



# 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)

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- (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;

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*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)*

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- (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.”

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**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](#))).”

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**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  
Heading: Food and drink.