
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for restrictions on the marketing in a store or on an online marketplace of certain foods and drinks that are less healthy.

Regulation 3 defines the food and drink to which the Regulations apply.

Regulation 4 defines the businesses to which the Regulations apply (“qualifying businesses”).

Regulation 5 prohibits qualifying businesses from offering certain price promotions on food and drink to which the Regulations apply.

Regulation 6 prohibits qualifying businesses from offering certain price promotions (“free refills”) on drinks within the scope of regulation 6.

Regulation 7 prohibits qualifying businesses from placing food and drink to which the Regulations apply in certain locations in a store.

Regulation 8 applies to online marketplaces and prohibits the placement of food and drink in certain parts of the online marketplace on which the food and drink is offered for sale.

Regulation 9 requires each food authority to enforce and execute these Regulations in its area.

Regulation 10 enables a food authority to serve an improvement notice on a person where it has reasonable grounds for believing that the person has failed to comply with one or more of regulations 5, 6, 7 or 8.

Regulation 11 creates an offence where a person fails to comply with an improvement notice, and regulation 12 deals with sanctions for that offence including, together with Schedule 2, provision enabling a food authority to impose a fixed monetary penalty.

Regulations 13 and 14 require food authorities to publish, respectively, guidance about its use of the power to impose fixed monetary penalties, and reports about the enforcement action that have taken under these Regulations.

Regulation 15 requires the Secretary of State to carry out a review of the regulatory provisions of these Regulations and to publish a report setting out the conclusions of the review.

Regulation 16 applies, with modifications, various provisions of the Food Safety Act 1990 – notably in relation to enforcement powers.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from <https://www.gov.uk/government/consultations/restricting-promotions-of-food-and-drink-that-is-high-in-fat-sugar-and-salt> and is available from the Department of Health and Social Care at 39 Victoria Street, London SW1H 0EU.