SCOTTISH STATUTORY INSTRUMENTS

2020 No. 153

EDUCATION

The Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020

Made - - - -	*14th May 2020*
Laid before the Scottish Parliament	*18th May 2020*
Coming into force - -	*8th April 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 56A, 56B and 56D 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 Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020 and come into force on 8 April 2021.

Interpretation and application

2.—(1) In these Regulations—

"analysed lunch" means a two course school lunch offered to secondary school pupils that is chosen from a clearly identified, set menu which offers a minimum of two options for a main course and at least one other course and which is designed to meet the energy and nutrient standards set out in the table in schedule 3,

"bread and bread rolls" includes ciabatta, focaccia, nan, pitta, chapatti and tortilla,

"confectionery" includes—

(a) chewing gum,

(b) processed fruit bars,

(c) wholly or partially yoghurt-coated products,

(d) non-chocolate confectionery (whether or not containing sugar),

(e) chocolate in any form and any product containing or wholly or partially coated with chocolate or any chocolate flavoured substance,

but does not include cocoa powder used in sweetened baked products and desserts or in drinks,

"evening meal" means any food or drink provided by an education authority as a meal at the end of a school day for consumption by pupils in attendance at a hostel provided and maintained by the education authority,

(**a**) 1980 c.44.

"free sugars" means—

(a) all sugars in table sugar, honey, sucrose, glucose and glucose syrups and lactose or galactose added to foods (including whey powder),

(b) all sugars in drinks including sugars naturally present in fruit and vegetable juices and the fruit and vegetable component of smoothies, and sugars in milk substitutes but not lactose naturally present in milk or in products containing milk,

(c) all sugars in fruit and vegetable purees and pastes, including jam and preserves, and products made from extruded fruit or vegetables, (but not the sugars integrally present in the cells of foods such as fruit and vegetables, including in dried, stewed or canned fruit),

"fruit juice" means a product defined in regulation 2(1) of, as read with schedule 2 of, the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013(**a**), or a product defined as "fruit juice from concentrate" in regulation 2(2) of, as read with schedule 3 of, those Regulations,

"primary school pupil" means a pupil receiving primary education,

"pupil" does not include pre-school children as defined in section 1(4B) of the Education (Scotland) Act 1980(**b**),

"savoury snack" means any pre-packaged item which may be consumed without preparation and consists of or includes as a basic ingredient potatoes or other root vegetables, cereals, nuts or seeds, but does not include nuts or seeds without added salt, sugar and fat, sandwiches or cereal bars,

"school lunch" means any food or drink provided in the middle of the day for consumption by pupils as a midday meal on a school day,

"school meal" means a school lunch or an evening meal,

"secondary school pupil" means a pupil receiving secondary education,

"specified meat" means beef, goat, lamb, pork and venison, and offal from the sources of such meat, and "processed specified meat" is specified meat that has been preserved through salting, curing, smoking or adding preservative but does not include specified meat to which ingredients such as eggs or breadcrumbs have been added, and the quantities of specified meat and processed specified meat referred to in these Regulations refer to the cooked weight,

"sweetened baked products and desserts" includes cereal bars but does not include pastry and products containing pastry,

"total sugars content" means all sugars including free sugar, the sugars naturally present in milk and the sugars integrally present in the cells of foods such as fruit and vegetables, including in dried, stewed or canned fruit,

"vegetable juice" means juice extracted from vegetables or tomatoes with no other substance added except any water extracted during concentration.

(2) Nothing in these Regulations applies to any food or drink provided—

(a) by parents or pupils,

(b) at any social, cultural or recreational event or to mark any religious or cultural occasion,

(c) for use in teaching food preparation and cookery skills, provided that any food so prepared is not served to pupils as part of a school meal,

(d) as part of a medically prescribed diet for any pupil.

(**a**) S.S.I. 2013/305.
(**b**) Section 1(4B) was inserted by section 32(5) of the Standards in Scotland's Schools etc. Act 2000 (asp 6).

Provision of school meals - primary school pupils

3.—(1) This regulation applies to the provision of school meals—

(a) by an education authority under section 53(2) or (3) of the Education (Scotland) Act 1980(**a**) for primary school pupils in attendance at—

(i) a public school,

(ii) a hostel provided and maintained by an education authority,

(b) by the managers of a grant aided school for primary school pupils in attendance at such schools.

(2) The education authority and the managers of a grant aided school must ensure that the requirements in Parts 1 and 2 of schedule 1 and the requirements in schedule 3 are complied with.

Provision of other food and drink - primary school pupils

4.—(1) This regulation applies where food or drink is provided to primary school pupils on the premises of—

(a) a public school,

(b) a hostel provided and maintained by an education authority,

(c) a grant aided school,

otherwise than as part of a school meal.

(2) The education authority and the managers of a grant aided school must ensure that the requirements in Parts 1 and 3 of schedule 1 are complied with.

Provision of school meals - secondary school pupils

5.—(1) This regulation applies to the provision of school meals—

(a) by an education authority under section 53(2) or (3) of the Education (Scotland) Act 1980 for secondary school pupils in attendance at—

(i) a public school,

(ii) a hostel provided and maintained by an education authority,

(b) by the managers of a grant aided school for secondary school pupils in attendance at such schools.

(2) The education authority and the managers of a grant aided school must ensure that the requirements in Parts 1 and 2 of schedule 2 are complied with.

(3) The education authority and the managers of a grant aided school must ensure that the requirements of schedule 3 are complied with in relation to the provision of analysed lunches and evening meals.

Provision of other food and drink - secondary school pupils

6.—(1) This regulation applies where food or drink is provided to secondary school pupils on the premises of—

(a) a public school,

(b) a hostel provided and maintained by an education authority,

(c) a grant aided school,

otherwise than as part of a school meal.

(**a**) Section 53 was substituted by section 22(2) of the Education (Scotland) Act 2016 (asp 8).

(2) The education authority and the managers of a grant aided school must ensure that the requirements in Part 1 of schedule 2 are complied with.

Provision of drinking water

7.—(1) Education authorities must ensure that drinking water is provided free of charge at all times, including during school meals, to pupils on the premises of—

(a) public schools,

(b) hostels provided and maintained by the education authority.

(2) The managers of a grant aided school must ensure that drinking water is provided free of charge at all times, including during school meals, to pupils on the premises of the school.

Revocation

8. The Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008(**a**) are revoked.

JOHN SWINNEY
A member of the Scottish Government

St Andrew's House,
Edinburgh
14th May 2020

(**a**) S.S.I. 2008/265.

SCHEDULE 1

Regulations 3(2) and 4(2)

Standards applicable to food and drink provided to primary school pupils

PART 1

Primary school meals and at other times

1. The requirements in this Part apply to the provision of food and drink for primary school pupils—

(a) as part of a school meal,

(b) on the premises of primary schools otherwise than as part of a school meal.

2. Specified meat and processed specified meat cannot be served other than as part of a school meal.

3. Breakfast cereals provided must contain—

(a) a total sugars content which does not exceed 15 grams per 100 grams,

(b) a total sodium content which does not exceed 440 milligrams per 100 grams,

(c) a total salt content which does not exceed 1.1 grams per 100 grams,

(d) a total fibre content of at least 3 grams per 100 grams.

4. Bread and bread rolls provided must contain a total fibre content of at least 3 grams of AOAC fibre per 100 grams(**a**).

5. Pastry and products containing pastry can be provided no more than twice a week.

6. Sweetened yoghurt, fromage frais or other milk based desserts can be provided only in individual portions which do not exceed 125 grams and each portion must contain—

(a) a total sugars content which does not exceed 10 grams per 100 grams,

(b) a total fat content which does not exceed 3 grams per 100 grams.

7. No confectionery can be provided.

8.—(1) Oils must contain a total saturated fat content which does not exceed 16 grams per 100 grams and—

(a) a total monounsaturated fat content of at least 55 grams per 100 grams, or

(b) a total polyunsaturated fat content of at least 30 grams per 100 grams.

(2) Fat spreads must contain—

(a) a total saturated fat content which does not exceed 20 grams per 100 grams,

(b) a combined total monounsaturated and polyunsaturated fat content of at least 30 grams per 100 grams.

9.—(1) No salt is to be provided to add to food after the cooking process is complete.

(2) Condiments other than salt can be provided to pupils only in individual portions of no more than 10 millilitres.

10. Only the following drinks can be provided—

(a) plain water (still or sparkling),

(**a**) AOAC is the standard methodology used in product analysis food labelling for calculating fibre.

(b) plain milk and calcium enriched milk alternatives,

(c) milk drinks with no added sugar,

(d) drinking yoghurts with no added sugar.

11.—(1) Milk must contain a total fat content which does not exceed 1.8 grams per 100 millilitres.

(2) Calcium enriched milk alternatives must contain—

(a) a total fat content which does not exceed 1.8 grams per 100 millilitres,

(b) a total sugars content which does not exceed 0.5 grams per 100 millilitres.

(3) Milk drinks and drinking yoghurts must contain—

(a) a total fat content which does not exceed 1.8 grams per 100 millilitres,

(b) a total sugars content which does not exceed 5 grams per 100 millilitres.

PART 2

Primary school meals only

12. The requirements in this Part apply to the provision of food and drink as part of a school meal for primary school pupils.

13. At least two portions of vegetables and one portion of fruit must be offered as part of a school meal and—

(a) a portion of fruit or vegetables is at least 40 grams (including fresh, frozen or tinned (drained weight)),

(b) a portion of dried fruit is at least 15 grams.

14. Oily fish must be provided at least once every 3 weeks.

15. No more than a total of 175 grams of specified meat and processed specified meat can be provided in school lunches or in evening meals over the course of the school week, of which no more than 100 grams can be processed specified meat.

16.—(1) Food that has been deep fried in the cooking or manufacturing process is not to be provided in a primary school meal more than 3 times in a week.

(2) Chips must only be served as part of a school meal.

17. Only the following savoury snacks can be provided with the school meal—

(a) plain savoury crackers,

(b) plain oatcakes,

(c) plain breadsticks.

18. Sweetened baked products and desserts are not to be provided with the school meal more than 3 times per week and when provided with the school meal must contain no more than 15 grams of total sugars per portion.

PART 3

Provision of food and drink other than as part of a primary school meal

19. The requirements in this Part apply to food and drink provided to primary school pupils on the premises of a primary school other than as part of a school meal.

20. Portions of fruit or vegetables must be made available in any place within the premises where food is provided and—

(a) a portion of fruit or vegetables is at least 40 grams (including fresh, frozen or tinned (drained weight)),

(b) a portion of dried fruit is at least 15 grams.

21.—(1) With the exception of savoury snacks, no food that has been fried in the cooking or manufacturing process is to be provided otherwise than as part of a school meal.

(2) The following savoury snacks can be provided—

(a) plain savoury crackers,

(b) plain oatcakes,

(c) plain breadsticks.

(3) Pre-packaged savoury snacks other than those mentioned in paragraph (2) can be provided only in individual portions of no more than 25 grams and must contain—

(a) a total fat content which does not exceed 22 grams per 100 grams,

(b) a total saturated fat content which does not exceed 2 grams per 100 grams,

(c) a total sodium content which does not exceed 600 milligrams per 100 grams,

(d) a total salt content which does not exceed 1.5 grams per 100 grams,

(e) a total sugars content which does not exceed 3 grams per 100 grams.

22. Each portion of sweetened baked products and desserts provided must contain—

(a) a total sugars content which does not exceed 7 grams,

(b) a total fat content which does not exceed 13 grams,

(c) a total saturated fat content which does not exceed 4 grams.

SCHEDULE 2

Regulations 5(2) and 6(2)

Standards applicable to food and drink provided to secondary school pupils

PART 1

Secondary school meals and at other times

1. The requirements in this Part apply to the provision of food and drink for secondary school pupils—

(a) as part of a school meal,

(b) on the premises of secondary schools otherwise than as part of a school meal.

2. Oily fish must be provided at least once every 3 weeks.

3.—(1) No more than a total of 230 grams of specified meat and processed specified meat can be provided over the course of the school week as part of a school lunch and otherwise than as part of a school meal, of which no more than 130 grams can be processed specified meat.

(2) No more than a total of 115 grams of specified meat and processed specified meat can be provided over the course of the week as part of an evening meal, of which no more than 65 grams can be processed specified meat.

4. Portions of fruit or vegetables must be made available in any place on school premises where food is provided and—

(a) a portion of fruit or vegetables is at least 80 grams (including fresh, frozen or tinned (drained weight)),

(b) a portion of dried fruit is at least 30 grams.

5. Breakfast cereals provided must contain—

(a) a total sugars content which does not exceed 15 grams per 100 grams,

(b) a total sodium content which does not exceed 440 milligrams per 100 grams,

(c) a total salt content which does not exceed 1.1 grams per 100 grams,

(d) a total fibre content at least 3 grams per 100 grams.

6. Bread and bread rolls provided must contain a minimum of 3 grams of AOAC fibre per 100 grams.

7.—(1) With the exception of savoury snacks provided under paragraph 8, food that has been deep fried in the cooking or manufacturing process is not to be provided more than 3 times in a week.

(2) Chips can only be provided as part of a meal.

8.—(1) The following savoury snacks can be provided—

(a) plain savoury crackers,

(b) plain oatcakes,

(c) plain breadsticks.

(2) Pre-packaged savoury snacks other than those mentioned in paragraph (1) can be provided only in individual portions of no more than 25 grams and must contain—

(a) a total fat content which does not exceed 22 grams per 100 grams,

(b) a total saturated fat content of no more than 2 grams per 100 grams,

(c) a total sodium content which does not exceed 600 milligrams per 100 grams,

(d) a total salt content which does not exceed 1.5 grams per 100 grams,

(e) a total sugars content which does not exceed 3 grams per 100 grams.

9. Pastry and products containing pastry can be provided no more than twice a week.

10. No confectionery can be provided.

11. Sweetened yoghurt, fromage frais or other milk based desserts can be provided only in individual portions which do not exceed 175 grams and each portion must contain—

(a) a total sugars content which does not exceed 10 grams per 100 grams,

(b) a total fat content which does not exceed 3 grams per 100 grams.

12. Each portion of sweetened baked products and desserts provided must contain—

(a) a total sugars content which does not exceed 10 grams,

(b) a total fat content which does not exceed 19 grams,

(c) a total saturated fat content which does not exceed 6 grams.

13.—(1) No salt is to be provided to add to food after the cooking process is complete.

(2) Other condiments can be provided only in individual portions of no more than 10 millilitres.

14.—(1) Oils must contain a total saturated fat content which does not exceed 16 grams per 100 grams and—

(a) a total monounsaturated fat content of at least 55 grams per 100 grams, or

(b) a total polyunsaturated fat content of at least 30 grams per 100 grams.

(2) Fat spreads must contain—

(a) a total saturated fat content which does not exceed 20 grams per 100 grams,

(b) a combined total monounsaturated and polyunsaturated fat content of at least 30 grams per 100 grams.

15. Only the following drinks can be provided at any time during the secondary school day—

(a) plain water (still or sparkling),

(b) plain milk and calcium enriched milk alternatives,

(c) milk drinks with no added sugar,

(d) drinking yoghurts with no added sugar,

(e) tea and coffee,

(f) sugar-free drinks.

16.—(1) Milk must contain a total fat content which does not exceed 1.8 grams per 100 millilitres.

(2) Calcium enriched milk alternatives must contain—

(a) a total fat content which does not exceed 1.8 grams per 100 millilitres,

(b) a total sugars content which does not exceed 0.5 grams per 100 millilitres.

(3) Milk drinks and drinking yoghurts must contain—

(a) a total fat content which does not exceed 1.8 grams per 100 millilitres,

(b) a total sugars content which does not exceed 5 grams per 100 millilitres.

(4) Sugar-free drinks must contain—

(a) a total sugars content which does not exceed 500 milligrams of sugar per 100 millilitres,

(b) a total caffeine content which does not exceed 150 milligrams per 100 millilitres.

PART 2

Secondary school meals only

17. The requirements in this Part apply to the provision of food and drink as part of a school meal for secondary school pupils.

18. An analysed lunch must—

(a) be offered each day,

(b) be clearly identified as meeting the energy and nutrients standards set out in schedule 3,

(c) be offered for no more than the value of a school lunch provided under section 53(2) of the Education (Scotland) Act 1980.

19. At least two portions of vegetables and one portion of fruit must be offered as part of an analysed lunch and an evening meal and—

(a) a portion of fruit or vegetables is at least 80 grams (including fresh, frozen or tinned (drained weight)),

(b) a portion of dried fruit is at least 30 grams.

20. A school lunch that is not an analysed lunch is to include one portion of salad or vegetables as part of the price of the lunch (or as part of a school lunch provided under section 53(2) of the Education (Scotland) Act 1980), and a portion is at least 80 grams (including fresh, frozen or tinned (drained weight)).

SCHEDULE 3

Regulations 3(2) and 5(3)

Nutrient standards – school meals

1. This schedule applies to—

(a) the provision of school meals for primary school pupils,

(b) the provision of analysed lunches for secondary school pupils,

(c) the provision of evening meals for secondary school pupils.

2. In this schedule—

(a) "average school meal" has the meaning given by paragraphs 4 and 5,

(b) "nutrient" means any substance listed in column 1 of the table in paragraph 6,

(c) references to "school meal" do not include a school lunch provided for secondary school pupils which is not an analysed lunch.

3. All food and drink provided as part of a school meal must be included in the energy and nutrient standards calculations under this Part.

4. The energy contained within the average school meal as calculated on a daily basis must be calculated in accordance with the following formula—

$$\frac{A}{B}$$

Where—

"A" is the total energy provided in all school meals served in a day,

"B" is the estimated number of school meals served to pupils during that day.

5. The energy and nutrient content of the average school meal as calculated on a weekly basis must be calculated in accordance with the following formula—

$$\frac{C}{D} \div E$$

Where—

"C" is the total amount of energy and nutrient content provided in all school meals served in the course of a school week,

"D" is the estimated number of school meals served to pupils during that school week,

"E "is the number of days in the school week.

6. The average school meal must provide—

(a) an amount of energy which is either the figure specified in the corresponding entry in column 3 or 4 of the table as appropriate, or—

(i) within 15% of that figure on a daily basis, calculated in accordance with paragraph 4, and

(ii) within 10% of that figure on a weekly basis calculated in accordance with paragraph 5,

(b) no more than the amounts of fat, saturated fat, free sugars and sodium specified in the corresponding entries in column 3 or 4 of the table as appropriate, and

(c) as a minimum, the amounts of all other nutrients specified in the corresponding entries in column 3 or 4 of the table as appropriate.

TABLE

Column 1	*Column 2*	*Column 3*	*Column 4*
Nutrient	*Minimum or maximum value (where applicable)*	*School meal provided to primary school pupils*	*School meal provided to secondary school pupils*
Energy (kilo calories) (kilojoules)		 518 2165	 745 3114
Total fat (grams)	Max	20.1	29
Saturated fat (grams)	Max	6.3	9.1
Total carbohydrates (grams)	Min	69.1	99.3
Free sugars (grams)	Max	10.4	14.9
Fibre (AOAC) (grams)	Min	6	9
Protein (grams)	Min	19.4	27.9
Iron (milligrams)	Min	3	4.4
Calcium (milligrams)	Min	165	300
Vitamin A (retinol equivalent) (micrograms)	Min	150	187
Vitamin C (milligrams)	Min	9	11
Folate (micrograms)	Min	45	60
Sodium (milligrams)	Max	686	824
Zinc (milligrams)	Min	2.1	2.8

7. The formulae in paragraphs 4 and 5 are to be applied separately to—

(a) a school lunch provided to primary school pupils,

(b) an evening meal provided to primary school pupils,

(c) an analysed lunch provided to secondary school pupils,

(d) an evening meal provided to secondary school pupils.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe nutritional requirements for food and drink in schools. They apply to public schools and grant aided schools as well as hostels which are provided and maintained by education authorities under the Education (Scotland) Act 1980. The Regulations come into force on 8 April 2021.

These Regulations were notified in draft to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council (OJ L 241, 17.9.2015, p.1) which lays down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

Subject to the exemptions specified in regulation 2(2), the two areas regulated by this instrument are school meals and other food and drink provided on school premises. "School meals" refers to school lunches in all primary schools covered by the Regulations, analysed lunches (as defined in regulation 2(1)) in all secondary schools covered by the Regulations and to evening meals which are provided in hostels maintained by education authorities.

Regulations 3 and 4 make provision for primary schools covered by the Regulations. Regulation 3 requires education authorities and managers of grant aided schools to comply with the requirements of Parts 1 and 2 of schedule 1 and the requirements of schedule 3 when providing school meals for primary school pupils. Part 1 of schedule 1 applies to the provision of food and drink in school meals and on school premises at other times during the school day. Part 2 of schedule 1 makes additional provision that applies to school meals only. Schedule 3 prescribes the overall nutrient standards which apply to school meals. There are different energy and nutrient levels that apply to school meals provided to primary school pupils and analysed lunches and evening meals provided to secondary school pupils and these are specified in the table.

Regulation 4 requires education authorities and managers of grant aided schools to comply with the requirements of Parts 1 and 3 of schedule 1 when providing food and drink for primary school pupils on school premises other than at mealtimes. Part 3 of schedule 1 makes additional provision that applies in these circumstances only.

Regulations 5 and 6 make similar provision for secondary schools covered by the Regulations. Regulation 5 requires education authorities and managers of grant aided schools to comply with the requirements of Parts 1 and 2 of schedule 2 and the requirements of schedule 3 when providing school meals for secondary school pupils. Part 1 of schedule 2 applies to the provision of food and drink at school meals and at other times on school premises. Part 2 of schedule 2 makes additional provision that applies to school meals only.

Regulation 6 requires education authorities and managers of grant aided schools to comply with the requirements of Part 1 of schedule 2 when providing food and drink for secondary school pupils other than at mealtimes.

Regulation 7 provides that drinking water is to be provided free of charge at all times by education authorities on the premises of public schools and hostels and by the managers of granted aided schools on the premises of such schools.

Regulation 8 revokes the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008.

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