

## EXPLANATORY NOTE

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

Section 53B of the Education (Scotland) Act 1980 (“the 1980 Act”) makes provision about the protection of identity of pupils where a school lunch is provided to them free of charge by virtue of section 53(3) of the 1980 Act. Section 53B(1A) of the 1980 Act enables the Scottish Ministers by regulations to prescribe the circumstances when section 53B of the 1980 Act does not apply.

Article 2 provides that section 53B of the 1980 Act does not apply where a pupil’s entitlement to be provided with a school lunch free of charge arises by virtue of section 53(3)(a) or (b), or as the case may be, section 53(3)(a) and (b) of the 1980 Act (where the pupil or their parent are in receipt of certain benefits) and also arises by virtue of section 53(2B)(a) and (2C) of the 1980 Act (where the pupil is in a particular yearly stage of primary or secondary education, school or area of the education authority).