SCOTTISH STATUTORY INSTRUMENTS

2026 No. 19

EDUCATION

The Education (Scotland) Act 1980 (Modification) Regulations 2026

Made - - - -	*21st January 2026*
Laid before the Scottish Parliament	*23rd January 2026*
Coming into force - -	*1st April 2026*

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

Citation and commencement

1. These Regulations may be cited as the Education (Scotland) Act 1980 (Modification) Regulations 2026 and come into force on 1 April 2026.

Eligibility for free school meals

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

(a) in paragraph (c)(**b**), for "£850", in both places where it appears, substitute "£995",

(b) after paragraph (c) insert—

"(d) the parents of the pupil are in receipt of state pension credit payable under section 1 of the State Pension Credit Act 2002(**c**).".

JENNY GILRUTH
A member of the Scottish Government

St Andrew's House,
Edinburgh
21st January 2026

(**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)(c) was inserted by S.S.I. 2021/210 and last amended by S.S.I. 2025/44.
(**c**) 2002 c. 16.

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)(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 £995 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 £995 in the assessment period preceding the application.

Regulation 2(b) of these Regulations amends section 53(7) of the 1980 Act to provide that a pupil falls within that section if the parents of the pupil are in receipt of state pension credit.

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