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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 172**

**EDUCATION**

**The Education (Scotland) Act 1980  
(Modification) Regulations 2022**

<i>Made</i>	- - - -	<i>19th May 2022</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>23rd May 2022</i>
<i>Coming into force</i>	- -	<i>1st August 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 53(8)(a)(i) and (ii) of the Education (Scotland) Act 1980(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Education (Scotland) Act 1980 (Modification) Regulations 2022 and come into force on 1 August 2022.

**Modification of the Education (Scotland) Act 1980**

2. In section 53(7) of the Education (Scotland) Act 1980 (provision of school meals)—
- (a) in paragraph (aa)(2), for “£7,500” substitute “£7,920”,
  - (b) in paragraph (c)(3), for “£625”, in both places where it appears, substitute “£660”.

St Andrew’s House,  
Edinburgh  
19th May 2022

*SHIRLEY-ANNE SOMERVILLE*  
A member of the Scottish Government

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(1) 1980 c. 44. Section 53 of the Education (Scotland) Act 1980 was substituted by section 22(2) of the Education (Scotland) Act 2016 (asp 8).  
(2) Section 53(7)(aa) was inserted by S.S.I. 2019/179 and amended by S.S.I. 2020/150 and S.S.I. 2021/210.  
(3) Section 53(7)(c) was inserted by S.S.I. 2021/210.

**Status:** This is the original version (as it was originally made).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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## EXPLANATORY NOTE

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

Section 53(2) of the Education (Scotland) Act 1980 provides that an education authority must provide or secure the provision of a school lunch (as defined in section 53(12)) free of charge to pupils falling within section 53(7).

Regulation 2(a) modifies the income threshold in section 53(7)(aa) to provide that a pupil falls within section 53(7) if the parents of the pupil are in receipt of child tax credit and working tax credit where the income as calculated for the purpose of awarding those tax credits does not exceed £7,920.

Regulation 2(b) modifies the income threshold in section 53(7)(c) to provide that a pupil falls within section 53(7) if the pupil or the parents of the pupil are in receipt of universal credit, provided the pupil or parents' earned income, either as an individual who is not a member of a couple or as a member of a couple, does not exceed £660 in the assessment period immediately preceding the application for a free school lunch being made.