



Jersey

# **FOOD HYGIENE (GENERAL PROVISIONS) (JERSEY) ORDER 1967**

## **Official Consolidated Version**

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## FOOD HYGIENE (GENERAL PROVISIONS) (JERSEY) ORDER 1967

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Jersey

## FOOD HYGIENE (GENERAL PROVISIONS) (JERSEY) ORDER 1967<sup>1</sup>

THE HEALTH AND SOCIAL SERVICES COMMITTEE in pursuance of Articles 17 and 58 of the [Food Safety \(Jersey\) Law 1966](#), orders as follows –

Commencement [[see endnotes](#)]

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### PART 1

#### PRELIMINARY

#### 1 Interpretation

(1) In this Order, unless the context otherwise requires –

“agricultural activity” includes horticulture, fruit growing, dairy farming, the breeding and keeping of livestock, including poultry, and the use of land as market gardens and nursery ground;

“catering business” means a food business consisting wholly or partly of the supply of food for immediate consumption;

“certificate of exemption”, in relation to any food premises, stall or vehicle, means a certificate for the time being in force in relation to the premises, stall or vehicle granted under and in accordance with the provisions of Article 33;

“contamination” includes contamination by odour, and “contaminating” shall be construed accordingly;

“dock” includes any harbour, mooring, wharf, pier, jetty or other works in or at which food can be shipped or unshipped and any warehouse, transit shed or other premises used in connection therewith for the temporary storage or loading for dispatch of food which is unshipped or to be shipped;

“equipment” includes apparatus, loading and unloading gear, furnishings and utensils;

“fish” means uncooked fish (including cured or smoked fish) and includes uncooked whale-meat, and in Article 13 includes fish which has been cooked or otherwise prepared for sale by any similar process;

“food business” means any trade or business for the purposes of which any person engages in the handling of food, other than a trade or business to which Article 2 refers;

“food premises” means any premises on or from which there is carried on a food business, but does not include a stall;

“food room” means any room (being, or being part of, any food premises) in which any person engages in the handling of food for the purposes of a food business, but does not include –

- (a) a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to, or at the request of, any person occupying it as a sleeping place;
- (b) a room communicating with a room used as a sleeping place if the only handling of the food which occurs in the room is in the course of serving food there to, or at the request of, any person (not being a person carrying on a food business at the premises which include the room or a person employed by the person) by whom the room is occupied as a sleeping place;
- (c) a day room in a hospital or in an old person’s home;

“Law” means the [Food Safety \(Jersey\) Law 1966](#);

“market” means a public market under the administration of the Minister for Infrastructure;

“old person’s home” has the meaning assigned to it by Article 1 of the Old Person’s Homes (Registration) (Jersey) Law 1964;

“open food” means food not contained in a container of such materials and so closed as to exclude the risk of contamination, but does not include any food mentioned in the first column of the Schedule to this Order which, before being taken to any food premises or stall for the purposes of sale or to any vehicle for the purposes of delivery, has been wrapped in the manner described opposite thereto in the second column;

“stall” includes any stand, marquee, tent, mobile canteen, vehicle (whether movable or not), vending machine or pitch from which food is sold;

“vehicle” means a vehicle used for the movement of food for the purposes of a food business, but does not include any vehicle which, being used for the sale of food, falls within the definition of “stall”;

“vending machine” means a coin or token-operated automatic vending machine.<sup>2</sup>

- (2) In this Order, unless the context otherwise requires, the handling of food means the carrying out, or assisting in the carrying out, for the purposes of a food business, of any process or operation in the sale of food or in the preparation, transport, loading, unloading, storage, packaging, wrapping, exposure for sale, service or delivery of food, and includes the cleaning of articles or equipment with which food comes into contact.
- (3) In determining for the purposes of this Order whether any matter involves a risk of contamination to any food, regard shall be had to the extent to which contamination in the respect in question is immaterial because of –
  - (a) the nature of the food;
  - (b) the manner in which the food is packed;

- (c) the time during which the food is to remain in any place;
- (d) any process to which the food is to be subjected before sale to the consumer, being a process to which food of that nature is normally so subjected.

## **2 Trades or businesses to which Order does not apply**

Save as provided by Article 30, nothing in this Order shall apply to any trade or business which is an agricultural activity or to so much of any trade or business as consists of the handling of food at, in or on –

- (a) any premises or place occupied by a wholesaler of raw vegetables and used exclusively for the purposes of the wholesaler's trade or business as such a wholesaler;
- (b) any premises which –
  - (i) are used exclusively for the storage of food manufactured and packed by the occupier thereof,
  - (ii) are situated outside the curtilage of the premises used for the manufacture or packing of that food, and
  - (iii) are not used for the storage of any open food.

## **3 Provisions of this Order subject to certificates of exemption**

The application of the provisions of this Order to any food premises, stall or vehicle shall be subject to the provisions of any certificate of exemption for the time being in force in relation to those premises, or to that stall, or to that vehicle.

# **PART 2**

## **GENERAL REQUIREMENTS**

## **4 Food business not to be carried on at insanitary premises etc.**

No person shall –

- (a) carry on a food business at, on or from any premises or stall which is insanitary, or which is so situated or constructed, or which is in such a condition;
- (b) use a vehicle which is insanitary, or which is so constructed, or which is in such a condition,

that the food is exposed to the risk of contamination.

## **5 Cleanliness and repair of food rooms etc.**

- (1) The walls, floors, doors, windows, ceiling, woodwork and all other parts of the structure of every food room shall be kept clean, and shall be kept in such good order, repair and condition as to –
  - (a) enable them to be effectively cleaned;

- (b) prevent, so far as is reasonably practicable, any risk of infestation by rats, mice, insects or other pests.
- (2) Every stall at or from which there is carried on any food business, and every vehicle, shall be kept clean, and in such good order, repair and condition as to enable it to be effectively cleaned.

## **6 Cleanliness of equipment etc.**

- (1) Articles or equipment with which food comes into contact, or is liable to come into contact, in the course of a food business shall be kept clean and shall be so constructed, be of such materials and be kept in such good order, repair and condition as to –
  - (a) enable them to be thoroughly cleaned;
  - (b) prevent, so far as is reasonably practicable any matter being absorbed by them;
  - (c) prevent, so far as is reasonably practicable, any risk of contamination of the food.
- (2) Without prejudice to the provisions of paragraph (1), all containers intended for containing food in the course of a food business, whether or not they come into contact, or are liable to come into contact, with food, shall, so far as is reasonably practicable, be protected and kept free from contamination.
- (3) In determining for the purposes of this Article whether any article or equipment is clean, regard shall be had to the nature and packing of the food for which the article or equipment is required and to the use which is made of the article or equipment.

## **7 Accumulation of refuse etc.**

No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in a food room, or at a stall, or on a vehicle, except so far as may be unavoidable for the proper carrying on of the trade or business.

# **PART 3**

## **REQUIREMENTS RELATING TO FOOD HANDLERS AND HANDLING OF FOOD**

## **8 Food to be protected from risk of contamination**

A person who engages in the handling of food shall while so engaged take all such steps as may be reasonably necessary to protect the food from risk of contamination, and in particular, but without prejudice to the generality of the foregoing –

- (a) shall not so place the food as to involve any risk of contamination;
- (b) shall, before offering any food for sale, ensure that –
  - (i) any part of the food which is unfit for human consumption is removed,

- (ii) any food which is unfit for human consumption, unsound or unwholesome is kept apart from any other food;
- (c) shall not, in or about any forecourt or yard, place any food lower than 18 inches from the ground unless it is adequately protected by other means from risk of contamination;
- (d) shall ensure that open food is kept covered where reasonably necessary with a clean cover while exposed for sale and during sale:

Provided that sub-paragraph (b) shall not apply where food is intended to be sold by wholesale either by sample or description.

## **9 Personal cleanliness**

A person who engages in the handling of food shall while so engaged –

- (a) keep as clean as may be reasonably practicable all parts of his or her person which are liable to come into contact with the food;
- (b) keep as clean as may be reasonably practicable all parts of the person's clothing or over-clothing which are liable to come into contact with the food;
- (c) keep any open cut or abrasion on any exposed part of his or her person covered with a suitable waterproof dressing;
- (d) refrain from spitting;
- (e) refrain from the use of tobacco or any other smoking mixture or snuff while the person is handling any open food or is in any food room, at any stall or in any part of any vehicle, in which there is open food.

## **10 Persons handling open food to wear over-clothing etc.**

A person who engages in the handling of open food, other than raw vegetables, shall while so engaged wear sufficient clean and washable over-clothing, and every person who carries meat which is open food and which is liable to come into contact with the person's neck or head shall while so engaged also wear a clean and washable head covering:

Provided that this Article shall not apply –

- (a) to a waiter in a catering business if the waiter takes all such other precautions as are reasonable and practicable to prevent the food from coming into contact with any exposed part of the waiter's person or with any clothing;
- (b) to any person whilst the person is delivering flour confectionery or other bakery goods;
- (c) to any person so long as the person is engaged only in the carrying of unskinned rabbits or hares or unplucked game or poultry.

## **11 Carriage and wrapping etc. of food**

A person who engages in the handling of food shall not while so engaged –

- (a) carry any food in a vehicle or container together with any article from which there is a risk of contamination of the food, or with any live animal or live poultry,

without taking all such precautions as are reasonably practicable to avoid risk of contamination and shall not allow any live animal or live poultry to come into contact with any open food so carried;

- (b) use for wrapping or containing any open food any paper or other wrapping material or container, which is not clean or which is liable to contaminate the food;
- (c) allow any printed material, other than printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables.

## **12 Persons suffering from certain infections**

As soon as any person engaged in the handling of food becomes aware that he or she is suffering from, or is the carrier of, typhoid, paratyphoid or any other salmonella infection or dysentery or any staphylococcal infection likely to cause food poisoning, the person shall inform the person carrying on the food business and the person carrying on the food business shall immediately notify the Medical Officer of Health accordingly:

Provided that where the person required to give such information is the person carrying on the food business the person shall give the information to the Medical Officer of Health immediately.

## **13 Temperatures at which certain foods must be kept<sup>3</sup>**

- (1) This Article applies to all food that consists of meat, fish, gravy or imitation cream, or is prepared from or contains any egg or milk, except –
  - (a) bread, biscuits, cake or pastry, by reason only of the use of egg or milk as an ingredient introduced prior to baking;
  - (b) chocolate or sugar confectionery;
  - (c) ice-cream to which the provisions of any Order with respect to the heat treatment of ice-cream in force under Article 6 of the Law apply;
  - (d) food that –
    - (i) has been subjected to dehydration, canning or any other process intended to prevent the growth of pathogenic micro-organisms at ambient temperatures, and
    - (ii) has been contained, after or by reason of that process, in an hermetically sealed container that has not been opened;
  - (e) butter, margarine, lard, shortening, cooking fats or beef suet;
  - (f) uncooked bacon or uncooked ham;
  - (g) dry foods;
  - (h) bakery products with imitation cream that is not liable to support bacterial growth;
  - (i) smoked or cured fish that is sold by mail order;
  - (j) dried or salted fish; or
  - (k) unskinned rabbits, unskinned hares, unplucked game or unplucked poultry.

- (2) Subject to paragraph (3), any food that –
- (a) is in or on any food premises or any market, stall or vehicle from which (in any such case) there is carried on any food business; or
  - (b) is being transferred to or from any such place in the course of any food business,
- shall be kept at a temperature that is either not lower than 63°C or not higher than 8°C.
- (3) Where –
- (a) food has been cooked, or partly cooked, in or on any food premises or any market, stall or vehicle from which (in any such case) there is carried on any food business; and
  - (b) the temperature of the food falls below 63°C,
- the food shall immediately be cooled, under hygienic conditions and as quickly as reasonably practicable, to a temperature not higher than 8°C.
- (4) Where food has been cooled in accordance with paragraph (3), it shall be kept at a temperature not higher than 8°C until –
- (a) it is served for immediate consumption or sold;
  - (b) it is reheated for service for immediate consumption or for sale; or
  - (c) it is cooked further.
- (5) In any proceedings for an offence by reason of contravening or failing to comply with this Article, it shall be a defence to prove –
- (a) that the food to which the charge relates was at a temperature that was lower than 63°C and higher than 8°C, for a limited period only that was consistent with food safety –
    - (i) during a process of carrying out a step in the preparation of the food,
    - (ii) while the food was being moved from one part of the food premises, market, stall or vehicle to another,
    - (iii) while it was being loaded or unloaded,
    - (iv) unavoidably, during the defrosting of equipment, or
    - (v) unavoidably, for any other sufficient reason; and
  - (b) that it was then restored, as quickly as reasonably practicable and in a manner that is permitted by this Article, to a temperature that is permitted by this Article.
- (6) In any proceedings for an offence by reason of contravening or failing to comply with this Article, it shall be a defence to prove that the food to which the charge relates –
- (a) was for service or on display for sale;
  - (b) had been kept for service, or on display for sale, for a period of less than 2 hours; and
  - (c) had not previously been kept for service or on display for sale in contravention of this Article.

(7) In this Article –

“egg” includes whole egg, yolk and albumen, whether or not the egg, yolk or albumen is dried, frozen or otherwise preserved;

“milk” includes cream, condensed milk, dried milk and separated or skimmed milk.

## **PART 4**

### **REQUIREMENTS RELATING TO FOOD PREMISES AND STALLS**

#### **14 Soil drainage systems**

- (1) No fresh air intake of any ventilation pipe included in the soil drainage system of any food premises shall be situated in a food room.
- (2) Every inlet into any such system situated in any such room shall be trapped.

#### **15 Cisterns for supplying water to food rooms**

No cistern for the supply of water to a food room shall supply a sanitary convenience otherwise than through an efficient flushing cistern or some other flushing apparatus equally efficient and suitable for the prevention of contamination of water supplies.

#### **16 Sanitary conveniences**

- (1) Every sanitary convenience situated on, or regularly used in connection with, any food premises or stall –
  - (a) shall be kept clean and in efficient order;
  - (b) shall be so placed that no offensive odours therefrom can penetrate into any food room or to any stall.
- (2) Any room or other place which contains a sanitary convenience shall be suitably and sufficiently lighted and ventilated and shall be kept clean.
- (3) Except in the case of a room to which paragraph (5) applies, no room which contains a sanitary convenience shall be used as a food room.
- (4) Except in the case of a room to which paragraph (5) applies, no food room or stall which communicates directly with a room or other place which contains a sanitary convenience shall be used –
  - (a) for the handling of open food;
  - (b) for the cleaning of equipment for use in any food business in the course of which open food is handled.
- (5) No room in or at any airport, dock, public cold store or premises or place occupied by a carrier of goods for the purposes of the carrier's trade or business as such which contains a sanitary convenience shall be used for the storage or handling of food which is not so packed, or the packing of which is not in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch.

- (6) There shall be fixed and maintained in a prominent and suitable position near every sanitary convenience situated in or on, or regularly used in connection with, any food premises or stall (being a convenience provided or made regularly available for the use of persons employed in the handling of food on or about the premises or stall) a clearly legible notice requesting persons to wash their hands after using the convenience.

## **17 Supply of water**

- (1) A supply of water sufficient in quantity to enable this Order to be complied with shall be provided and maintained on all food premises and in connection with every stall, other than a vending machine.
- (2) Any supply of water provided for the said purposes shall be –
  - (a) clean and wholesome;
  - (b) constant, if the provision of a constant supply is reasonably practicable.

## **18 Wash-hand basins to be provided**

- (1) Subject to the provisions of paragraph (5), there shall be provided and maintained on all food premises and in connection with every stall, other than a vending machine, suitable and sufficient wash-hand basins, in positions conveniently accessible, for use by all persons engaged in the handling of food on or about those premises or that stall.
- (2) There shall be provided and maintained for every such wash-hand basin an adequate supply either of hot and cold water, or of hot water at a suitably controlled temperature:

Provided that it shall be sufficient compliance with this paragraph to provide and maintain only an adequate supply of cold water on food premises and in connection with stalls on or about which no open food is handled.
- (3) At or near every such wash-hand basin, there shall be provided and maintained for the use of persons engaged in the handling of food, adequate supplies of soap or other suitable detergent, nail brushes and clean towels or other drying facilities which shall be used only for securing the personal cleanliness of such persons.
- (4) All such wash-hand basins shall be kept clean and any working parts thereof shall be kept clean and in efficient working order.
- (5) Nothing in this Article shall apply to any premises on any airport, dock or to any premises or place occupied by a carrier of goods for the purposes of the carrier's trade or business as such where the only food which may be handled is food which is packed, or the packing of which is in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch.

## **19 First-aid materials to be provided**

Suitable and sufficient bandages, dressings (including waterproof dressings) and antiseptics for first-aid treatment shall be provided and maintained –

- (a) on all food premises;

- (b) at every stall, other than a vending machine,  
in a position conveniently accessible for the use of persons engaged in the handling of food on or about such premises, or stall.

## **20 Accommodation for clothing etc.**

Except where adequate provision is made elsewhere than in a food room, there shall be provided and maintained on all food premises on or about which open food is handled suitable and sufficient cupboard or locker accommodation for the clothing and footwear, not worn during working hours, of all persons engaged in the handling of food on or about those premises.

## **21 Facilities for washing food and equipment and for sorting food**

- (1) Subject to the provisions of paragraph (6), there shall be provided and maintained on all food premises and at every stall, suitable and sufficient sinks or other facilities (not being wash-hand basins provided in accordance with Article 18) for washing food and equipment used in the food business.
- (2) There shall be provided and maintained for every such sink or other facility an adequate supply either of hot and cold water, or of hot water at a suitably controlled temperature, except that a supply of cold water shall suffice –
  - (a) where the facility consists of apparatus designed for the washing of drinking vessels with a suitable bactericidal agent and is used only for that purpose; or
  - (b) where the sink or other facility is used only for the washing of fish, tripe, animal casings, fruit or vegetables.
- (3) All sinks and other facilities and any working parts thereof provided for the purposes of this Article shall be kept clean and in efficient working order.
- (4) There shall be provided and maintained for use at all such sinks or other facilities –
  - (a) adequate supplies of soap or other suitable detergent and of clean cloths; or
  - (b) other adequate and suitable cleaning and drying facilities.
- (5) Subject to the provisions of paragraph (6), there shall be provided on all food premises and at every stall, suitable and sufficient space for food which, in accordance with Article 8(b), is to be kept apart from other food, and for the disposal of waste.
- (6) Nothing in this Article –
  - (a) shall apply to any vending machine;
  - (b) shall apply to any food premises or any stall –
    - (i) on or at which no open food is handled,
    - (ii) at any airport or docks, except where food is handled at such food premises or stall in the course of a retail business or a catering business;
  - (c) shall apply to any premises or place occupied by a carrier of goods for the purposes of the carrier's business as such;

- (d) shall require the provision on any stall of a sink for the washing of soft ice-cream freezers if –
  - (i) facilities for such washing are available on premises from which the stall is operated,
  - (ii) those freezers are not dismantled on the stall except for purposes of cleaning on such premises.

## **22 Lighting**

Suitable and sufficient means of lighting shall be provided in every food room and at every stall and every such room and stall shall be suitably and sufficiently lighted.

## **23 Ventilation of food rooms**

Except in the case of a humidity-controlled or temperature-controlled chamber, suitable and sufficient means of ventilation shall be provided in every food room and suitable and sufficient ventilation shall be maintained there.

## **24 Food rooms etc. not to be used as sleeping places**

- (1) No food room, stall or vehicle shall be used as a sleeping place and no sleeping place shall be used as a food room.
- (2) No food room which communicates directly with a sleeping place shall be used for the handling of open food.

# **PART 5**

## **ADDITIONAL REQUIREMENTS RELATING TO STALLS AND VEHICLES**

## **25 General requirements relating to stalls and vehicles**

- (1) Every stall and vehicle shall have legibly and conspicuously displayed on the outside thereof –
  - (a) the name and address of the person carrying on the food business in connection with which the stall or vehicle is used;
  - (b) except in the case of a vending machine, any other address at which the stall or vehicle is kept or garaged.
- (2) When not in use, a stall or vehicle shall not be stored with any food except in conditions under which the food can be kept clean and free from contamination, and no stall (whether or not wholly or partially dismantled) or vehicle shall be stored in any place liable to render it insanitary or incapable of being properly cleaned.

**26 Covering of stalls**

Every stall at or from which open food other than raw vegetables is sold or exposed for sale for human consumption shall, if not in an enclosed and covered building, be suitably covered and screened at the sides and back thereof in such a manner as to prevent any mud, dust, dirt, filth or other contaminating substance from being deposited on any open food thereon:

Provided that this Article shall not apply to any stall which is so designed, constructed and operated that all food thereon is completely enclosed until it is taken from its enclosure to be sold or cooked for immediate consumption.

**27 Receptacles for waste at stalls**

- (1) Every stall shall be provided with a sufficient number of suitably clean and covered receptacles for waste trimmings, refuse and rubbish.
- (2) Any such receptacles shall be constructed of impervious material maintained in good condition and shall be replaced as often as may be necessary to prevent the accumulation of obnoxious matter, and such receptacles shall be kept apart from any open food intended for sale.
- (3) All waste trimmings, refuse and rubbish shall be placed in the receptacles provided therefor.
- (4) There shall be provided and maintained for every sink or other facility for washing food and equipment used on a stall a suitable and sufficient means of disposing of waste water.

**28 Transport of meat**

- (1) Subject to the provisions of this Article, the following provisions shall apply in relation to any vehicle used for the transport of meat which is open food –
  - (a) except in the case of a closed vehicle, the vehicle shall be covered by canvas or other washable material so arranged as to enclose completely that part of the vehicle in which meat is placed and, so far as is reasonably practicable, the cover shall not be allowed to come into contact with the meat;
  - (b) the floor shall be impervious or fitted with movable duckboards used in such manner as to prevent the meat or its wrappings from touching the floor of the vehicle;
  - (c) any receptacle or duckboard in or on which the meat is placed and such parts of any slings, implements or other equipment used for the loading or unloading of meat as come into contact with the meat or its wrappings shall be kept clean and in such good order, repair and condition as to enable them to be thoroughly cleaned;
  - (d) except as provided in paragraph (2), every such vehicle shall be provided with a sufficient number of suitably covered receptacles to contain separately all offal (other than skinned heads, scalded heads and offal that has not been detached from the carcase) transported in the vehicle, and such receptacles shall be constructed of impervious materials and kept clean and in such good order, repair and condition as to enable them to be thoroughly cleaned;

- (e) except as provided in paragraph (2), no offal (other than skinned heads, scalded heads and offal that has not been detached from the carcass) shall be transported in any such vehicle except in the separate receptacles provided therefor:

Provided that sub-paragraphs (a) and (b) shall not apply in relation to the transport of meat on isolated occasions in the course of the business of a carrier if the meat is adequately protected by suitable material from the risk of contamination.

- (2) Nothing in this Article shall require such separate receptacles as aforesaid to be provided or used for the transport of –
  - (a) packaged or wrapped frozen offal so long as such offal remains frozen hard;
  - (b) giblets of game or poultry which are carried in or attached to the carcass from which they have been removed;
  - (c) uncleaned tripe, uncleaned stomachs, uncleaned intestines or uncleaned feet in a vehicle in which no other meat other than offal of these descriptions is being carried;
  - (d) unskinned or unscalded heads in a vehicle in which no meat other than offal of these descriptions or uncleaned feet is being carried.

## 29 Supplementary requirements

- (1) Articles 17, 18, 19 and 21 shall apply to vehicles on or from which open food is sold in the course of a retail business as they apply to food premises and stalls:  
Provided that –
  - (a) Articles 17, 18 and 19 shall not apply in relation to any bread van so long as the vehicle in question operates from any premises where facilities are provided under those Articles;
  - (b) Article 21 shall not apply in relation to any vehicle so long as the vehicle operates from any premises where facilities are provided under that Article.
- (2) For the purposes of this Article, “bread van” means any vehicle used solely for the sale, or offer or exposure for sale, of bread (wrapped or unwrapped) whether alone or together with other flour confectionery or bakery goods.

## PART 6

### SPECIAL REQUIREMENTS RELATING TO PARTICULAR PREMISES AND PLACES

## 30 Condition of accommodation allocated for handling food

- (1) Before permitting the use of accommodation for the discharge, movement, storage or dispatch of any food at any premises or place to which this Article applies, the person having the control or management of the premises or place or responsible for allotting the accommodation shall, so far as is reasonably practicable, take account of the nature of the food which is to be discharged, moved, stored or dispatched and of the manner in which it is packed and shall not permit the use of accommodation which is in such a state as to expose the food to the risk of contamination.

- (2) This Article shall apply to –
- (a) any airport or any dock;
  - (b) any public cold store;
  - (c) any premises or place occupied by a carrier of goods for the purposes of the carrier's trade or business as such a carrier;
  - (d) any premises which –
    - (i) are used exclusively for the storage of food manufactured and packed by the occupier thereof,
    - (ii) are situate outside the curtilage of the premises used for the manufacture or packing of that food, and
    - (iii) are not used for the storage of food other than that contained in containers of such materials and so closed as to exclude the risk of contamination.

### **31 Importation and storage of certain perishable foods<sup>4</sup>**

- (1) The importation into Jersey by ship of any meat is prohibited unless the meat is imported in closed containers of such type as may for the time being be approved for that purpose by the Minister.
- (2) Where any meat is imported into Jersey in contravention of the provisions of paragraph (1), the importer thereof shall be guilty of an offence, and whether or not any proceedings are instituted in respect of such offence, the Minister may direct that any meat so imported shall forthwith be re-exported by and at the expense of the importer.
- (3) Where a person imports into Jersey any meat in accordance with the provisions of paragraph (1), the person shall as soon as may be reasonably practicable after such importation, convey the meat or cause the meat to be conveyed to a place approved by the Minister and the container in which the meat has been imported shall not be opened until it has reached that place.<sup>5</sup>
- (4) Frozen food shall be kept in a temperature-controlled chamber from the time that it is rendered frozen, or, in the case of food imported into Jersey already frozen, from as soon as may be reasonably practicable after such importation, until it is sold by retail.

## **PART 7**

### **ADMINISTRATIVE PROVISIONS**

### **32 Exemption from certain requirements**

- (1) Articles 17, 18, 19 and 21 shall not apply in relation to any stall, or to any food premises situated in a market, where the trade or business carried on consists wholly of the preparation and supply of roasted chestnuts or hot potatoes.
- (2) Article 21(1), (2), (3) and (4) shall not apply in relation to any stall, or to any food premises situated in a market, where the trade or business carried on consists

wholly of that of a fruiterer, wholesaler of fruit, greengrocer or wholesaler of raw vegetables, if the person carrying on the food business has notified the Minister that the person is so engaged.

### **33 Certificates of exemption**

- (1) While there is in force in relation to any food premises, stall or vehicle a certificate of exemption to the effect that compliance with any provision of this Order cannot reasonably be required with respect to those premises, or that stall or that vehicle, or to any activities carried on therein, those premises, or that stall or that vehicle shall be exempt from that provision.
- (2) A certificate of exemption from any provision of Article 17, 18, 19 or 21 may be granted in relation to any food premises or stall situated in a market where the Minister is satisfied that facilities corresponding to those required under that provision are made available by the authority responsible for the administration of the market in which the food premises or stall are situated.
- (3) A certificate of exemption shall be granted by the Minister with respect to any food premises, stall or vehicle only if he or she is satisfied that, by reason of restricted accommodation or other special circumstances affecting the premises, stall or vehicle, it is reasonable that such a certificate should be granted in respect thereof.
- (4) A certificate of exemption granted under this Article may be for a specified period of time and may be withdrawn by the Minister if he or she ceases to be satisfied that the exemption granted is reasonably necessary.
- (5) A person aggrieved by a decision of the Minister under this Article to refuse or to withdraw a certificate of exemption may, within 30 days of the day on which notification of the Minister's decision refusing or withdrawing the certificate of exemption was sent to the person, appeal to the Inferior Number of the Royal Court, in term or in vacation, on the ground that the Minister's decision was unreasonable having regard to all the circumstances, and the Court shall make such an order in the matter as it thinks fit.
- (6) Article 55 of the Law shall apply for the purposes of this Order as if references therein to the grant of any necessary licence and to the making of any necessary entry in any register included references to the grant of any certificate of exemption and to the cancellation of any decision to withdraw a certificate of exemption.
- (7) Article 56 of the Law shall apply for the purposes of this Order as if references therein to the refusal, cancellation, suspension or revocation of registration or of a licence included references to the refusal or withdrawal of a certificate of exemption.

### **34 Offences**

- (1) Any person who contravenes or fails to comply with any provision of this Order shall be guilty of an offence.
- (2) Article 51 of the Law shall apply for the purposes of this Order as if references therein to proceedings taken or brought under the Law included references to proceedings taken or brought under this Order.

**35 Penalties<sup>6</sup>**

Any person guilty of an offence under this Order shall be liable to a fine or to imprisonment for a term not exceeding 2 years or to both.

**36 Citation**

This Order may be cited as the Food Hygiene (General Provisions) (Jersey) Order 1967.

**SCHEDULE**

(Article 1)

**FOOD NOT TO BE REGARDED AS OPEN FOOD**

<i>First column</i>	<i>Second Column</i>
<b>Food</b>	<b>Mode of wrapping of enclosures</b>
Butter, margarine and cooking fat	Any total enclosure of greaseproof paper or foil
Fish	Any total enclosure of greaseproof paper or film
Vegetables	Any box, bag, sack, string container or pliable film pack
Flour confectionery and bakery goods	Any total enclosure
Ice-cream	Any total greaseproof enclosure of paper, foil, film, cardboard, carton, cup or similar wrapping
Ice lollies	Any total greaseproof enclosure of paper, foil, film or similar wrapping, or any bag made of such materials to contain the ice lolly and which may or may not be sealed at the end from which the stick or holder protrudes

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Food Hygiene (General Provisions) (Jersey) Order 1967	<a href="#">R&amp;O.4915</a>	1 May 1967
Food Hygiene (General Provisions) (Amendment) (Jersey) Order 1967	<a href="#">R&amp;O.4953</a>	7 August 1967
Food Hygiene (General Provisions) (Amendment No. 2) (Jersey) Order 1971	<a href="#">R&amp;O.5493</a>	1 March 1971
Food Hygiene (General Provisions) (Amendment No. 3) (Jersey) Order 1997	<a href="#">R&amp;O.9072</a>	1 June 1997
Food Hygiene (General Provisions) (Amendment No. 4) (Jersey) Order 1997	<a href="#">R&amp;O.9083</a>	1 June 1997
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	<a href="#">R&amp;O.45/2005</a>	9 December 2005
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	<a href="#">R&amp;O.133/2005</a>	9 December 2005
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016

### Table of Renumbered Provisions

Original	Current
PART I	PART 1
PART II	PART 2
PART III	PART 3
PART IV	PART 4
PART V	PART 5
PART VI	PART 6
PART VII	PART 7

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**Table of Endnote References**

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- <sup>1</sup> *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005 and the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Article 1(1) amended by R&O.158/2015*
- <sup>3</sup> *Article 13 substituted by R&O.9072*
- <sup>4</sup> *Article 31 substituted by R&O.4953*
- <sup>5</sup> *Article 31(3) amended by R&O.5493*
- <sup>6</sup> *Article 35 substituted by R&O.9083*