
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Calorie Labelling (Out of Home Sector) (England) Regulations 2021

Improvement notice

9.—(1) If an authorised officer⁽¹⁾ of a food authority has reasonable grounds for believing that a qualifying business is failing to comply with regulation 5 or 6, the authorised officer may, by a notice served on the proprietor of that qualifying business (an “improvement notice”)—

- (a) state the officer’s grounds for believing that the qualifying business is failing to comply with regulation 5 or 6,
 - (b) specify the matters which constitute the qualifying business’s failure so to comply,
 - (c) specify the measures which, in the officer’s opinion, the proprietor must take in order to secure compliance, and
 - (d) require the proprietor to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.
- (2) Any person who fails to comply with an improvement notice is guilty of an offence.

⁽¹⁾ “Authorised officer” is defined in section 6 of the Food Safety Act 1990. The definition was inserted by paragraph 16 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (c. 40) and amended by paragraph 8 of Schedule 5 to the Food Safety Act 1999 (c. 28).