

2022 No. 1311

BROADCASTING

ELECTRONIC COMMUNICATIONS

FOOD

PUBLIC HEALTH

**The Communications Act 2003 (Restrictions on the Advertising
of Less Healthy Food) (Effective Date) (Amendment)
Regulations 2022**

Made - - - at 12.57 p.m. on 9th December 2022

Laid before Parliament at 2.00 p.m. on 9th December 2022

Coming into force 31st December 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 321A(6), 368FA(6) and 368Z14(7) of the Communications Act 2003(a).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) Regulations 2022.

(2) They come into force on 31st December 2022.

(3) They extend to England and Wales, Scotland and Northern Ireland.

(4) They apply in England, Wales, Scotland and Northern Ireland.

Amendments to the Communications Act 2003

2.—(1) The Communications Act 2003 is amended as follows.

(2) In section 321A(2) (objectives for advertisements: less healthy food and drink), for “1 January 2023”, substitute “1 October 2025”.

(3) In section 368FA(1) (advertising: less healthy food and drink), for “1 January 2023”, substitute “1 October 2025”.

(4) In section 368Z14 (prohibition of paid-for advertising of less healthy food and drink)—

(a) in subsection (1), for “1 January 2023”, substitute “1 October 2025”;

(a) 2003 c. 21. Sections 321A, 368FA and 368Z14 were inserted by paragraphs 1, 2 and 3 respectively of Schedule 18 to the Health and Care Act 2022 (c. 31).

- (b) in subsection (11), for “1 January 2023” each time it occurs, substitute “1 January 2025”;
(c) in subsection (12)(a), for “1 January 2023”, substitute “1 January 2025”.

At 12.57 p.m. on 9th December 2022

Neil O’Brien
Parliamentary Under-Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the date on which the requirements introduced by those sections relating to the advertising of less healthy food and drink, inserted into the Communications Act 2003 (c. 21) by Schedule 18 to the Health and Care Act 2022 (c. 31) take effect, so that it is postponed until 1 October 2025.

A full impact assessment of the effect that Schedule 18 to the Health and Care Act 2022 will have on the costs of business, the voluntary sector and the public sector is available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/996232/impact-assessment-hfss-advertising.pdf, and from the Department of Health and Social Care at 39 Victoria Street, London SW1H 0EU. No impact assessment has been produced for this instrument.

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