



Education and Inspections Act 2006

2006 CHAPTER 40

PART 6

SCHOOL TRAVEL AND SCHOOL FOOD

Food and drink provided on school premises etc

86 Provision of food and drink on school premises etc

- (1) For section 114 of SSFA 1998 (nutritional standards for school lunches) and the cross-heading preceding it substitute—

“Food and drink provided on school premises etc

114A Requirements for food and drink provided on school premises etc

- (1) Regulations may prescribe requirements which, subject to such exceptions as may be provided for by or under the regulations, are to be complied with in connection with—
- food or drink provided on the premises of any school maintained by a local education authority, or
 - food or drink provided at a place other than school premises by a local education authority or the governing body of a school maintained by such an authority to any registered pupil at the school.
- (2) Regulations under this section may in particular—
- specify nutritional standards, or other nutritional requirements, which are to be complied with;
 - require that drinking water is to be available, free of charge, on the premises of any school maintained by a local education authority;
 - require that specified descriptions of food or drink are not to be provided.

Status: This is the original version (as it was originally enacted).

- (3) Requirements prescribed by virtue of subsection (1)(a) do not apply to food or drink brought on to the premises of a school maintained by a local education authority where the food or drink is brought on to those premises by any person for his own consumption.
- (4) Where a local education authority or the governing body of a school maintained by such an authority provide food or drink—
- (a) to anyone on the premises of the school, or
 - (b) to any registered pupil at the school at a place other than school premises,
- that authority or, as the case may be, that governing body must secure that any applicable provisions of the regulations are complied with.
- (5) Subsection (4) applies whether the food or drink is provided in pursuance of any statutory requirement or otherwise.
- (6) Where—
- (a) food or drink is provided on the premises of a school maintained by a local education authority,
 - (b) the provision is by a person (“X”) other than the authority or the governing body of the school, and
 - (c) X uses or occupies the whole or a part of the premises in circumstances related to a use or occupation agreement made (whether by X or any other person) with the authority or the governing body,
- that authority or, as the case may be, that governing body must secure that any applicable provisions of the regulations are complied with.
- (7) A “use or occupation agreement”, in relation to the premises of a school, is an agreement or other arrangement relating to the use or occupation of the whole or any part of the premises.
- (8) Without prejudice to the generality of section 138(7), regulations under this section may prescribe—
- (a) different requirements in relation to different classes or descriptions of school as specified in the regulations;
 - (b) different requirements in connection with food or drink provided by or to different classes or descriptions of person as specified in the regulations;
 - (c) requirements which apply during different periods of the day as specified in the regulations.
- (9) A “place other than school premises” means a place other than the premises of any school maintained by a local education authority.
- (10) References in this section to food or drink provided by a local education authority or the governing body of a school include references to food or drink provided in pursuance of an agreement or other arrangement made by such an authority or body for the provision of food or drink.”
- (2) In section 512(4) of EA 1996 (LEA functions concerning provision of meals), for “section 114(2) of the School Standards and Framework Act 1998 (lunches provided by LEAs to meet nutritional standards)” substitute “section 114A(4) of the School

Standards and Framework Act 1998 (requirements for food and drink provided on school premises etc)”.

- (3) Any regulations made under section 114 of SSFA 1998 which have effect immediately before the commencement of this section have effect after that commencement as if made under section 114A of that Act (as substituted by subsection (1)).

87 Power to charge for provision of meals etc

- (1) In section 512ZA of EA 1996 (duty of LEA to charge for meals etc)—
- (a) in subsection (1), for “shall” substitute “may”,
 - (b) in subsection (2), for “A local education authority shall” substitute “Where a local education authority exercise the power to charge under subsection (1), they must”, and
 - (c) in the heading, for “Duty” substitute “Power”.
- (2) In section 533 of EA 1996 (duties of governing bodies with respect to provision of school meals etc)—
- (a) in subsection (3), for the words from “shall” to the end substitute “may charge for anything so provided.”,
 - (b) after that subsection, insert—
 - “(4) Where the governing body of a school exercise the power to charge under subsection (3), they must charge every person the same price for the same quantity of the same item.”, and
 - (c) in the heading, for “Duties” substitute “Functions”.