

# **Draft Food (Jersey) Regulations 202-**

**Submission: The Sustainable Co-Operative**

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While I appreciate that it is important to align with laws that came into force in the UK and introduce measures that help protect those suffering with a food allergy, I have a number of concerns with the way in which they intend to introduce the changes to the law and how this might inadvertently impact smaller food producers on the island.

At The Sustainable Cooperative (SCOOP), we have supported over 120 local food producers. We also have a business incubator that has helped launch a number of local food businesses, by providing them with affordable kitchen space, business support, routes to market and training opportunities. It is an area we have some experience in.

There is talk in the recommendations of creating a level playing field for food businesses, with some food producers currently facing higher levels of licencing and regulatory requirements, but the new proposals do not create a more level playing field. Larger businesses with more resources are able to absorb the costs of paying for this kind of regulation more easily.

The proposed changes will become a barrier to new start up food businesses, due to the additional administrative costs and levies they will need to absorb, the risks they will be taking on and the infrastructure they will need to comply with the new law. The working document mentions that the charges will act as an incentive for businesses to keep their records up to date and comply with food standards and inspections. This doesn't really make sense. Inspections take place already and businesses have no choice in allowing this to happen at any point in time. This is quite right of course. There is already a clear incentive to comply with best practice, through food safety ratings that are publicly displayed following inspection.

If charges need to be introduced to cover government costs, we would suggest that these charges are levied proportional to the size of the operation or business, rather than, or in conjunction with, perceived levels of risk, which also need to be more clearly defined. We would also suggest that there are exemptions for charities, non profits and social enterprises, in recognition of the added social and economic value these organisations bring to the island. This would be a more progressive approach.

Failing to do this will result in a regressive form of taxation, while also creating barriers to new and existing small scale food businesses. Jersey has to ask itself what it wants to encourage in terms of economic development and social value and support these enterprises through the way these proposals are structured. Most government policy recognises the value of small scale businesses to the economy and social fabric of the island, but in practice regulations sometimes favour larger businesses and operations that are able to comply or gain an advantage from the legislation.

There is some mention that some producers will not need to provide full nutritional information, but there is a lack of clarity and definition. Clearly nutrition labelling alignment is necessary for those exporting to the UK and EU, but I do not feel it should be made compulsory to producers operating at small scales on all pre-packaged food, due to the challenges this would represent.

In short, we are clearly not opposed to the legislation, but the detail needs to be considered carefully. We also ask the Government to reconsider the notion for charging businesses to comply, while more clarity is needed regarding definitions of risk and any exclusions.

The Sustainable Cooperative

