

**STATES OF JERSEY LAW 1966, AS AMENDED:  
DELEGATION OF FUNCTIONS - FOOD SAFETY**

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**Presented to the States on 16th January 2001  
by the Health and Social Services Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

150

2001

R.C.5

Price code: A

## Report

On 8th December 2000, the Health and Social Services Committee made an Act delegating certain of its functions under the Food Safety (Miscellaneous Provisions) (Jersey) Law 2000.

The terms of the delegation were as follows -

**Legislation:** Food Safety (Miscellaneous Provisions) (Jersey) Law 2000.

**Delegate:** Chief Environmental Health Officer and Environmental Health Officers.

**Functions delegated:** Article 2

To investigate a complaint that the health risk condition<sup>[1]</sup> is fulfilled with respect to any food business.

To cause inspections to be made to detect whether the health risk condition is fulfilled in respect of a food business where no complaint has been made of it.

**Delegate:** Chief Environmental Health Officer or nominated deputy

**Functions delegated:** Article 3(1)

To consider whether the health risk condition is fulfilled with respect to any food business and, if so satisfied, by an emergency prohibition notice served on the proprietor of the business, impose the appropriate prohibition.<sup>[2]</sup>

### Article 3(2) and 3(3)

To make an application to the Royal Court for an emergency prohibition order and to notify the proprietor of the business of the intention to apply for the order.<sup>[3]</sup>

### Article 3(10) and 3(11)

To issue a Certificate, on application by the proprietor of a food business, to the effect that the Committee is satisfied that the proprietor has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business; or

if he determines that the Committee is not so satisfied, to give notice to the proprietor of the reasons for that determination.<sup>[4]</sup>

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<sup>[1]</sup> The “health risk condition” with respect to a food business is defined in paragraph 4 of Article 3 of the Law as the use of a process or treatment, construction of premises, the state or condition of the premises or equipment which involve imminent risk of injury to health.

<sup>[2]</sup> Paragraph 5 of Article 3 defines the “appropriate prohibition” in the different cases.

<sup>[3]</sup> An emergency prohibition *order* may be applied for within three days of serving an emergency prohibition *notice*, having notified the proprietor of the business of the intention to make the application.

<sup>[4]</sup> If the Committee refuses to issue a certificate to indicate it is satisfied the health risk condition no longer exists, the proprietor may appeal to the Court.