

2023 No. 949

FOOD, ENGLAND

PUBLIC HEALTH, ENGLAND

**The Food (Promotion and Placement) (England) (Amendment)
Regulations 2023**

<i>Made</i> - - - -	<i>30th August 2023</i>
<i>Laid before Parliament</i>	<i>4th September 2023</i>
<i>Coming into force</i> - -	<i>30th September 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 16(1)(e) and (f) of the Food Safety Act 1990(a) (“the 1990 Act”).

The Secretary of State has consulted in accordance with section 48(4)(b) of the 1990 Act.

The Secretary of State has had regard to the fact that no relevant advice has been given by the Food Standards Agency in accordance with section 48(4A)(c) of the 1990 Act.

Citation, commencement and extent

1. These Regulations—

- (a) may be cited as the Food (Promotion and Placement) (England) (Amendment) Regulations 2023;
- (b) come into force on 30th September 2023;
- (c) extend to England and Wales.

Amendment of the Food (Promotion and Placement) (England) Regulations 2021

2.—(1) The Food (Promotion and Placement) (England) Regulations 2021(d) are amended as follows.

(2) In regulation 1(1A) (commencement etc.), for “2023” substitute “2025”.

(3) In regulation 5(5) (restriction on the price promotion of specified food), for “these Regulations come” substitute “this regulation comes”.

(a) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28); there are other amendments not relevant to this instrument.
(b) Section 48(4) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 and S.I. 2004/2990.
(c) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.
(d) S.I. 2021/1368 was amended by S.I. 2022/1007.

30th August 2023

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Food (Promotion and Placement) (England) Regulations 2021 (“the Principal Regulations”) provide for restrictions on the marketing in a store or on an online marketplace of certain foods and drinks that are less healthy. Regulations 5 and 6 (relating to volume price promotions, including free drink refills) are due to come into force on 1st October 2023.

These Regulations amend the Principal Regulations so that regulations 5 and 6 instead come into force on 1st October 2025. They also amend regulation 5(5) to clarify that the volume price promotion restriction does not apply to food which includes a volume price promotion on its packaging for a period of 12 months beginning on the day regulation 5 comes into force.

An impact assessment has not been produced for this instrument.

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