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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.