

SL(6)585 – The Food (Promotion and Presentation) (Wales) Regulations 2025

Background and Purpose

The Food (Promotion and Presentation) (Wales) Regulations (“these Regulations”) restrict the promotion by location and volume price of high fat, sugar and salt (HFSS) products in Wales.

The restrictions will prevent medium and large retailers (with 50 or more employees) that sell food or drink in Wales from displaying HFSS products at key locations in store or online, and from offering those products as part of a volume price promotion. The 13 categories of specified food are listed in Schedule 1 to these Regulations.

Qualifying businesses in the retail and out of home sector will also be prohibited from offering a free refill promotion on sugar-sweetened drinks.

The Welsh Government consulted on these regulations last year, and state that these regulations are a crucial step in delivering the ambitions in the Healthy Weight: Healthy Wales strategy. The Welsh Government’s Explanatory Memorandum to these Regulations provides that these restrictions aim to reduce the overconsumption of HFSS products that can contribute towards children being overweight or living with obesity.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 15 of the English text, the correct title of the legislation referred to should be the Regulatory Enforcement and Sanctions Act 2008. The title used in the Welsh text is correct.

2. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation

Paragraph 13 of Schedule 2 to these Regulations provides that a food authority may withdraw a notice imposing a fixed monetary penalty. Schedule 2 defines two types of notices, a “notice of intent” which is when a food authority proposes to impose a fixed



monetary penalty on a person (paragraph 2(1)), and a notice imposing a fixed monetary penalty, defined as a “final notice” (paragraph 5(1)).

The Welsh Government is asked to explain which of these notices are intended to be within the scope of paragraph 13. If the intention is to provide a power for the food authority to withdraw a “final notice” only, it is unclear why the term “final notice” is not used in paragraph 13 as it referred to elsewhere in Schedule 2 (see paragraphs 6 to 10).

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

These Regulations are set to come into force on 26 March 2026, subject to Senedd approval. These Regulations are largely aligned with those in place in England. The Food (Promotion and Placement) (England) Regulations 2021 came into force on 1 October 2022, with some provisions relating to volume price promotions (including free drink refills) due to come into force on 1 October 2025. The Scottish Government has recently consulted to seek views on the detail of proposed regulations to restrict the promotion of HFSS foods, but such regulations have not yet been introduced.

Welsh Government response

A Welsh Government response is required in relation to both technical reporting points only.

Committee Consideration

The Committee considered the instrument at its meeting on 3 March 2025 and reports to the Senedd in line with the reporting points above.

