



Healthy Eating in Schools (Wales) Measure 2009

2009 nawm 3

A MEASURE of the National Assembly for Wales to make provision about the promotion of healthy eating and drinking by pupils in maintained schools in Wales; to provide for the regulation of food and drink provided to pupils in maintained schools by the governing bodies of those schools or local authorities; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 8 July 2009 and approved by Her Majesty in Council on 15 October 2009, enacts the following provisions:—

1 Promoting healthy eating and drinking by pupils in maintained schools

- (1) A local authority must take action to promote healthy eating and drinking by registered pupils of maintained schools in its area.
- (2) The governing body of a maintained school must take action to promote healthy eating and drinking by registered pupils of the school.
- (3) In discharging these duties a local authority and a governing body must have regard to guidance given from time to time by the Welsh Ministers—
 - (a) on what constitutes healthy eating and drinking,
 - (b) on appropriate action to promote healthy eating and drinking,
 - (c) on how principles of sustainable development are to apply in relation to the promotion of healthy eating and drinking.

Commencement Information

II [S. 1](#) in force at 2.9.2013 by [S.I. 2013/1985](#), [art. 2\(b\)](#)

Changes to legislation: There are currently no known outstanding effects for the Healthy Eating in Schools (Wales) Measure 2009. (See end of Document for details)

2 **Governors' reports**

In section 30 of the 2002 Act (governors' reports (Wales) and other information), after subsection (2) insert—

“(2A) The governing body of a maintained school in Wales must include in a governors' report information about the action taken to promote healthy eating and drinking by pupils of the school.”.

Commencement Information

I2 [S. 2](#) in force at 2.9.2013 by [S.I. 2013/1985](#), [art. 2\(b\)](#)

3 **Functions of the Chief Inspector of Education and Training in Wales**

(1) The Education Act 2005 (c. 18) is amended as follows.

(2) In section 20(1) (functions of chief inspector), after paragraph (f), insert—

“(g) actions taken at maintained schools to promote healthy eating and drinking.”.

(3) In section 31(1) (interpretation of chapter 3), after the definition of “the Chief Inspector” insert—

““maintained school” means a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school or a pupil referral unit in Wales.”.

Commencement Information

I3 [S. 3](#) in force at 2.9.2013 by [S.I. 2013/1985](#), [art. 2\(b\)](#)

4 **Requirements for food and drink provided on school premises etc**

(1) The Welsh Ministers may by regulations prescribe requirements which, subject to such exceptions as may be provided for by or under the regulations, are to be complied with in connection with—

- (a) food or drink provided on the premises of any maintained school, or
- (b) food or drink provided at a place other than school premises by a local authority or the governing body of a maintained school to any registered pupil at the school.

(2) Regulations under this section may in particular—

- (a) specify nutritional standards, or other nutritional requirements, which are to be complied with,
- (b) require that specified descriptions of food or drink are not to be provided,
- (c) specify maximum amounts of—
 - (i) fat,
 - (ii) saturated fat,
 - (iii) salt, and
 - (iv) sugar,

Changes to legislation: There are currently no known outstanding effects for the Healthy Eating in Schools (Wales) Measure 2009. (See end of Document for details)

which the food or drink can contain.

- (3) Requirements prescribed by virtue of subsection (1)(a) do not apply to food or drink brought on to the premises of a maintained school where the food or drink is brought on to those premises by any person for that person's own consumption.
- (4) When a local authority or the governing body of a maintained school provides food or drink—
 - (a) to anyone on the premises of the school, or
 - (b) to any registered pupil at the school at a place other than school premises,that authority or, as the case may be, that governing body must secure that any applicable provisions of the regulations are complied with.
- (5) Subsection (4) applies whether the food or drink is provided in pursuance of any statutory requirement or otherwise.
- (6) When—
 - (a) food or drink is provided on the premises of a maintained school,
 - (b) the provision is by a person (“X”) other than the authority or the governing body of the school, and
 - (c) X uses or occupies the whole or a part of the premises in circumstances related to a use or occupation agreement made (whether by X or any other person) with the authority or the governing body,that authority or, as the case may be, that governing body must secure that any applicable provisions of the regulations are complied with.
- (7) A “use or occupation agreement”, in relation to the premises of a school, is an agreement or other arrangement relating to the use or occupation of the whole or any part of the premises.
- (8) Without prejudice to the generality of section 10, regulations under this section may prescribe—
 - (a) different requirements in relation to different classes or descriptions of school as specified in the regulations,
 - (b) different requirements in connection with food or drink provided by or to different classes or descriptions of person as specified in the regulations,
 - (c) requirements which apply during different periods of the day as specified in the regulations.
- (9) A “place other than school premises” means a place other than the premises of any maintained school.
- (10) References in this section to food or drink provided by a local authority or the governing body of a school include references to food or drink provided in pursuance of an agreement or other arrangement made by such an authority or body for the provision of food or drink.
- (11) Before making regulations under this section the Welsh Ministers must—
 - (a) take steps to ascertain the views of pupils as to the provisions proposed to be made by the regulations, and
 - (b) consult such other persons as they consider appropriate.

Changes to legislation: There are currently no known outstanding effects for the Healthy Eating in Schools (Wales) Measure 2009. (See end of Document for details)

Commencement Information

I4 S. 4 in force at 8.8.2013 by S.I. 2013/1985, art. 2(a)

5 Drinking water in schools

- (1) A local authority must ensure that a supply of drinking water is available, free of charge, on the premises of any maintained school.
- (2) When deciding how best to discharge its duty under subsection (1) a local authority must have regard to any guidance issued by the Welsh Ministers under this subsection.

Commencement Information

I5 S. 5 in force at 2.9.2013 by S.I. 2013/1985, art. 2(b)

6 Promotion of meals in schools and other educational establishments

- (1) A local authority or governing body of a maintained school which provides school meals or milk under section 512 of the 1996 Act must—
 - (a) encourage the take-up of school meals and milk, and
 - (b) take reasonable steps to ensure that every pupil who is entitled to receive school lunches and milk free of charge under section 512ZB of the 1996 Act does receive them.

Commencement Information

I6 S. 6 in force at 2.9.2013 by S.I. 2013/1985, art. 2(b)

7 Protection of the identity of pupils receiving free school lunches or milk

After section 512ZB of the 1996 Act insert—

“512ZC “512ZC Protection of identity of pupils receiving free school lunches or milk

- (1) This section applies when a school lunch or milk is provided for a pupil in Wales free of charge by a [F1local authority] under section 512ZB or by the governing body of a maintained school by virtue of section 512A.
- (2) A [F1local authority] or governing body in Wales must take reasonable steps to ensure that the pupil cannot be identified as a pupil who receives a school lunch or milk free of charge by any person other than an authorised person.
- (3) A [F1local authority] or governing body in Wales must take reasonable steps to ensure that none of the persons mentioned in subsection (4) discloses to any person other than an authorised person the fact that the pupil receives school lunches or milk free of charge.
- (4) The persons referred to in subsection (3) are—