SCOTTISH STATUTORY INSTRUMENTS

2025 No. 44

EDUCATION

The Education (Scotland) Act 1980 (Modification) Regulations 2025

Made - - - -	*18th February 2025*
Laid before the Scottish Parliament	*20th February 2025*
Coming into force in accordance with regulation 1	

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 53(8)(a)(i) and (ii) of the Education (Scotland) Act 1980(**a**) and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Scotland) Act 1980 (Modification) Regulations 2025 and, subject to paragraph (2), come into force on 1 April 2025.

(2) Regulations 2(a) and 3 come into force on 6 April 2025.

Eligibility for free school meals

2. In section 53(7) of the Education (Scotland) Act 1980 (provision of school meals)—

(a) omit paragraph (aa)(**b**),

(b) in paragraph (c)(**c**), for "£796", in both places where it appears, substitute "£850".

Revocation of the Education (School Lunches) (Scotland) Regulations 2009 and the Education (School Lunches) (Scotland) Amendment Regulations 2013

3. The Education (School Lunches) (Scotland) Regulations 2009(**d**) and the Education (School Lunches) (Scotland) Amendment Regulations 2013(**e**) are revoked.

JENNY GILRUTH
A member of the Scottish Government

St Andrew's House,
Edinburgh
18th February 2025

(**a**) 1980 c. 44. Section 53 of the Education (Scotland) Act 1980 was substituted by section 22(2) of the Education (Scotland) Act 2016 (asp 8).
(**b**) Section 53(7)(aa) was inserted by S.S.I. 2019/179 and last amended by S.S.I. 2024/40.
(**c**) Section 53(7)(c) was inserted by S.S.I. 2021/210 and last amended by S.S.I. 2024/40.
(**d**) S.S.I. 2009/178.
(**e**) S.S.I. 2013/64.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 53(2) of the Education (Scotland) Act 1980 ("the 1980 Act") provides that an education authority must provide or secure the provision of a school lunch (as defined in section 53(12)) free of charge to pupils falling within section 53(7).

Regulation 2(a) of these Regulations amends section 53(7) of the 1980 Act to remove paragraph (aa). Tax credits are ending on 5 April 2025 and are being replaced by universal credit.

Regulation 2(b) of these Regulations amends section 53(7)(c) of the 1980 Act. This has the effect that a pupil will fall within section 53(7) if the pupil is, or the parents of the pupil are, in receipt of universal credit provided that qualifying criteria about earned income of the pupil or the parents are satisfied. Where the person in receipt of universal credit is not a member of a couple, the criteria will be satisfied if the person's earned income does not exceed £850 in the assessment period preceding the application. Where the person in receipt of universal credit is a member of a couple, the criteria will be satisfied if the couple's combined earned income does not exceed £850 in the assessment period preceding the application.

Regulation 3 revokes the Education (School Lunches) (Scotland) Regulations 2009 and the Education (School Lunches) (Scotland) Amendment Regulations 2013 as these regulations will become redundant following the end of tax credits.

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