



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

[^{F1}53 Provision of school meals

- (1) This section applies to—
 - (a) pupils in attendance at public schools and other educational establishments under the management of an education authority, and
 - (b) pupils who receive school education under arrangements entered into by an education authority under section 35 of the Standards in Scotland's Schools etc. Act 2000 (provision of school education by persons other than education authorities).
- (2) The authority must provide or secure the provision of a school lunch, free of charge, to pupils falling within subsection (1).
- (3) The authority may provide or secure the provision of—
 - (a) other food or drink to pupils falling within subsection (1),
 - (b) food or drink to other pupils.
- (4) Where the authority provides or secures the provision of food or drink under subsection (3)(a) or (b) to pupils, it may—
 - (a) do so free of charge, or
 - (b) charge the pupils.
- (5) The authority may exercise the power under subsection (4) to provide or secure the provision of food or drink free of charge—
 - (a) in relation to pupils who satisfy such conditions as the authority thinks fit,
 - (b) at such times of the day as the authority thinks fit.

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 17 May 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) View outstanding changes*

- (6) Any charge under subsection (4) must be the same for the same quantity of the food or drink provided.
- (7) A pupil falls within this subsection if—
- (a) the pupil is, or the parents of the pupil are, in receipt of—
 - (i) income support,
 - (ii) an income-based jobseeker's allowance (payable under the Jobseekers Act 1995),
 - (iii) an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance),
 - ^[F2](aa) the parents of the pupil are in receipt of child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002 and the income calculated for the purpose of awarding those tax credits does not exceed ^[F3]£9,552],
 - (b) the parents of the pupil are in receipt of support provided under Part 6 of the Immigration and Asylum Act 1999.
 - ^[F4](c) the pupil is, or the parents of the pupil are, in receipt of universal credit, either—
 - (i) as an individual who is not a member of a couple, where the individual has earned income not exceeding ^[F5]£796] in the assessment period immediately preceding the application for a free school lunch being made, or
 - (ii) as a member of a couple, where the couple have a combined earned income not exceeding ^[F5]£796] in the assessment period immediately preceding the application for a free school lunch being made.

In this subsection—

“assessment period” means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013,

“couple” has the meaning given in section 39 of the Welfare Reform Act 2012,

“earned income” means the person’s earned income within the meaning of Chapter 2 of Part 6 of the Universal Credit Regulations 2013,

“universal credit” means universal credit payable under Part 1 of the Welfare Reform Act 2012.]
- (8) The Scottish Ministers may by regulations modify subsection (7) by—
- (a) adding a description of pupil by reference to—
 - (i) any benefit or allowance received by the pupil, or the parents of the pupil, in such circumstances as may be prescribed in the regulations,
 - (ii) any tax credit, or element of a tax credit, within the meaning of the Tax Credits Act 2002 received by the pupil, or the parents of the pupil, in such circumstances as may be so prescribed,
 - (iii) the yearly stage of primary or secondary education of the pupil,
 - (b) adding such other description of pupil as may be prescribed in the regulations.
- (9) An education authority must provide such facilities as the authority considers appropriate for the consumption of food or drink brought by pupils to schools or other educational establishments as mentioned in subsection (1)(a) under the management of the authority.

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- (10) An education authority may provide or secure the provision of food or drink (including a school lunch) under this section—
- (a) on the premises of the schools or other establishments as mentioned in subsection (1)(a) where education is provided,
 - (b) at any place where school education is provided under arrangements mentioned in subsection (1)(b), or
 - (c) at any other place.
- (11) For the purposes of this section, a pupil for whom an education authority has made special arrangements under section 14 may, at the discretion of the authority, be deemed to be in attendance at a public school.
- (12) In this section and sections 53A and 53B, “school lunch” means anything provided, or the provision of which is secured, by an education authority under subsection (2) in the middle of the day which the education authority considers is appropriate for consumption as a meal at that time of the day.]

Textual Amendments

- F1** S. 53 substituted (1.4.2018) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), **ss. 22(2)**, 33(2); S.S.I. 2018/36, [reg. 2](#) (with [reg. 3](#))
- F2** S. 53(7)(aa) inserted (1.8.2019) by [The Education \(Scotland\) Act 1980 \(Modification\) Regulations 2019 \(S.S.I. 2019/179\)](#), [regs. 1](#), **2(2)**
- F3** Sum in s. 53(7)(aa) substituted (1.4.2024) by [The Education \(Scotland\) Act 1980 \(Modification\) Regulations 2024 \(S.S.I. 2024/40\)](#), [regs. 1](#), **2(a)**
- F4** S. 53(7)(c) inserted (1.8.2021) by [The Education \(Scotland\) Act 1980 \(Modification\) Regulations 2021 \(S.S.I. 2021/210\)](#), [regs. 1](#), **2(3)**
- F5** Sum in s. 53(7)(c) substituted (1.4.2024) by [The Education \(Scotland\) Act 1980 \(Modification\) Regulations 2024 \(S.S.I. 2024/40\)](#), [regs. 1](#), **2(b)**

Modifications etc. (not altering text)

- C1** S. 53(2) restricted (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 16 para. 9(1)(a)** (with [ss. 89](#), [90](#))

[^{F6}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 [^{F7}53], to receive school lunches free of charge, receives those lunches.]

Textual Amendments

- F6** 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\(2\)](#)

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F7 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.

[^{F8}53B Protection of identity of pupils receiving free school lunches

(1) This section applies [^{F9}, subject to subsection (1A),] where a school lunch is provided for a pupil free of charge by virtue of section [^{F10}53].

[This section does not apply in such circumstances as the Scottish Ministers may by ^{F11}(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 [^{F12}53], to receive school lunches free of charge.]

Textual Amendments

F8 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)

F9 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.

F10 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.

F11 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.

F12 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 ^{F13}... is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided, the

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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.

- (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 ^{F14}....
- (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
 - ^{F15}(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

- F13** 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)
- F14** 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)
- F15** 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) ^{F16}... 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

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clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.

Textual Amendments

F16 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A(5)(a)(I) words repealed by [2000 asp 6 Sch. 3](#)
- s. 53(3)(b)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53(3)(b)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53ZA inserted by [2016 asp 8 s. 22\(3\)](#)
- s. 54A inserted by [2016 asp 8 s. 23](#)
- s. 98DA inserted by [2016 asp 8 s. 28\(2\)](#)
- s. 99(1A)(g)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)
- s. 99(1A)(h)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)