
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 265

**The Nutritional Requirements for Food and
Drink in Schools (Scotland) Regulations 2008**

Citation and commencement

1.—(1) These Regulations may be cited as the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 and come into force on 4th August 2008.

(2) But—

- (a) regulation 3 shall not have effect until 3rd August 2009 in so far as it applies to the provision of school meals to secondary school pupils; and
- (b) regulation 4 shall not have effect until 3rd August 2009 in so far as it applies to the provision of food and drink to secondary school pupils.

Interpretation and application

2.—(1) In these Regulations—

“confectionery” means chewing gum, cereal bars, processed fruit bars, non-chocolate confectionery (whether or not containing sugar), chocolate in any form, any product containing or wholly or partially coated with chocolate and any chocolate flavoured substance, but excludes cocoa powder used in cakes, biscuits, puddings and drinks;

“evening meal” means any food or drink provided by an education authority as a meal at the end of a school day for consumption by pupils in attendance at a hostel provided and maintained by the education authority;

“fruit juice” means the designated products described by that name or by the name “fruit juice from concentrate” in Schedule 1 to the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003(1);

“primary school pupil” means a pupil receiving primary education;

“pupil” does not include pre-school children as defined in section 1(4B)(2) of the Education (Scotland) Act 1980;

“savoury snack” means any pre packaged item which may be consumed without preparation and consists of or includes as a basic ingredient potatoes, other root vegetables, cereals, nuts and seeds, but does not include sandwiches or nuts and seeds without added salt, sugar and fat;

“school lunch” means any food or drink provided in the middle of the day for consumption by pupils as a midday meal on a school day;

“school meal” means school lunch or evening meal;

“secondary school pupil” means a pupil receiving secondary education; and

“vegetable juice” means juice extracted from vegetables or tomatoes with no other substance added, except that any water extracted during concentration may be restored.

(1) [S.S.I. 2003/293](#) as amended by [S.S.I. 2005/616](#).

(2) Subsection (4B) of section 1 was inserted by section 32(5) of the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#).

- (2) Nothing in these Regulations shall apply to any food or drink provided—
- (a) by parents or pupils;
 - (b) at any social, cultural or recreational event or to mark any religious or cultural occasion;
 - (c) for use in teaching food preparation and cookery skills, provided that any food so prepared is not served to pupils as part of a school meal; or
 - (d) as part of a medically recommended diet for any pupil.

School meal requirements

- 3.—(1) This regulation applies to the provision of school meals—
- (a) by an education authority under section 53(1)(a)(3) of the Education (Scotland) Act 1980 for pupils in attendance at—
 - (i) public schools; or
 - (ii) hostels provided and maintained by an education authority; and
 - (b) by the managers of a grant aided school for pupils in attendance at such schools.
- (2) The education authority and the managers of a grant aided school must ensure that the requirements in Schedule 1 are complied with.
- (3) The education authority and the managers of a grant aided school must ensure that food and drink provided comply with the requirements in Schedule 2.
- (4) The education authority and the managers of a grant aided school must ensure that the nutrient standards in Schedule 3 are complied with.

Provision of other food and drink

- 4.—(1) This regulation applies where food or drink is provided to pupils on the premises of—
- (a) a public school;
 - (b) a hostel provided and maintained by an education authority; or
 - (c) a grant aided school,
- otherwise than as part of a school meal.
- (2) The education authority and the managers of a grant aided school must ensure that the food or drink provided complies with the requirements in Schedule 4.

Provision of drinking water

- 5.—(1) Education authorities must ensure that drinking water is provided free of charge at all times, including during school meals, to pupils on the premises of—
- (a) public schools; and
 - (b) hostels provided and maintained by the education authority.
- (2) The managers of a grant aided school must ensure that drinking water is provided free of charge at all times, including during school meals, to pupils on the premises of the school.

(3) Section 53(1)(a) was amended by section 77(1)(b) of the [Social Security Act 1986, \(c.50\)](#) and by section 6(2)(a) of the [Schools \(Health Promotion and Nutrition\) \(Scotland\) Act 2007 \(asp 15\)](#).

St Andrew's House,
Edinburgh
26th June 2008

ADAM INGRAM
Authorised to sign by the Scottish Ministers