
STATUTORY INSTRUMENTS

2024 No. 165

**The Nutrition and Health Claims
(England) (Amendment) Regulations 2024**

Amendment of the Nutrition and Health Claims (England) Regulations 2007

2.—(1) The Nutrition and Health Claims (England) Regulations 2007⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “the Regulation”, insert—

““specified provision of the Regulation” means—

- (a) Article 3 (general requirements relating to all claims);
- (b) Article 4(3) (restrictions on claims that may be made on alcoholic beverages);
- (c) Article 6(2) (requirement for use of claims to be justified);
- (d) Article 7 (requirements for nutrition information);
- (e) Article 8(1) (requirements for nutrition claims);
- (f) Article 9 (requirements for comparative claims);
- (g) Article 10(1), (2) or (3) (requirements for health claims);
- (h) Article 12 (prohibition of certain health claims); or
- (i) Article 14(2) (requirements for reduction of disease risk claims).”

(3) In regulation 5 (offences and penalties)—

(a) in paragraph (1)—

(i) omit “(1)” so that the existing text becomes regulation 5;

(ii) for “the provisions of the Regulation specified in paragraph (2)”, substitute “a specified provision of the Regulation”;

(b) omit paragraph (2).

(4) In regulation 6 (application of various provisions of the Act)—

(a) after paragraph (b), insert—

“(ba) section 10(1) and (2) (improvement notices) with the modifications specified in Part 1 of the Schedule;”;

(b) after paragraph (f), insert—

“(fa) section 32(1) to (8) (powers of entry) with the modifications specified in Part 2 of the Schedule;

(fb) section 33 (obstruction of officers);”;

(c) after paragraph (g), insert—

“(ga) section 35 (punishment of offences) with the modification specified in Part 3 of the Schedule;”;

(d) after paragraph (i), insert—

- “(ia) section 37(1), (3), (5) and (6) (appeals) with the modifications specified in Part 4 of the Schedule;
 - (ib) section 39 (appeals against improvement notices) with the modifications specified in Part 5 of the Schedule; and”.
- (5) Omit regulation 7 (obstruction of officers and provision of information etc.).
- (6) Before the Explanatory Note, insert the following Schedule—

“Schedule

Regulation 6

Modification of provisions of the Act

Part 1

Modification of section 10 of the Act (improvement notices)

1. Section 10 is to be read as if, for subsection (1), there were substituted—
- “(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a specified provision of the Regulation, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”) —
- (a) state the officer’s grounds for believing that the person is failing to comply with a specified provision of the Regulation;
 - (b) specify the matters which constitute the person’s failure so to comply;
 - (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
 - (d) require the person to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.”.

Part 2

Modification of section 32 of the Act (powers of entry)

2. Section 32 is to be read as if, for subsection (1)(a) to (c), there were substituted —
- “(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there is or has been any contravention of a specified provision of the Regulation; and
- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of a specified provision of the Regulation;”.

Part 3

Modification of section 35 of the Act (punishment of offences)

3. Section 35 is to be read as if, after subsection (1A), there were inserted—

“(1B) A person guilty of an offence under section 10(2) shall be liable, on summary conviction, to a fine.”.

Part 4

Modification of section 37 of the Act (appeals)

4. Section 37 is to be read as if—
 - (a) in subsection (1)—
 - (i) paragraphs (b) and (c) were omitted, and
 - (ii) for “a magistrates’ court or, in Scotland, to the sheriff”, there were substituted “the First-tier Tribunal”,
 - (b) for subsection (3), there were substituted—

“(3) The appeals procedure under the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 applies to appeals made under subsection (1).”.
 - (c) for subsection (5), there were substituted—

“(5) The notice of appeal period under rule 22 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 applies to appeals made under subsection (1).”, and
 - (d) in subsection (6)—
 - (i) for “(3) or (4), there were substituted “(1)”, and
 - (ii) in paragraph (a), for “a magistrates’ court or to the sheriff”, there were substituted “the First-tier Tribunal”.

Part 5

Modification of section 39 of the Act (appeals against improvement notices)

5. Section 39 is to be read as if—
 - (a) in subsection (1) for “court” (in both places), there were substituted “First-tier Tribunal”, and
 - (b) in subsection (3), “for want of prosecution” were omitted.”.