
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 265

EDUCATION

**The Nutritional Requirements for Food and
Drink in Schools (Scotland) Regulations 2008**

Made - - - - 26th June 2008

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 56A, 56B and 56D of the Education (Scotland) Act 1980⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 133(2ZA)⁽²⁾ of that Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 and come into force on 4th August 2008.

(2) But—

- (a) regulation 3 shall not have effect until 3rd August 2009 in so far as it applies to the provision of school meals to secondary school pupils; and
- (b) regulation 4 shall not have effect until 3rd August 2009 in so far as it applies to the provision of food and drink to secondary school pupils.

Interpretation and application

2.—(1) In these Regulations—

“confectionery” means chewing gum, cereal bars, processed fruit bars, non-chocolate confectionery (whether or not containing sugar), chocolate in any form, any product containing or wholly or partially coated with chocolate and any chocolate flavoured substance, but excludes cocoa powder used in cakes, biscuits, puddings and drinks;

(1) 1980 c. 44; sections 56A, 56B and 56D were inserted by section 3 of the [Schools \(Health Promotion and Nutrition\) \(Scotland\) Act 2007 \(asp 15\)](#).

(2) Section 133(2ZA) was inserted by section 4 of the Schools (Health Promotion and Nutrition) (Scotland) Act 2007.

“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;

“fruit juice” means the designated products described by that name or by the name “fruit juice from concentrate” in Schedule 1 to the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003⁽³⁾;

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

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

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

“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 school lunch or evening meal;

“secondary school pupil” means a pupil receiving secondary education; and

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

- (2) Nothing in these Regulations shall apply 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; or
 - (d) as part of a medically recommended diet for any pupil.

School meal requirements

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

- (a) by an education authority under section 53(1)(a)⁽⁵⁾ of the Education (Scotland) Act 1980 for pupils in attendance at—
 - (i) public schools; or
 - (ii) hostels provided and maintained by an education authority; and
- (b) by the managers of a grant aided school for pupils in attendance at such schools.

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

(3) The education authority and the managers of a grant aided school must ensure that food and drink provided comply with the requirements in Schedule 2.

(4) The education authority and the managers of a grant aided school must ensure that the nutrient standards in Schedule 3 are complied with.

⁽³⁾ [S.S.I. 2003/293](#) as amended by [S.S.I. 2005/616](#).

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

⁽⁵⁾ Section 53(1)(a) was amended by section 77(1)(b) of the [Social Security Act 1986](#), (c.50) and by section 6(2)(a) of the [Schools \(Health Promotion and Nutrition\) \(Scotland\) Act 2007](#) (asp 15).

Provision of other food and drink

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

- (a) a public school;
- (b) a hostel provided and maintained by an education authority; or
- (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 food or drink provided complies with the requirements in Schedule 4.

Provision of drinking water

5.—(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; and
- (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.

St Andrew's House,
Edinburgh
26th June 2008

ADAM INGRAM
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 3

School meal requirements – menu

- 1.—(1) Not less than 2 types of vegetable shall be provided every day.
(2) For the purposes of sub paragraph (1), “vegetable” does not include potatoes.
2. Not less than 2 types of fruit shall be provided every day.
3. Bread shall be provided every day.
4. Oily fish must be provided at least once every 3 weeks.
5. No savoury snacks shall be provided except—
 - (a) savoury crackers;
 - (b) oatcakes; or
 - (c) breadsticks.
- 6.—(1) No confectionery shall be provided.
(2) Cakes, biscuits and puddings must not contain any confectionery.
- 7.—(1) Food that has been deep fried in the cooking or manufacturing process shall not be provided more than 3 times in a week.
(2) Chips may only be served as an accompaniment to other food.

SCHEDULE 2

Regulation 3

Food and drink requirements in school meals

- 1.—(1) Oils must contain a total saturated fat content which does not exceed 16 grams per 100 grams and—
 - (a) a total monounsaturated fat content of at least 55 grams per 100 grams; or
 - (b) a total polyunsaturated fat content of at least 30 grams per 100 grams.
- (2) Fat spreads must contain—
 - (a) a total saturated fat content which does not exceed 20 grams per 100 grams; and
 - (b) a combined total monounsaturated and polyunsaturated fat content of at least 30 grams per 100 grams.
- 2.—(1) No salt shall be available to add to food after the cooking process is complete.
(2) Other condiments may be available to pupils only in individual portions of no more than 10 millilitres.
3. Subject to paragraphs 4 to 6 only the following drinks may be provided:—
 - (a) milk;
 - (b) milk drinks;
 - (c) drinking yoghurts;
 - (d) soya, oat and rice based drinks enriched with calcium;
 - (e) fruit juice;

- (f) vegetable juice;
 - (g) drinks comprising combinations of fruit juice or vegetable juice with water;
 - (h) drinks comprising blends of fruit, vegetables, fruit juice or vegetable juice in any combination;
 - (i) tea and coffee; and
 - (j) bottled water.
- 4.—(1) Milk must contain a total fat content which does not exceed 1.8 grams per 100 millilitres.
- (2) Milk drinks and drinking yoghurts must contain—
- (a) a total fat content which does not exceed 1.8 grams per 100 millilitres; and
 - (b) a total sugars content which does not exceed 10 grams per 100 millilitres provided that the total sugars content does not exceed 20 grams per portion.
5. Soya, oat and rice based drinks enriched with calcium must contain—
- (a) a total fat content which does not exceed 1.8 grams per 100 millilitres; and
 - (b) a total sugars content which does not exceed 5 grams per 100 millilitres provided that the total sugars content does not exceed 10 grams per portion.
- 6.—(1) Fruit juice and vegetable juice must—
- (a) have no added salt;
 - (b) have no added sugars except sugar which has been added for the purpose of regulating acidic taste in an amount (expressed as dry matter) not exceeding 15 grams per litre; and
 - (c) be made available only in individual portions not exceeding 200 millilitres.
- (2) Drinks comprising combinations of fruit juice or vegetable juice with water must—
- (a) contain a minimum of 50% fruit juice or vegetable juice;
 - (b) be made available only in individual portions not exceeding 400 millilitres;
 - (c) have no added salt;
 - (d) have no added sugars except sugar which has been added for the purpose of regulating acidic taste in an amount (expressed as dry matter) not exceeding 15 grams per litre; and
 - (e) contain a total sugars content which does not exceed 20 grams per portion.
- (3) Drinks comprising blends of fruit, vegetables, fruit juice or vegetable juice in any combination must—
- (a) be made available only in individual portions not exceeding 200 millilitres;
 - (b) have no added salt; and
 - (c) have no added sugars except sugar which has been added for the purpose of regulating acidic taste in an amount (expressed as dry matter) not exceeding 15 grams per litre.

SCHEDULE 3

Regulation 3

Nutrient standards for school meals

1. In this Schedule—

“average school meal” has the meaning given by paragraph 2;