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STATUTORY INSTRUMENTS

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**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

<i>Made</i>	- - - -	<i>at 12.57 p.m. on 9th December 2022</i>
<i>Laid before Parliament</i>		<i>at 2.00 p.m. on 9th December 2022</i>
<i>Coming into force</i>	- -	<i>31st December 2022</i>

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(1).

**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.

**Commencement Information**

**II** Reg. 1 in force at 31.12.2022, see [reg. 1\(2\)](#)

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(1) [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 \(c. 31\)](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) Regulations 2022. (See end of Document for details)

## 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”;

(b) in subsection (11), for “1 January 2023” each time it occurs, substitute “[<sup>F1</sup>1 October 2025]”;

(c) in subsection (12)(a), for “1 January 2023”, substitute “[<sup>F2</sup>1 October 2025]”.

**F1** Words in reg. 2(4)(b) substituted (30.12.2022) by The Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1381), regs. 1(2), 2(2)

**F2** Words in reg. 2(4)(c) substituted (30.12.2022) by The Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/1381), regs. 1(2), 2(2)

### Commencement Information

**I2** Reg. 2 in force at 31.12.2022, see reg. 1(2)

*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](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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Communications Act 2003 (Restrictions on the Advertising of Less Healthy Food) (Effective Date) (Amendment) Regulations 2022.