



# Education (Scotland) Act 1980

## 1980 CHAPTER 44

### PART II

#### RIGHTS AND DUTIES OF PARENTS AND FUNCTIONS OF EDUCATION AUTHORITIES IN RELATION TO INDIVIDUAL PUPILS

##### *Provision of food and clothing*

#### **53 Provision of school meals.**

- (1) An education authority—
- (a) may provide milk, meals or other refreshment for pupils in attendance at public schools and other educational establishments under their management [<sup>F1</sup>and may do so either on the premises or at any place other than the school premises where education is being provided]; and
  - (b) shall provide such facilities as the authority consider appropriate for the consumption of any meals or other refreshment brought to the school or other educational establishment by such pupils.
- [<sup>F2</sup>(2) Subject to subsection (3) below, an authority must charge for anything provided by them under subsection (1)(a) above and must charge every pupil the same price for the same quantity of the same item.
- [ Subsection (3AA) below applies in relation to a pupil—
- <sup>F3</sup>(3) (a) whose parents are in receipt of—
- (i) income support;
  - (ii) an income-based jobseeker's allowance (payable under the <sup>M1</sup> Jobseekers Act 1995); <sup>F4</sup> ...
  - (iii) support provided under Part VI of the Immigration and Asylum Act 1999; [<sup>F5</sup>or
  - (iv) any other benefit or allowance or any tax credit or element of such a tax credit (within the meaning of the Tax Credits Act 2002 (c. 21))

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that the Scottish Ministers may by regulations prescribe, in such circumstances as may be so prescribed;] or

- (b) who is himself in receipt of
- [<sup>F6</sup>(i) income support;
  - (ii) an income-based jobseeker's allowance; or
  - (iii) any other benefit or allowance or any tax credit or element of such a tax credit (within the meaning of the Tax Credits Act 2002 (c. 21)) that the Scottish Ministers may by regulations prescribe, in such circumstances as may be so prescribed]]

(3AA) An authority shall so exercise the power conferred by subsection (1)( a ) above as to ensure that such provision is made for [<sup>F7</sup>the pupil] in the middle of the day as appears to the authority to be requisite and shall make that provision for him free of charge.]

<sup>F8</sup>(3A) . . . . .

- (4) For the purposes of this section, a pupil for whom an education authority have made special arrangements under section 14 of this Act may, at the discretion of the authority, be deemed to be in attendance at a public school under their management.

#### Textual Amendments

- F1** Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), [s. 77\(1\)\(b\)](#)
- F2** S. 53(2)(3) substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), [s. 77\(2\)](#)
- F3** S. 53(3)(3AA) substituted (3.4.2000) for the words in s. 53(3) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 para. 74\(a\)\(i\)](#); [S.I. 2000/464, art. 2](#), [Sch.](#)
- F4** Word in s. 53(3)(a)(ii) repealed (retrospective to 6.4.2003) by [Education \(School Meals\) \(Scotland\) Act 2003 \(asp 18\)](#), [s. 1\(2\)\(a\)\(4\)](#)
- F5** S. 53(3)(a)(iv) and word inserted (retrospective to 6.4.2003) by [Education \(School Meals\) \(Scotland\) Act 2003 \(asp 18\)](#), [s. 1\(2\)\(b\)\(4\)](#)
- F6** S. 53(3)(b)(i)-(iii) substituted (retrospective to 6.4.2003) for words by [Education \(School Meals\) \(Scotland\) Act 2003 \(asp 18\)](#), [s. 1\(3\)\(4\)](#)
- F7** Words in s. 53(3AA) (previously in s. 53(3)) substituted (3.4.2000) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 para. 74\(a\)\(ii\)](#); [S.I. 2000/464, art. 2](#), [Sch.](#)
- F8** S. 53(3A) repealed (31.12.2004) by [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), [s. 61\(2\)](#), [sch. 3](#); [S.S.I. 2004/528, art. 2\(b\)](#)

#### Marginal Citations

- M1** [1995 c. 18](#).

## 54 Provision of clothing for pupils at public schools.

- (1) When it is brought to the notice of an education authority that a pupil attending a school under their management <sup>F9</sup>... is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided, the education authority shall make such provision for the pupil for the purpose of ensuring that he is sufficiently and suitably clad as they may deem necessary during such period while the pupil is attending school (including days when the school does not meet) as they may determine.
- (2) Where an education authority make provision for a pupil in pursuance of this section, they shall be entitled to recover from the parent of the pupil the expense thereby

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incurred or, if the authority are satisfied that the parent is unable without financial hardship to pay the whole of that expense, such part thereof, if any, as he is, in the opinion of the authority, able without financial hardship to pay.

- (3) Without prejudice to any powers conferred upon them by subsections (1) and (2) above, an education authority may provide clothing free of charge—
- (i) for any pupil who is a boarder at a school, or
  - (ii) for any pupil in attendance at a nursery school or a nursery class, under the management of the authority <sup>F10</sup>....
- (4) For the purposes of this section—
- (a) a pupil on attaining the age of five years shall, pending his admission to school, be deemed to be attending a school under the management of the education authority in whose area he is ordinarily resident; and
  - (b) [<sup>F11</sup>a recorded child or recorded young person in respect of whom an education authority are, under section 62(3) of this Act, under a duty] shall be deemed to be attending a school under the management of that authority.

#### Textual Amendments

- F9** Words in s. 54(1) repealed (31.12.2004) by [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), s. 61(2), [sch. 3](#); S.S.I. 2004/528, art. 2(b)
- F10** Words in s. 54(3) repealed (31.12.2004) by [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), s. 61(2), [sch. 3](#); S.S.I. 2004/528, art. 2(b)
- F11** Words substituted by [Education \(Scotland\) Act 1981 \(c. 58\)](#), Sch. 2 Pt. II para. 7, [Sch. 8](#)

## 55 Provision of food and clothing for pupils at schools other than public schools.

An education authority may, with the consent of the managers of any school in their area which is not a public school, and upon such financial and other terms, if any, as may be determined by agreement between the authority and the managers, make arrangements for securing—

- (a) the provision of milk, meals and other refreshment for pupils in attendance at the school; and
- (b) <sup>F12</sup>... the provision, for any pupil in attendance at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education (including physical exercise) provided by the school, of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.

#### Textual Amendments

- F12** Words in s. 55(b) repealed (31.12.2004) by [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), s. 61(2), [sch. 3](#); S.S.I. 2004/528, art. 2(b)

## 56 Condition of provision of clothing by education authorities.

Save as may be otherwise prescribed, provision of clothing by an education authority under any of the powers conferred by this Act may be made in such a way as to confer,

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at the option of the authority, either a right of property in the clothing or a right to use it only.

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