



Jersey

COMMUNITY PROVISIONS (NUTRITION AND HEALTH CLAIMS ON FOODS) (JERSEY) REGULATIONS 2014

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THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In these Regulations, unless the context otherwise requires –
 - “1966 Law” means the [Food Safety \(Jersey\) Law 1966](#);
 - “authorized officer” has the same meaning as in the 1966 Law;
 - “Council Regulation” means Regulation (EC) No. 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ L 404, 30.12.2006, p.9) as amended up to 29th November 2012¹;
 - “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.
- (2) For the purposes of these Regulations a reference to sale includes –
 - (a) possession for sale, and offering, exposing or advertising for sale; and
 - (b) supply, otherwise than by sale, in the course of a business.
- (3) These Regulations apply –
 - (a) in relation to a food which is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted, whether or not on payment of money, as if the food were or had been exposed for sale by each person concerned in the organization of the entertainment;
 - (b) in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were or had been exposed for sale by the person offering it or giving it away; and
 - (c) in relation to any food which is exposed or deposited in any premises for the purposes of being offered or given away as

described in sub-paragraph (a) or (b), as if the food were or had been exposed for sale by the occupier of the premises.

- (4) Unless the context otherwise requires, other expressions used in these Regulations have the same meaning as in the Council Regulation.

2 Application of Council Regulation

- (1) The Council Regulation shall have effect in Jersey subject to the modifications in paragraphs (2) to (4).
- (2) In Article 3 of the Council Regulation, “Community” shall be taken to include the Channel Islands and Isle of Man.
- (3) Articles 15 to 27 and 29 of the Council Regulation are omitted.
- (4) Article 28 of the Council Regulation is modified, for the purposes of the application of the Council Regulation to nutrition and health claims used in the labelling, presentation and advertising of foods placed on the market in Jersey or the Bailiwick of Guernsey, as follows –

- (a) before paragraph (1) there is inserted the following paragraph –

“(A1) In this Article –

‘adoption date’ means the day the Community Provisions (Nutrition and Health Claims on Foods) (Jersey) Regulations 2014 are adopted by the States;

‘commencement date’ means the day the Community Provisions (Nutrition and Health Claims on Foods) (Jersey) Regulations 2014 come into force.”;

- (b) in paragraph (1) –

- (i) for the words “the date of application of this Regulation” there are substituted the words “the adoption date”,
- (ii) for the words “31 July 2009” there are substituted the words “the second anniversary of the commencement date”;

- (c) in paragraph (2) –

- (i) for the words “1 January 2005” there are substituted the words “the adoption date”,
- (ii) for the words “19 January 2022” there are substituted the words “the fifteenth anniversary of the commencement date”;

- (d) in paragraph (3) –

- (i) for the words “a Member State before 1 January 2006” there are substituted the words “Jersey before the adoption date”,
- (ii) for the words “national provisions” there are substituted the words “any enactment”,
- (iii) for the words “19 January 2010” there are substituted the words “the third anniversary of the commencement date”,
- (iv) the words “and without prejudice to the adoption of safeguard measures as referred to in Article 24” are omitted;

- (e) paragraphs (4), (5) and (6) are omitted.

3 Offences

- (1) Subject to the exception contained in Article 1(3) of the Council Regulation and to the transitional measures contained in Article 28 of the Council Regulation as modified by these Regulations, a person who contravenes any of the following provisions of the Council Regulation is guilty of an offence –
 - (a) Article 3;
 - (b) Article 4(3);
 - (c) Article 6(2);
 - (d) Article 7;
 - (e) Article 8(1);
 - (f) Article 9;
 - (g) Article 10(1), (2) or (3);
 - (h) Article 12;
 - (i) Article 14(2).
- (2) A person guilty of an offence under paragraph (1) is liable to imprisonment for 2 years and a fine.
- (3) Where an offence under this Regulation committed by a limited liability partnership or a separate limited partnership or by an incorporated limited partnership or other body corporate is proved to have been committed with the consent or connivance of –
 - (a) in the case of a limited liability partnership, a person who is a partner of the partnership;
 - (b) in the case of a separate limited partnership or an incorporated limited partnership –
 - (i) a general partner, or
 - (ii) a limited partner who is participating in the management of the partnership;
 - (c) in the case of a body corporate other than an incorporated limited partnership, a director, manager, secretary or other similar officer of the body corporate; or
 - (d) any person purporting to act in any capacity described in sub-paragraphs (a) to (c),

the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (4) If the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

4 Application of provisions of the 1966 Law

- (1) An authorized officer shall have the same powers, upon the same terms, for the purposes of enforcement of these Regulations as the officer has,

- by virtue of Articles 33, 34, 35, 36, 38, 41, 42 and 43 of the 1966 Law, for the purposes of enforcement of that Law.
- (2) The following provisions of the 1966 Law apply for the purposes of these Regulations with the modification that any reference in them to that Law or a provision of that Law is to be read as a reference to these Regulations –
- (a) in Article 1(1), any definition, to the extent that is required for the purposes of the application, by this Regulation, of any provision of the 1966 Law;
 - (b) Article 3(5);
 - (c) Article 44(1), (2) and (3);
 - (d) Article 48(1);
 - (e) Article 49;
 - (f) Article 50;
 - (g) Article 51;
 - (h) Article 52;
 - (i) Article 59;
 - (j) Article 60(1), (2) and (4) to (7).
- (3) Notwithstanding paragraph (2)(a), where a provision of the 1966 Law applied by this Regulation contains an expression for which provision is made in Regulation 1, the expression, in the provision of the 1966 Law as so applied, is to be construed in accordance with Regulation 1.
- (4) Article 46 of the 1966 Law applies in relation to an offence against any provision of the 1966 Law mentioned in paragraph (1) or (2).

5 Defence in proceedings under 1966 Law

Nothing in Article 8 of the 1966 Law or in an Order made under Article 9 of the 1966 Law makes it an offence to make a claim in compliance with the Council Regulation.

6 Citation

These Regulations may be cited as the Community Provisions (Nutrition and Health Claims on Foods) (Jersey) Regulations 2014.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Community Provisions (Nutrition and Health Claims on Foods) (Jersey) Regulations 2014	R&O.95/2014	3 October 2014

Table of Endnote References

¹ [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1924:EN:NOT)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1924:EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1924:EN:NOT)