



# Health and Care Act 2022

## 2022 CHAPTER 31

### PART 6

#### MISCELLANEOUS

##### *Food and drink*

#### **172 Advertising of less healthy food and drink**

Schedule 18 amends the Communications Act 2003 to restrict the advertising of certain food and drink products.

##### **Commencement Information**

**II** [S. 172](#) in force at 28.6.2022, see [s. 186\(4\)](#)

#### **173 Hospital food standards**

In section 20 of the Health and Social Care Act 2008 (regulation of regulated activities)

- (a) in subsection (3), after paragraph (d), insert—
  - “(da) impose requirements in connection with food or drink provided or made available to any person on hospital premises in England that are used in connection with the carrying on of a regulated activity;”;
- (b) after subsection (4A) insert—
  - “(4B) Regulations made under this section by virtue of subsection (3)(da) may in particular—
    - (a) specify nutritional standards, or other nutritional requirements, which are to be complied with;

*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Cross Heading: Food and drink. (See end of Document for details)*

- (b) require that specified descriptions of food or drink are not to be provided or made available.”
- (c) after subsection (5B) insert—
  - “(5C) In subsection (3)(da) “hospital” has the meaning given by section 275 of the National Health Service Act 2006.”

#### Commencement Information

**I2** S. 173 not in force at Royal Assent, see [s. 186\(6\)](#)

**I3** [S. 173](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

### 174 Food information for consumers: power to amend retained EU law

- (1) In section 16 of the Food Safety Act 1990 (regulations about food labelling etc), after subsection (3) insert—
  - “(3A) Regulations under subsection (1)(e) may amend [Regulation \(EU\) No 1169/2011](#) of the European Parliament and of the Council on the provision of food information to consumers.
  - (3B) The inclusion in that Regulation of savings in respect of the power to make regulations under this Act of a particular kind is not to be taken as in any way limiting the generality of the provision that may be made by virtue of subsections (1)(e) and (3A).”
- (2) In section 48 (regulations and orders)—
  - (a) in subsection (3), after “shall” insert “, unless the instrument contains regulations which include provision made by virtue of section 16(3A),”;
  - (b) after subsection (3) insert—
    - “(3A) A statutory instrument containing regulations which include provision made by virtue of section 16(3A) may not be made by the Secretary of State unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
    - (3B) A statutory instrument containing regulations which include provision made by virtue of section 16(3A) may not be made by the Welsh Ministers unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
    - (3C) Regulations made by the Scottish Ministers which include provision made by virtue of section 16(3A) are subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act [2010 \(asp 10\)](#)).”

#### Commencement Information

**I4** S. 174 not in force at Royal Assent, see [s. 186\(6\)](#)

**I5** [S. 174](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Care Act 2022, Cross  
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