



Jersey

# **IMPORTED FOOD (JERSEY) ORDER 1998**

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Jersey

## IMPORTED FOOD (JERSEY) ORDER 1998

### Arrangement

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Jersey

## **IMPORTED FOOD (JERSEY) ORDER 1998<sup>1</sup>**

**THE HEALTH AND SOCIAL SERVICES COMMITTEE**, in pursuance of Articles 17 and 58 of the Food Safety (Jersey) Law 1966<sup>2</sup> orders as follows –

Commencement [[see endnotes](#)]

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### **1 Interpretation**

In this Order, unless the context otherwise requires –

“detention notice” means a notice served under Article 4;

“export notice” means a notice served under Article 5;

“point of entry” means any part of the ports of St. Helier or Gorey or the airport through which a consignment of food is about to be, is being or has been imported;

“working day” means any day which is not a Saturday, Sunday, Christmas Day, Good Friday or a public or bank holiday under Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951.<sup>3</sup>

### **2 Presumption as to food commonly used for human consumption**

For the purposes of this Order, any food commonly used for human consumption shall, if imported for sale or for use in the preparation of food for sale, be presumed, until the contrary is proved, to have been imported for sale, or, as the case may be, for use in the preparation of food for sale, for human consumption.

### **3 Provision of facilities for the examination of imported food**

The importer of a consignment of food shall provide such facilities as the authorized officer may require to enable –

- (a) the unloading and re-loading of the consignment; and

- (b) the examination of the food so as to prevent, so far as reasonably practicable, the risk of contamination.

#### **4 Examination and detention of imported food**

- (1) An authorized officer may, either at the point of entry or at any premises in Jersey to which it has been consigned –
  - (a) examine any food intended for sale for human consumption which is about to be, is being or has been imported into Jersey, whether or not that food is enclosed in any container; and
  - (b) require the importer to produce such records and returns relating to that food as the authorized officer may specify.
- (2) Where the authorized officer has reason to suspect that the consignment of food or any part of it –
  - (a) is unfit for human consumption;
  - (b) has been rendered injurious to health; or
  - (c) is unsound or unwholesome,the authorized officer shall serve on the importer a detention notice prohibiting the removal of the food from the place of examination or other place specified in the notice without the authorized officer's consent for 10 working days beginning with the day on which the notice is served.
- (3) A detention notice shall –
  - (a) describe the type and quantity of food to which it relates;
  - (b) state the grounds on which the notice has been served; and
  - (c) specify the place where the food is to be kept.
- (4) Where a detention notice has been served under paragraph (2) and the authorized officer is satisfied that consent should be given for removal of the food from the place specified in the notice, the authorized officer shall give that consent as soon as reasonably practicable.
- (5) Any person who contravenes or fails to comply with a detention notice shall be liable to a fine not exceeding level 4 on the standard scale.

#### **5 Exportation of food found to be unfit for human consumption**

- (1) Where it is satisfied that any food is unfit for human consumption, has been rendered injurious to health or is unsound or unwholesome, the Minister shall serve on the importer an export notice requiring the food to be –
  - (a) exported or disposed of in such manner as the Minister may direct within 7 working days beginning with the day on which the notice was served; and
  - (b) held in secure storage pending such export or disposal.
- (2) An export notice shall –
  - (a) describe the type and quantity of food to which it relates;

- (b) state the grounds on which the notice has been served; and
  - (c) specify whether the food is to be exported or disposed of and, if appropriate, the manner of disposal.
- (3) Where an export notice has been served under paragraph (1), the costs of –
  - (a) storing from the date of service of the notice until its export or disposal; and
  - (b) exporting or disposing of,the food described in the notice shall be borne by the importer.
- (4) Any person who contravenes or fails to comply with an export notice shall be liable to a fine not exceeding level 4 on the standard scale and, if the offence is a continuing one, to a further fine not exceeding level 2 on the standard scale for each day or part of a day during which the offence is proved to have continued, and the food described in the notice shall be forfeit to the Minister and may be disposed of in such manner as the Minister thinks fit.

## **6 Appeals**

- (1) An importer served with an export notice may, within 7 days of such service, appeal to the Royal Court and the court may affirm or set aside the notice.
- (2) In any case where the court is minded to set aside an export notice but the food described in the notice has, by the time of the hearing so deteriorated so as to be unfit for human consumption, rendered injurious to health or unsound or unwholesome, the court may, instead of setting aside the notice, issue a declaration that it should not have been served.
- (3) Where an appeal has been made but not yet determined under paragraph (1), the court may, if it considers it appropriate to do so, direct that the food described in the notice shall not be exported or disposed of until the application is determined.
- (4) Where the court sets aside an export notice under paragraph (1) or issues a declaration under paragraph (2) it may order the Minister to pay to the importer such compensation as it considers reasonable in all the circumstances.

## **7 Citation**

This Order may be cited as the Imported Food (Jersey) Order 1998.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Imported Food (Jersey) Order 1998	R&O.9312	1 December 1998
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005

### Table of Renumbered Provisions

Original	Current
1(1)	1
1(2)	spent, omitted from this revised edition

### 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. 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> *chapter 20.225*
- <sup>3</sup> *chapter 15.560*