



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 [^{F1}food or drink] for pupils in attendance at public schools and other educational establishments under their management [^{F2}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 [^{F3}food or drink] brought to the school or other educational establishment by such pupils.

^{F4}(2)

[^{F5}(2A) Subsection (2B) applies where an education authority provide, under subsection (1) (a), anything other than school lunches [^{F6}which the authority are required to provide by virtue of subsection (3)].

(2B) The authority may—

- (a) provide any food or drink free of charge, or
- (b) charge pupils for any food or drink.

(2C) An education authority may exercise the power conferred by subsection (2B)(a) in relation to—

- (a) pupils who satisfy such conditions as the authority think fit,
- (b) the provision of food or drink at such times of the day ^{F7}... as they think fit.

Status: Point in time view as at 05/01/2015.

Changes to legislation: Education (Scotland) Act 1980, Cross Heading: Provision of food and clothing is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2D) Where, by virtue of subsection ^{F8}... (2B)(b), an education authority charge for a particular food or drink, they must charge the same price for the same quantity of the food or drink.]

[^{F9}(3) Subsection (3AA) below applies in relation to a pupil—

(a) whose parents are in receipt of—

(i) income support;

(ii) an income-based jobseeker's allowance (payable under the ^{M1} Jobseekers Act 1995); ^{F10} ...

[an income-related allowance under Part 1 of the Welfare Reform Act ^{F11}(ia) 2007 (employment and support allowance);]

(iii) support provided under Part VI of the Immigration and Asylum Act 1999; [^{F12}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)) that the Scottish Ministers may by regulations prescribe, in such circumstances as may be so prescribed;] or

(b) who is himself in receipt of

[^{F13}(i) income support;

(ii) an income-based jobseeker's allowance; or

[^{F11}(ia) an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

(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]

[who is in such yearly stage of primary or secondary education, or is of such ^{F14}(c) other description, as the Scottish Ministers may by regulations prescribe.]

(3AA) An authority shall so exercise the power conferred by subsection (1)(a) above as to ensure that [^{F15} a school lunch is provided for the pupil] free of charge.]

^{F16}(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.

[^{F17}(5) In this section and sections 53A and 53B, “school lunch” means anything provided under subsection (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.]

Textual Amendments

F1 Words in s. 53(1)(a) substituted (10.8.2007) by [Schools \(Health Promotion and Nutrition\) \(Scotland\) Act 2007 \(asp 15\)](#), **ss. 6(2)(a)**, 11(2); S.S.I. 2007/372, art. 2(a)

F2 Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), **s. 77(1)(b)**

F3 Words in s. 53(1)(b) substituted (10.8.2007) by [Schools \(Health Promotion and Nutrition\) \(Scotland\) Act 2007 \(asp 15\)](#), **ss. 6(2)(b)**, 11(2); S.S.I. 2007/372, art. 2(a)

F4 S. 53(2) repealed (5.1.2015) by [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), **ss. 93(2)**, 102(3); S.S.I. 2014/314, art. 2, sch.

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- F5** S. 53(2)-(2D) substituted (10.8.2007) for s. 53(2) by Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), **ss. 6(3)**, 11(2); S.S.I. 2007/372, **art. 2(a)**
- F6** Words in s. 53(2A) inserted (5.1.2015) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 93(3)**, 102(3); S.S.I. 2014/314, **art. 2**, sch.
- F7** Words in s. 53(2C)(b) omitted (5.1.2015) by virtue of Children and Young People (Scotland) Act 2014 (asp 8), **ss. 93(4)**, 102(3); S.S.I. 2014/314, **art. 2**, sch.
- F8** Words in s. 53(2D) omitted (5.1.2015) by virtue of Children and Young People (Scotland) Act 2014 (asp 8), **ss. 93(5)**, 102(3); S.S.I. 2014/314, **art. 2**, sch.
- F9** 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.**
- F10** 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)**
- F11** S. 53(3)(a)(iia)(b)(iia) inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 2**; S.I. 2008/787, **art. 2(4)(f)**
- F12** 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)**
- F13** 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)**
- F14** S. 53(3)(c) inserted (1.8.2014 for specified purposes, 5.1.2015 in so far as not already in force) by Children and Young People (Scotland) Act 2014 (asp 8), **ss. 93(6)**, 102(3); S.S.I. 2014/131, **art. 2(2)(3)**, sch.; S.S.I. 2014/314, **art. 2**, sch.
- F15** Words in s. 53(3AA) substituted (10.8.2007) by Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), **ss. 6(4)**, 11(2); S.S.I. 2007/372, **art. 2(a)**
- F16** 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)**
- F17** S. 53(5) added (10.8.2007) by Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), **ss. 6(5)**, 11(2); S.S.I. 2007/372, **art. 2(a)**

Marginal Citations

- M1** 1995 c. 18.

[^{F18}53A Promotion of school lunches

- (1) An education authority must—
- (a) promote the availability of school lunches in public schools and other educational establishments under the authority's management, and
 - (b) encourage pupils in attendance at those schools and other educational establishments to consume school lunches.
- (2) In particular, an education authority must take reasonable steps to ensure that every pupil who is entitled, by virtue of section [^{F19}53], to receive school lunches free of charge, receives those lunches.]

Textual Amendments

- F18** S. 53A inserted (4.8.2008) by Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), **ss. 7**, 11(2); S.S.I. 2008/171, **art. 2(2)**
- F19** Word in s. 53A(2) substituted (5.1.2015) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), **sch. 5 para. 2(3)**; S.S.I. 2014/314, **art. 2**, sch.

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[^{F20}53B Protection of identity of pupils receiving free school lunches

(1) This section applies [^{F21}, subject to subsection (1A),] where a school lunch is provided for a pupil free of charge by virtue of section [^{F22}53].

[This section does not apply in such circumstances as the Scottish Ministers may by ^{F23}(1A) regulations prescribe.]

(2) An education authority must take reasonable steps to ensure that the pupil cannot be identified by any person other than an authorised person as a pupil who receives a school lunch free of charge.

(3) An education authority must take reasonable steps to ensure that none of the persons mentioned in subsection (4) discloses to any person other than an authorised person the fact that the pupil receives school lunches free of charge.

(4) Those persons are—

- (a) a teacher in the school,
- (b) any person (other than a teacher) who is—
 - (i) employed (whether by the education authority or by another person) in the school, or
 - (ii) working there on an unpaid basis,
- (c) any other person employed by the education authority.

(5) In subsections (2) and (3), “authorised person” means—

- (a) a parent of the pupil,
- (b) a person mentioned in subsection (4) who is authorised by the education authority to have access to information about a pupil's entitlement, by virtue of section [^{F24}53], to receive school lunches free of charge.]

Textual Amendments

F20 S. 53B inserted (4.8.2008) by *Schools (Health Promotion and Nutrition) (Scotland) Act 2007* (asp 15), ss. 8, 11(2); S.S.I. 2008/171, art. 2(2)

F21 Words in s. 53B(1) inserted (5.1.2015) by *Children and Young People (Scotland) Act 2014* (asp 8), s. 102(3), **sch. 5 para. 2(4)(a)(i)**; S.S.I. 2014/314, art. 2, sch.

F22 Word in s. 53B(1) substituted (5.1.2015) by *Children and Young People (Scotland) Act 2014* (asp 8), s. 102(3), **sch. 5 para. 2(4)(a)(ii)**; S.S.I. 2014/314, art. 2, sch.

F23 S. 53B(1A) inserted (1.8.2014 for specified purposes, 5.1.2015 in so far as not already in force) by *Children and Young People (Scotland) Act 2014* (asp 8), s. 102(3), **sch. 5 para. 2(4)(b)**; S.S.I. 2014/131, art. 2(2)(3), sch.; S.S.I. 2014/314, art. 2, sch.

F24 Word in s. 53B(5)(b) substituted (5.1.2015) by *Children and Young People (Scotland) Act 2014* (asp 8), s. 102(3), **sch. 5 para. 2(4)(c)**; S.S.I. 2014/314, art. 2, sch.

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 ^{F25}... 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.

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- (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 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 ^{F26}....
- (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
 - [^{F27}(b) a child or young person—
 - (i) having additional support needs, and
 - (ii) who is, for the purposes of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), a child or young person for whose school education an education authority are responsible by virtue of section 29(3)(b) of that Act,
 shall be deemed to be attending a school under the management of that authority.]

Textual Amendments

- F25** 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)
- F26** 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)
- F27** S. 54(4)(b) substituted (14.11.2005) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#), s. 35(1), [sch. 3 para. 3\(11\)](#); S.S.I. 2005/564, art. 2

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) ^{F28}... 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.

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Textual Amendments

F28 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, at the option of the authority, either a right of property in the clothing or a right to use it only.

Status:

Point in time view as at 05/01/2015.

Changes to legislation:

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