

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 153

EDUCATION

**The Nutritional Requirements for Food and
Drink in Schools (Scotland) Regulations 2020**

<i>Made</i>	- - - -	<i>14th May 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>18th May 2020</i>
<i>Coming into force</i>	- -	<i>8th April 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 56A, 56B and 56D of the Education (Scotland) Act 1980 ^{F1} and all other powers enabling them to do so.

F1 [1980 c.44.](#)

Citation and commencement

1. These Regulations may be cited as the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020 and come into force on 8 April 2021.

Commencement Information

II [Reg. 1](#) in force at 8.4.2021, see [reg. 1](#)

Interpretation and application

2.—(1) In these Regulations—

“analysed lunch” means a two course school lunch offered to secondary school pupils that is chosen from a clearly identified, set menu which offers a minimum of two options for a main course and at least one other course and which is designed to meet the energy and nutrient standards set out in the table in schedule 3,

“bread and bread rolls” includes ciabatta, focaccia, nan, pitta, chapatti and tortilla,

“confectionery” includes—

- (a) chewing gum,
- (b) processed fruit bars,

- (c) wholly or partially yoghurt-coated products,
- (d) non-chocolate confectionery (whether or not containing sugar),
- (e) chocolate in any form and any product containing or wholly or partially coated with chocolate or any chocolate flavoured substance,

but does not include cocoa powder used in sweetened baked products and desserts or in drinks, “evening meal” means any food or drink provided by an education authority as a meal at the end of a school day for consumption by pupils in attendance at a hostel provided and maintained by the education authority,

“free sugars” means—

- (a) all sugars in table sugar, honey, sucrose, glucose and glucose syrups and lactose or galactose added to foods (including whey powder),
- (b) all sugars in drinks including sugars naturally present in fruit and vegetable juices and the fruit and vegetable component of smoothies, and sugars in milk substitutes but not lactose naturally present in milk or in products containing milk,
- (c) all sugars in fruit and vegetable purees and pastes, including jam and preserves, and products made from extruded fruit or vegetables, (but not the sugars integrally present in the cells of foods such as fruit and vegetables, including in dried, stewed or canned fruit),

“fruit juice” means a product defined in regulation 2(1) of, as read with schedule 2 of, the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013 ^{F2}, or a product defined as “fruit juice from concentrate” in regulation 2(2) of, as read with schedule 3 of, those Regulations,

“primary school pupil” means a pupil receiving primary education,

“pupil” does not include pre-school children as defined in section 1(4B) of the Education (Scotland) Act 1980 ^{F3},

“savoury snack” means any pre-packaged item which may be consumed without preparation and consists of or includes as a basic ingredient potatoes or other root vegetables, cereals, nuts or seeds, but does not include nuts or seeds without added salt, sugar and fat, sandwiches or cereal bars,

“school lunch” means any food or drink provided in the middle of the day for consumption by pupils as a midday meal on a school day,

“school meal” means a school lunch or an evening meal,

“secondary school pupil” means a pupil receiving secondary education,

“specified meat” means beef, goat, lamb, pork and venison, and offal from the sources of such meat, and “processed specified meat” is specified meat that has been preserved through salting, curing, smoking or adding preservative but does not include specified meat to which ingredients such as eggs or breadcrumbs have been added, and the quantities of specified meat and processed specified meat referred to in these Regulations refer to the cooked weight,

“sweetened baked products and desserts” includes cereal bars but does not include pastry and products containing pastry,

“total sugars content” means all sugars including free sugar, the sugars naturally present in milk and the sugars integrally present in the cells of foods such as fruit and vegetables, including in dried, stewed or canned fruit,

“vegetable juice” means juice extracted from vegetables or tomatoes with no other substance added except any water extracted during concentration.

(2) Nothing in these Regulations applies to any food or drink provided—

- (a) by parents or pupils,

- (b) at any social, cultural or recreational event or to mark any religious or cultural occasion,
- (c) for use in teaching food preparation and cookery skills, provided that any food so prepared is not served to pupils as part of a school meal,
- (d) as part of a medically prescribed diet for any pupil.

[^{F4}(3) Where, as a result of local or national disruptions to the supply of food outwith their control, and despite their best endeavours, an education authority is, or the managers of a grant aided school are, unable to provide—

- (a) an item of food or drink which complies with a requirement for that item or for the relevant category of food or drink in schedule 1 or 2 (as appropriate), or
- (b) an item or type of food or drink which is required to be provided under schedule 1 or 2 (as appropriate),

an alternative item of food or drink may be provided even if the circumstances described in paragraph (4) apply.

- (4) The circumstances mentioned in paragraph (3) are any (or both) of the following—
 - (a) the item does not satisfy a relevant requirement in schedule 1 or 2,
 - (b) the provision of that item has the result that a meal provided to pupils does not satisfy the requirements in schedule 3.]

F2 [S.S.I. 2013/305](#).

F3 [Section 1\(4B\)](#) was inserted by section 32(5) of the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#).

F4 [Reg. 2\(3\)\(4\)](#) inserted (21.12.2021) by [The Nutritional Requirements for Food and Drink in Schools \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/481\)](#), [regs. 1, 2](#)

Commencement Information

I2 [Reg. 2](#) in force at 8.4.2021, see [reg. 1](#)

Provision of school meals - primary school pupils

3.—(1) This regulation applies to the provision of school meals—

- (a) by an education authority under section 53(2) or (3) of the [Education \(Scotland\) Act 1980](#) ^{F5} for primary school pupils in attendance at—
 - (i) a public school,
 - (ii) a hostel provided and maintained by an education authority,
- (b) by the managers of a grant aided school for primary school pupils in attendance at such schools.

(2) The education authority and the managers of a grant aided school must ensure that the requirements in Parts 1 and 2 of schedule 1 and the requirements in schedule 3 are complied with.

F5 [Section 53](#) was substituted by section 22(2) of the [Education \(Scotland\) Act 2016 \(asp 8\)](#).

Commencement Information

I3 [Reg. 3](#) in force at 8.4.2021, see [reg. 1](#)

Provision of other food and drink - primary school pupils

4.—(1) This regulation applies where food or drink is provided to primary school pupils on the premises of—

- (a) a public school,
- (b) a hostel provided and maintained by an education authority,
- (c) a grant aided school,

otherwise than as part of a school meal.

(2) The education authority and the managers of a grant aided school must ensure that the requirements in Parts 1 and 3 of schedule 1 are complied with.

Commencement Information

I4 [Reg. 4](#) in force at 8.4.2021, see [reg. 1](#)

Provision of school meals - secondary school pupils

5.—(1) This regulation applies to the provision of school meals—

- (a) by an education authority under section 53(2) or (3) of the Education (Scotland) Act 1980 for secondary school pupils in attendance at—
 - (i) a public school,
 - (ii) a hostel provided and maintained by an education authority,
- (b) by the managers of a grant aided school for secondary school pupils in attendance at such schools.

(2) The education authority and the managers of a grant aided school must ensure that the requirements in Parts 1 and 2 of schedule 2 are complied with.

(3) The education authority and the managers of a grant aided school must ensure that the requirements of schedule 3 are complied with in relation to the provision of analysed lunches and evening meals.

Commencement Information

I5 [Reg. 5](#) in force at 8.4.2021, see [reg. 1](#)

Provision of other food and drink - secondary school pupils

6.—(1) This regulation applies where food or drink is provided to secondary school pupils on the premises of—

- (a) a public school,
- (b) a hostel provided and maintained by an education authority,
- (c) a grant aided school,

otherwise than as part of a school meal.

(2) The education authority and the managers of a grant aided school must ensure that the requirements in Part 1 of schedule 2 are complied with.

Commencement Information

I6 [Reg. 6](#) in force at 8.4.2021, see [reg. 1](#)

Provision of drinking water

7.—(1) Education authorities must ensure that drinking water is provided free of charge at all times, including during school meals, to pupils on the premises of—

- (a) public schools,
- (b) hostels provided and maintained by the education authority.

(2) The managers of a grant aided school must ensure that drinking water is provided free of charge at all times, including during school meals, to pupils on the premises of the school.

Commencement Information

I7 [Reg. 7](#) in force at 8.4.2021, see [reg. 1](#)

Revocation

8. The Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 ^{F6} are revoked.

F6 [S.S.I. 2008/265](#).

Commencement Information

I8 [Reg. 8](#) in force at 8.4.2021, see [reg. 1](#)

St Andrew's House,
Edinburgh

JOHN SWINNEY
A member of the Scottish Government