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## EXPLANATORY NOTE

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

These Regulations amend the Education (School Lunches) (Scotland) Regulations 2009 (“the 2009 Regulations”) and the Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014 (“the 2014 Order”).

In terms of regulation 4A of the 2009 Regulations, a child is entitled to be provided with a free school lunch under section 53(3AA) of the Education (Scotland) Act 1980 (c.44) (“the 1980 Act”), if the child or their parent is in receipt of universal credit payable under Part 1 of the Welfare Reform Act 2012 (c. 5). “School lunch” is defined in section 53(5) of the 1980 Act as meaning anything provided under section 53(1)(a) in the middle of the day which the education authority consider is appropriate for consumption as a meal at that time of day.

In terms of regulation 2 of the 2014 Order, a child is entitled to be provided with the mandatory amount of early learning and childcare under section 47 of the Children and Young People (Scotland) Act 2014 (asp 8) (“the 2014 Act”), if their parent is in receipt of universal credit payable under Part 1 of the Welfare Reform Act 2012. “Early learning and childcare” is defined in section 46 of the 2014 Act as meaning a service, consisting of education and care, of a kind which is suitable in the ordinary case for children who are under school age, regard being had to the importance of interactions and other experiences which support learning and development in a caring and nurturing setting. The “mandatory amount” of early learning and childcare is defined in section 48 of the 2014 Act as “(a) 600 hours in each year for which a child is an eligible pre-school child, and (b) a pro rata amount for each part of a year for which a child is an eligible pre-school child.”

These Regulations, amend regulation 2 (interpretation) of the 2009 Regulations and Article 1(2) (Citation, commencement, interpretation and application) of the 2014 Order to insert definitions of the terms “assessment period”, “couple”, “earned income”, and “single person”.

Regulation 2(3) substitutes a new regulation 4A into the 2009 Regulations which provides that universal credit is prescribed as a benefit the receipt of which (either by the pupil or the pupil’s parent), entitles the pupil to a free school lunch, provided the pupil or parent’s earned income either as a single person or as a member of a couple, does not exceed £610 in the assessment period immediately preceding the application for a free school lunch being made.

Regulation 3(3) substitutes a new sub-paragraph (i) into Article 1(2) of the 2014 Order, which provides that universal credit is a qualifying benefit for the purpose of entitling a child to early learning and childcare, provided their parent’s earned income either as a single person or as a member of a couple, does not exceed £610 in the assessment period immediately preceding the application for early learning and childcare being made.