



# School Standards and Organisation (Wales) Act 2013

2013 anaw 1

## PART 5

### MISCELLANEOUS SCHOOLS FUNCTIONS

#### *Free breakfasts in primary schools*

#### **88 Duty to provide free breakfasts for pupils in primary schools**

- (1) A local authority must provide breakfasts on each school day for pupils at a primary school maintained by the authority, if—
  - (a) the governing body of the school has asked the authority in writing for breakfasts to be provided, and
  - (b) 90 days have passed, beginning with the day following the day on which the request was received.
- (2) The duty in subsection (1) does not apply (or ceases to apply) in relation to a request from a governing body if either of the following paragraphs applies—
  - (a) the governing body has asked the authority in writing to stop providing breakfasts;
  - (b) it would be unreasonable to provide the breakfasts and the local authority has notified the governing body in writing that as a result—
    - (i) it is not going to provide breakfasts, or
    - (ii) it is going to stop providing breakfasts.
- (3) If the duty under subsection (1) applies, the local authority must provide breakfast for each pupil who asks the authority for it; for this purpose, the request may be made by or on behalf of the pupil.
- (4) Breakfasts provided by a local authority under this section—

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**Changes to legislation:** *School Standards and Organisation (Wales) Act 2013, Cross Heading: Free breakfasts in primary schools is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) may take any form the authority thinks fit, subject to any regulations made under section 4 of the Healthy Eating in Schools (Wales) Measure 2009 (requirements for food and drink provided on school premises);
  - (b) must be provided free of charge;
  - (c) must be available on the school's premises;
  - (d) must be available before the start of each school day, except in the case of a community special school where breakfasts may be made available before or at the start of each school day.
- (5) In exercising its functions, a local authority or a governing body of a primary school maintained by a local authority must have regard to any guidance given by the Welsh Ministers about providing breakfasts for pupils.

## 89 Transitional provision

- (1) Where a local authority that maintains a primary school, or its governing body, is already providing breakfast for pupils of the school at the time section 88 comes into force, that section applies in relation to the school as if—
- (a) a request had been made under that section for provision of breakfasts by the governing body,
  - (b) 90 days have passed, beginning with the day following the day on which the request was received, and
  - (c) each pupil for whom breakfast is already being provided has made a request to the authority.
- (2) Subsection (3) applies where, before the coming into force of section 88, a request in writing for the provision of breakfasts for pupils has been made by the governing body of the primary school to the local authority that maintains the school, but neither the local authority nor the governing body has been providing breakfast for pupils of the school.
- (3) The request made before the coming into force of section 88 has effect as a request under that section made on the day that the section came into force.

## 90 Interpretation of sections 88 and 89

In sections 88 and 89—

“primary school” (“*ysgol gynradd*”) means a school that provides primary education (whether or not it also provides other kinds of education);

“provide” (“*darparu*”) includes arranging provision;

“pupil” (“*disgybl*”) means a child receiving primary education at the school (whether or not the child is a registered pupil).

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 3A inserted by [2022 asc 1 Sch. 4 para. 29\(7\)](#)
- s. 1(9A) inserted by [2022 asc 1 Sch. 4 para. 29\(2\)\(a\)](#)
- s. 38(2)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(a\)](#)
- s. 38(5)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(3\)\(b\)](#)
- s. 39(1)(ca) inserted by [2022 asc 1 Sch. 4 para. 29\(4\)](#)
- Sch. 2 para. 19(2)(c)(i) word inserted by [2022 asc 1 Sch. 4 para. 29\(12\)\(b\)](#)