like to thank the Deputy for her question. We have been talking about this issue for quite some time. Like her, and every Member of the Assembly, I am keen to progress the subordinate legislation under the Food (Jersey) Law 2023 as soon as possible. My officers have already commenced work on moving this legislation forward. I have prioritised this work. I continue to prioritise it so that these laws can, subject to the approval of this Assembly, come into effect in 2025.

3.2.1 Deputy C.D. Curtis:

Could the Minister confirm whether law drafting is underway yet?

Deputy S.G. Luce:

I cannot confirm that to the Deputy at the moment. It would be wrong of me to say one way or the other.

3.2.2 Deputy M. Tadier of St. Brelade:

Will the Minister confirm whether businesses that provide fresh food or sell hot food like pasties, *et cetera*, will be covered by this law and will consumers be able to know what is in those products that they are buying?

[9:45]

Deputy S.G. Luce:

Yes, those changes will be covered. It is important that we get all these laws right for Jersey. They have to be fit for purpose, workable and deliver what they are intended to do. Once my officers are working with law drafters, and I will confirm back to the Deputy officially where we are, I will be sharing these with stakeholders, including the Deputy's Scrutiny Panel and the Food Allergy Group, for comment and revision and, if appropriate, bringing them back to the Assembly.

3.2.3 Deputy M. Tadier:

When the Minister says they will be covered, does he mean that there will be a requirement for those types of food to be explicitly labelled with allergens and ingredients, or will there be an exemption for that type of food?

Deputy S.G. Luce:

It is my belief that there will be no exemptions, and that if there are allergens - there are a number of allergens, 14, I believe, which need to be covered - those will have to be listed.

3.2.4 Deputy G.P. Southern of St. Helier Central:

Can the Minister give any estimate of when we might be seeing regulations change around this area of the law?

Deputy S.G. Luce:

I cannot, other than to say, and repeat what I gave in my first answer, which the Deputy may have heard, that it is my priority and, subject to the approval of this Assembly, that it will come into effect in 2025.

3.2.5 Deputy G.P. Southern:

I will try to be more specific than I have been so far. When is his estimate of when we can see this legislation?

Deputy S.G. Luce:

I am not going to make promises that I cannot keep to, but on the basis that this will be passed in 2025, I imagine that the Deputy will have something to look at early in the new year.

3.2.6 Deputy P.M. Bailhache of St. Clement:

2025 has 12 months in it. Could the Minister indicate, if the instructions are not yet with the Law Drafting Office, when precisely they will be?

Deputy S.G. Luce:

If they are not yet with the law drafting, they will be as soon as possible. I need to remind the Assembly that there are lots of things to consider here. New labelling requirements are one important aspect of the regulations, but there are other elements that are necessary to bring the food laws up to date, and those include the licensing of food businesses, enhanced food hygiene and food safety requirements, and indeed the rules around the enforcement itself.

3.2.7 Deputy P.M. Bailhache:

Can the Minister really not give any specific indication of when the instructions will be with the Law Drafting Office?

Deputy S.G. Luce:

I cannot, and I can only apologise to the Assembly for not having more information on this issue. We have spent some time, and will continue to do so in the coming weeks, about the prioritisation of the amount of time we have with law drafters. I believe all Ministers have been asked that question. There is no point in this Government setting out a whole list of things we intend to do to find in a few months' time that we do not have time to do that. So, we are reprioritising the amount of time we have with law drafters and making sure that those top priorities are actually given the time needed. But again, I apologise to the Assembly for not having more information about the specific subjects, and I will get back to everybody and let them know exactly where we are.

3.2.8 Deputy I. Gardiner of St. Helier North:

Very unfortunately this August a 13 year-old girl died after a sip of Costa hot chocolate, which has milk, due to the failure to follow allergies processes, as was reported following the incident. What actions, training, checks, can be done during the next 6, 8, 12 months before the law will come in place to minimise the risk of these incidents in Jersey?

Deputy S.G. Luce:

There are a number of things my officers can do and are doing to try to make sure that while we wait for the updated law to come in that members of the public are covered. I would say to the Deputy that despite the lack of specific legislation it is nevertheless illegal for businesses in Jersey to falsely claim a product does not contain a specific food product. This includes the 14 allergens that I referred to before, and we have successfully prosecuted one food business under this, under the charge of selling food which was not of the nature demanded by the purchaser.

3.2.9 Deputy C.D. Curtis:

I thank the Minister for his answers and look forward to the confirmation about the law drafting time. Would the Minister agree that the current reliance on international legislation which covers imported food leaves a huge gap of unregulated food in Jersey, potentially resulting in injury or death to local residents and visitors?

Deputy S.G. Luce:

While it is unfortunate that we are not up to quite the same speed as the U.K. or the E.U., I cannot agree with the Deputy that there is a huge gap. There is a gap, and it is one that we aim to fill as soon as we

possibly can. But as I said, there are ways for us to make it better. We are doing that through encouragement, through other means. It is illegal, as I said in the previous answer, to claim that something is not contained in certain food when it is actually there. I cannot agree whole-heartedly with the Deputy, but in the first part of her final question, I will get back to her and other Members with a proper breakdown of where I am with the law drafting on this.