



Jersey

# **FOOD SAFETY (ICE-CREAM STALLS ETC.) (JERSEY) ORDER 1969**

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## FOOD SAFETY (ICE-CREAM STALLS ETC.) (JERSEY) ORDER 1969

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## **FOOD SAFETY (ICE-CREAM STALLS ETC.) (JERSEY) ORDER 1969<sup>1</sup>**

**THE HEALTH AND SOCIAL SERVICES COMMITTEE** in pursuance of Articles 20 and 58 of the [Food Safety \(Jersey\) Law 1966](#), have made the following order –

Commencement [[see endnotes](#)]

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### **1 Interpretation**

In this Order, unless the context otherwise requires –

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

“licensed” means licensed under Article 3 of this Order;

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

### **2 Duty to license**

No vehicle or stall shall be used for the sale or the exposure or offer for sale of ice-cream or the preparation for the purposes of sale of ice-cream, unless that vehicle or stall is for the time being licensed by the Minister.

### **3 Applications for licence**

- (1) An application for a licence shall be in such form and shall contain such particulars as the Minister may require and, in particular, shall specify –
  - (a) the purpose or purposes for which the licence is applied for;
  - (b) the vehicle or stall for which the licence is required; and
  - (c) all rooms or premises to be used in connection with the use of the vehicle or stall.

- (2) Every application for a licence shall be accompanied by a fee of £118.58.<sup>2</sup>
- (3) Where an application is made in accordance with the provisions of paragraph (1), the Minister shall, subject to the provisions of Article 4, license the vehicle or stall in respect of which the application is made to be used for the sale or the offer or exposure for sale of ice-cream or the preparation for the purposes of sale of ice-cream or all or any of those purposes as the case may be.
- (4) A licence shall, unless previously cancelled, remain in force until the 31st December next following the day on which it takes effect, but shall be renewable annually, and the same provisions shall apply to the renewal of a licence as apply to the grant of a licence.<sup>3</sup>

#### **4 Refusal or cancellation of licence<sup>4</sup>**

- (1) If, in relation to any vehicle or stall in respect of which an application is made for a licence or in respect of which a licence is in force, it appears to the Minister that the requirements of any Order in force under Article 17 of the Law are not complied with in connexion with the use of the vehicle or stall, the Minister may serve on the applicant for the licence or, as the case may be, on the person holding the licence in respect of the vehicle or stall, a notice stating the place and time, not being less than 21 days after the date of the service of the notice, at which the Minister proposes to take the matter into consideration and informing the person that the person may attend before the Minister with any witnesses whom the person desires to call, at the place and time mentioned to show cause why the Minister should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the licence, either wholly or in part, in force in respect of the vehicle or stall.
- (2) A person entitled under the provisions of paragraph (1) of this Article to appear before the Minister may appear in person or by an advocate or solicitor or any other representative, or may be accompanied by any person whom the first person may wish to assist himself or herself in the proceedings.
- (3) If a person on whom a notice is served under the provisions of paragraph (1) fails to show cause to the satisfaction of the Minister, the Minister may refuse the application or, as the case may be, cancel the licence, either wholly or in part, in force in respect of the vehicle or stall, and shall, as soon as may be, cause the person to be given notice of the Minister's decision in the matter, and shall, if so required by the person within 14 days from the day on which such notice was given to the person, furnish to the person within 7 days after receiving the requirement, a statement of the grounds on which the decision was based.
- (4) A person aggrieved by a decision of the Minister under this Article to refuse to grant a licence, or to cancel a licence, either wholly or in part, may, within 30 days of the day on which notification of the Minister's decision refusing or cancelling the licence was sent to the person, appeal to the Inferior Number of the Royal Court, in term or in vacation, and the Court shall make such order in the matter as it thinks fit.

**5 Transfer of ownership**

- (1) On any change in the ownership of a vehicle or stall in respect of which a licence is in force, the incoming owner shall, if the owner intends to use the vehicle or stall for the sale or the offer or exposure for sale of ice-cream, or the preparation for the purposes of sale of ice-cream, forthwith give notice of the change of ownership to the Minister.
- (2) If a person required to give notice under the provisions of paragraph (1) fails so to do, the person shall be liable to a fine not exceeding £10.

**6 Production and delivery of licence**

- (1) Every person using a vehicle or stall in respect of which a licence is in force shall, when required by or on behalf of the Minister to do so, produce or deliver that licence to the Minister or to an authorized officer.
- (2) If a person required to produce or deliver a licence under the provisions of paragraph (1) fails so to do, the person shall be liable to a fine not exceeding £10.

**7 Penalty for using stall or vehicle in contravention of Article 2**

If any person uses a vehicle or stall in contravention of the provisions of Article 2 the person shall be liable to a fine not exceeding £500 and, in the case of a second or subsequent offence, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 2 years or to both such fine and such imprisonment.

**8 Citation**

This Order may be cited as the Food Safety (Ice-Cream Stalls etc.) (Jersey) Order 1969.<sup>5</sup>

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Food and Drugs (Ice-Cream Stalls etc.) (Jersey) Order 1969	R&O.5255	18 August 1969
Food and Drugs (Ice-Cream Stalls etc.) (Amendment) (Jersey) Order 1975	R&O.6166	1 January 1976
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 2) (Jersey) Order 1978	R&O.6547	1 January 1979
Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 3) (Jersey) Order 1980	R&O.6881	1 January 1981
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 4) (Jersey) Order 1982	R&O.7086	1 January 1983
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 5) (Jersey) Order 1984	R&O.7334	1 January 1985
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 6) (Jersey) Order 1986	R&O.7464	1 January 1986
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 7) (Jersey) Order 1986	R&O.7576	1 January 1987
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 8) (Jersey) Order 1987	R&O.7709	1 January 1988
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 9) (Jersey) Order 1988	R&O.7800	1 January 1989
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 10) (Jersey) Order 1989	R&O.7965	1 January 1990
Food and Drugs (Ice-Cream Stalls Etc.) (Amendment No. 11) (Jersey) Order 1990	R&O.8117	1 January 1991
Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 12) (Jersey) Order 1991	R&O.8283	1 January 1992
Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 13) (Jersey) Order 1992	R&O.8476	1 January 1993



<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 14) (Jersey) Order 1993	R&O.8583	1 January 1994
Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 15) (Jersey) Order 1994	R&O.8744	1 January 1995
Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 16) (Jersey) Order 1995	R&O.8865	1 January 1996
Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 17) (Jersey) Order 1996	R&O.9008	1 January 1997
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 18) (Jersey) Order 1997	R&O.9165	1 January 1998
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 19) (Jersey) Order 1998	R&O.9330	1 January 1999
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 20) (Jersey) Order 2000	<a href="#">R&amp;O.22/2000</a>	15 March 2000
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 21) (Jersey) Order 2000	<a href="#">R&amp;O.140/2000</a>	1 January 2001
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 22) (Jersey) Order 2001	<a href="#">R&amp;O.182/2001</a>	1 January 2002
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 23) (Jersey) Order 2001	<a href="#">R&amp;O.161/2002</a>	1 January 2003
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 24) (Jersey) Order 2003	<a href="#">R&amp;O.132/2003</a>	1 January 2004
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 25) (Jersey) Order 2004	<a href="#">R&amp;O.151/2004</a>	1 January 2005
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	<a href="#">R&amp;O.45/2005</a>	9 December 2005
Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 26) (Jersey) Order 2005	<a href="#">R&amp;O.171/2005</a>	1 January 2006
Food Safety (Ice-Cream Stalls etc.) (Amendment No. 27) (Jersey) Order 2006	<a href="#">R&amp;O.103/2006</a>	1 January 2007
Food Safety (Ice-Cream Stalls etc.) (Amendment No. 28) (Jersey) Order 2007	<a href="#">R&amp;O.143/2007</a>	1 January 2008

Legislation	Year and No	Commencement
Health and Social Services (2009 Fees) (Jersey) Order 2008	<a href="#">R&amp;O.168/2008</a>	1 January 2009
Health and Social Services (2010 Fees) (Jersey) Order 2009	<a href="#">R&amp;O.138/2009</a>	1 January 2010
Health and Social Services (2011 Fees) (Jersey) Order 2010	<a href="#">R&amp;O.135/2010</a>	1 January 2011
Health and Social Services (2012 Fees) (Jersey) Order 2011	<a href="#">R&amp;O.177/2011</a>	1 January 2012
Health and Social Services (2013 Fees) (Jersey) Order 2012	<a href="#">R&amp;O.166/2012</a>	1 January 2013
Health and Social Services (2014 Fees) (Jersey) Order 2013	<a href="#">R&amp;O.165/2013</a>	1 January 2014
Health and Social Services (2015 Fees) (Jersey) Order 2014	<a href="#">R&amp;O.214/2014</a>	1 January 2015
Health and Social Services (2016 Fees) (Jersey) Order 2015	<a href="#">R&amp;O.169/2015</a>	1 January 2016
Environment (2021 Fees) (Jersey) Order 2020	<a href="#">R&amp;O.185/2020</a>	1 January 2021

### Table of Endnote References

- <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> *Article 3(2) amended by R&O.6166, R&O.6547, R&O.6881, R&O.7086, R&O.7334, R&O.7464, R&O.7576, R&O.7709, R&O.7800, R&O.7965, R&O.8117, R&O.8283, R&O.8476, R&O.8583, R&O.8744, R&O.8865, R&O.9008, R&O.9165, R&O.9330, R&O.22/2000, R&O.140/2000, R&O.182/2001, R&O.161/2002, R&O.132/2003, R&O.151/2004, R&O.171/2005, R&O.103/2006, R&O.143/2007, R&O.168/2008, R&O.138/2009, R&O.135/2010, R&O.177/2011, R&O.166/2012, R&O.165/2013, R&O.214/2014, R&O.169/2015, R&O.185/2020*
- <sup>3</sup> *Article 3(4) amended by R&O.6166*
- <sup>4</sup> *Article 4 substituted by R&O.45/2005*
- <sup>5</sup> *citation the name of this Order was revised from the “Food and Drugs (Ice-cream Stalls etc.) (Jersey) Order 1969” to the “Food Safety (Ice-cream Stalls etc.) (Jersey) Order 1969” by the Law Revision Board in pursuance of the law revision powers contained in the Law Revision (Jersey) Law 2003 and in response to amendments which made the original name unsuitable*