



Schools (Health Promotion and Nutrition) (Scotland) Act 2007

2007 asp 15

Food and drink

3 Food and drink: nutritional requirements

After section 56 of the 1980 Act insert—

“Food and drink: nutritional requirements

56A Food and drink: nutritional requirements

- (1) Where subsection (2) applies in relation to food or drink provided for pupils in attendance at public schools, an education authority must ensure that the food or, as the case may be, drink complies with nutritional requirements specified by the Scottish Ministers by regulations.
- (2) This subsection applies where—
 - (a) food or drink is provided under section 53(1)(a), or
 - (b) food or drink provided on the premises of a public school or on the premises of a hostel provided and maintained by the education authority for pupils—
 - (i) is not provided under section 53(1)(a), and
 - (ii) does not fall within subsection (3).
- (3) Food or drink falls within this subsection if it is—
 - (a) brought onto the premises of the school or hostel by a pupil, or
 - (b) provided as part of a social, cultural or recreative activity (whether or not the activity is organised by an education authority).
- (4) It is immaterial for the purposes of subsection (1) whether food or drink is provided by—
 - (a) the education authority, or
 - (b) another person in pursuance of an agreement or other arrangement with the authority.

56B Regulations under section 56A: further provision

- (1) Regulations such as are mentioned in section 56A(1) may, in particular, include provision for or in connection with—
 - (a) specifying particular foods or drinks which satisfy, or fail to satisfy, nutritional requirements specified in the regulations,
 - (b) specifying circumstances where food or drink may be provided to a pupil even if it does not satisfy nutritional requirements specified in the regulations,
 - (c) requiring that drinking water be made available for every pupil, free of charge, on the premises of—
 - (i) a public school, or
 - (ii) a hostel provided and maintained by an education authority for pupils.
- (2) Regulations under section 56A(1) may make different provision for different purposes and for different descriptions of pupil.

56C Guidance

An education authority must, in carrying out the duty imposed on them by section 56A(1), have regard to any relevant guidance issued by the Scottish Ministers.

56D Application of sections 56A to 56C to grant-aided schools

- (1) Sections 56A to 56C apply in relation to the managers of a grant-aided school as they apply in relation to an education authority.
- (2) For the purposes of that application, those sections are to be read as if the modifications mentioned in subsections (3) to (5) had been made.
- (3) For subsections (1) and (2) of section 56A substitute—

“(1) The managers of a grant-aided school must ensure that food and drink provided for pupils in attendance at the school which—

 - (a) is provided on the premises, and
 - (b) does not fall within subsection (3),

complies with nutritional requirements specified by the Scottish Ministers by regulations.”.
- (4) In sections 56A(3)(a) and 56B(1)(c) the references to a hostel are omitted.
- (5) In section 56B(1)(c) the reference to a public school is to be read as a reference to a grant-aided school.”.