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by the Health and Social Services Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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**REPORT**

**The need for legislation**

A range of food legislation exists that specifies the appropriate hygiene standards and “good practice” in relation to food premises, and enables the Health and Social Services Committee to act where it becomes aware of a food safety risk. However, the present Laws do not enable prior inspection and the provision of advice to caterers or the proprietors of food premises. Consequently, a food safety problem may only become apparent after the incidence of a food poisoning outbreak.

In view of recent serious food poisoning outbreaks in the United Kingdom, the Health and Social Services Committee considered legislation should be introduced to require notification of all commercial food premises to the Environmental Health Department, so that officers might carry out inspections or give relevant information and advice before an incident might occur.

The existing powers to require the registration of premises under the Food and Drugs (Jersey) Law 1966 (Article 19) are extremely limited, including premises used for the manufacture or sale of ice-cream, sausages and preserved foods, bread, pastries and cakes, sweets, confectioneries and potato crisps.

The intention of the attached draft Law is to repeal these limited provisions and replace them with wider powers to require the registration of all commercial food premises. Subject to these enabling powers in the principal Law, a registration Order

will be prepared to implement the provisions in due course.

### **Outline of the draft Law**

*Article 1* of the draft Law defines “the principal Law” as the Food and Drugs (Jersey) Law 1966, which is being amended by this legislation.

*Article 2* revises the definitions of a “commercial operation” in relation to food activities, “food business”, “food premises” and “food source” in line with other recent legislation. The purpose of these changes is to ensure greater clarity and consistency with more recent food legislation, and in particular to mirror the Food Safety (Miscellaneous Provisions) (Jersey) Law 2000, which is soon to be brought into force.

*Article 3* replaces the limited provisions of Articles 19 to 22 of the Food and Drugs Law with a wider power to make Orders in connection with the registration of food premises generally, and to prohibit the use of premises that are not registered.

*Article 4* makes some minor consequential changes to Articles 23(2) and 59(1).

*Article 5* provides for the amendment to come into force on a day to be appointed by the States. This is likely to coincide with the date on which an Order will be brought into force.

### **Conclusion**

The draft Food and Drugs (Amendment No. 3) (Jersey) Law 200- will enable the Environmental Health Department to take a proactive approach to the way that food safety issues are addressed, in particular to enable inspection of commercial food premises and to provide preventive advice and information before a food safety risk gives rise to any serious health consequences.

### **Explanatory Note**

This draft Law amends the Food and Drugs (Jersey) Law 1966 so as to make new provision empowering the Health and Social Services Committee to require the registration of all premises used for or in connection with a food business.

**FOOD AND DRUGS (AMENDMENT No. 3) (JERSEY) LAW 200-**

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**A LAW** to amend further the Food and Drugs (Jersey) Law 1966; sanctioned by Order of Her Majesty in Council of the

(Registered on the      day of      200-)

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**STATES OF JERSEY**

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The      day of      200-

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In this Law “the principal Law” means the of Food and Drugs (Jersey) Law 1966,<sup>[1]</sup> as amended.<sup>[2]</sup>

ARTICLE 2

In Article 1(1) of the principal Law<sup>[3]</sup> -

(a) after the definition of “cheese” there shall be inserted the following definition -

“ ‘commercial operation’, in relation to any food, means any of the following -

- (a) selling, possessing for sale and offering, exposing or advertising for sale;
- (b) consigning, delivering or serving by way of sale;
- (c) preparing for sale or presenting, labelling or wrapping for the purpose of sale;
- (d) storing or transporting for the purpose of sale;
- (e) importing and exporting,

and, in relation to any food source, means deriving food from it for the purpose of sale or for purposes connected with sale;” and

(b) after the definition of “food” there shall be inserted the following definitions -

“ ‘food business’ means any business in the course of which commercial operations with respect to food or food sources are carried out;

‘food premises’ means premises used or proposed to be used for or in connection with the purposes of a food business;

‘food source’ means any growing crop or live animal, bird or fish from which food is intended to be derived (whether by harvesting, slaughtering, milking, collecting eggs or otherwise);”.

ARTICLE 3

For Articles 19 to 22 of the principal Law<sup>[4]</sup> there shall be substituted the following Article -

“ARTICLE 19

**Registration of food premises**

- (1) The Committee may by order provide for the registration of food premises and prohibit the use of any such premises which are not registered in accordance with the order.
- (2) Without prejudice to the generality of paragraph (1) of this Article, orders made under this Article may -
  - (a) make different provision in relation to different types or description of food premises and exempt from the requirements as to registration such food premises as may be prescribed;
  - (b) make provision as to the manner and form of applications for registration, the information to be furnished in connection with such applications and the keeping of the register; and
  - (c) require the occupier of registered food premises to notify the Committee of such changes in respect of the particulars required to be furnished in connection with an application for registration as may be prescribed.”.

ARTICLE 4

- (1) In Article 23(2) of the principal Law<sup>[5]</sup> the words from “, and may exempt” to the end of the paragraph shall be deleted.
- (2) In Article 59(1) of the principal Law<sup>[6]</sup> the words “registration or” shall be deleted.

ARTICLE 5

This Law may be cited as the Food and Drugs (Amendment No. 3) (Jersey) Law 200 and shall come into force on such day as the States may by Act appoint.

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<sup>[1]</sup> Volume 1966-1967, page 141.

<sup>[2]</sup> Volume 1992-1993, page 107, Volume 1994-1995, pages 73 and 577 and Volume 1999, page 418.

<sup>[3]</sup> Volume 1966-1967, page 142 and Volume 1994-1995, page 73.

<sup>[4]</sup> Volume 1966-1967, pages 164, 166 and 167 and Volume 1992-1993, page 107.

<sup>[5]</sup> Volume 1966-1967, page 169.

<sup>[6]</sup> Volume 1966-1967, page 205.