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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 171 (C. 17)**

**EDUCATION**

**The Schools (Health Promotion and Nutrition)  
(Scotland) Act 2007 (Commencement No. 2) Order 2008**

*Made* - - - - *1st May 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 11(2) and (3) of the Schools (Health Promotion and Nutrition) (Scotland) Act 2007<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (Commencement No. 2) Order 2008.

(2) In this Order “the Act” means the Schools (Health Promotion and Nutrition) (Scotland) Act 2007.

**Appointed days**

2.—(1) 12th May 2008 is appointed as the day for the coming into force of the following provisions of the Act—

- (a) so much of section 3 (Food and drink: nutritional requirements) as is necessary for the purpose of enabling regulations under sections 56A, 56B and 56D of the Education (Scotland) Act 1980<sup>(2)</sup> to be made; and
- (b) section 4 (Regulations specifying nutritional requirements: procedure).

(2) 4th August 2008 is appointed as the day for the coming into force of all the remaining provisions of the Act insofar as they are not already in force.

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(1) [2007 asp 15](#).

(2) New sections 56A (Food and drink: nutritional requirements), 56B (Regulations under section 56A: further provision) and 56D (Application of sections 56A to 56C to grant aided schools) are inserted into the Education (Scotland) Act 1980 (c. 44) by section 3 of the Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
1st May 2008

*ADAM INGRAM*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order appoints two days for the coming into force of all the provisions of the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (“the Act”) not already in force.

Article 2(1) brings into force on 12th May 2008: so much of section 3 (Food and drink: nutritional requirements) as is necessary for enabling regulations to be made prescribing nutritional requirements for food and drink in schools; and section 4 in its entirety (Regulations specifying nutritional requirements: procedure). Section 3 of the Act inserts new sections after section 56 of the Education (Scotland) Act 1980 (“the 1980 Act”) in relation to regulations specifying nutritional requirements. Section 4 amends section 133 of the 1980 Act in relation to the procedure for such regulations.

Article 2(2) brings into force on 4th August 2008 all the remaining provisions of the Act not already in force and for all remaining purposes. These provisions make amendments to the 1980 Act. Section 3 is brought into force in its entirety for all remaining purposes. Section 3 inserts new sections 56A, 56B, 56C and 56D after section 56 of the 1980 Act. Section 56A imposes certain duties on education authorities in relation to food and drink provided for pupils in attendance at public schools. Section 56B makes further provision in relation to regulations made under section 56A. Section 56C imposes a duty on education authorities to have regard to guidance issued by the Scottish Ministers in relation to nutritional requirements for food and drink in schools. Section 56D makes provision in relation to the application of sections 56A to 56C to grant aided schools. Section 5 makes a number of amendments to sections 49 and 50 of the 1980 Act in relation to education authorities' arrangements with independent schools in relation to food and drink in schools and inserts new section 50A into the 1980 Act. Section 7 inserts new section 53A into the 1980 Act and imposes a duty on education authorities to promote school lunches; section 8 inserts new section 53B into the 1980 Act and imposes duties on education authorities in relation to protection of the identity of pupils receiving free school lunches; and section 9 inserts new section 56E into the 1980 Act and imposes a duty on education authorities and the managers of grant aided schools to have regard to guidance issued by the Scottish Ministers about sustainable development.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The Act received Royal Assent on 19th April 2007 and section 11 came into force on that day. The first commencement order, the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (Commencement No. 1) Order 2007 ([S.S.I. 2007/372](#)) was made on 1st August 2007. The provisions of the Act commenced by that Order are detailed in the table below.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 6	10th August 2007	<a href="#">2007/372</a>
Section 10	10th August 2007	<a href="#">2007/372</a>
Section 1	3rd January 2008	<a href="#">2007/372</a>
Section 2	3rd January 2008	<a href="#">2007/372</a>

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