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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations require qualifying businesses which sell food for immediate consumption, either in a café, restaurant or other catering establishment or as take away food, to provide information relating to the energy content of the food they sell to consumers in kilocalories (“calorie information”).

Regulation 3 identifies the food for which calorie information must be displayed.

Regulation 4 defines “exempt food”, for which calorie information does not have to be provided.

Regulation 5 sets out the information which must be displayed, and where that information must be displayed. Regulation 6 sets how this information is to be displayed where food is sold on a website or through a mobile application.

Regulation 7 defines “qualifying businesses”, which are required to display calorie information in relation to food.

Regulations 8 to 12 and the Schedule to the Regulations provide for the enforcement of the Regulations. Regulation 9 applies section 10 of the Food Safety Act 1990 (c. 16) on improvement notices with modifications. The Schedule provides for fixed monetary penalties. Regulation 13 provides for a review of the Regulations every five years in accordance with the Small Business, Enterprise and Employment Act 2015 (c. 26), and regulation 14 applies a number of other provisions of the Food Safety Act 1990 with modifications.

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/calorie-labelling-for-food-and-drink-served-outside-of-the-home>, and from the Department of Health and Social Care at 39 Victoria Street, London SW1H 0EU.