



School Standards and Framework Act 1998

1998 CHAPTER 31

PART IV

OTHER PROVISIONS ABOUT SCHOOL EDUCATION

[^{F1}Food and drink provided on school premises etc]

Textual Amendments

- F1** S. 114A and cross-heading substituted for s. 114 and cross-heading (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. **86(1)**, 188(1) (with s. 86(3))

^{F1}114 Nutritional standards for school lunches.

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^{F1}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—
 - (a) food or drink provided on the premises of any school maintained by a [^{F2}local authority][^{F3}in England], or
 - (b) food or drink provided at a place other than school premises by a [^{F2}local authority][^{F4}in England] 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—
 - (a) specify nutritional standards, or other nutritional requirements, which are to be complied with;

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- (b) require that drinking water is to be available, free of charge, on the premises of any school maintained by a [F²local authority];
 - (c) require that specified descriptions of food or drink are not to be provided.
- (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 [F²local 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 [F²local 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 [F²local authority].
- (10) References in this section to food or drink provided by a [F²local 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.]

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Textual Amendments

- F2** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F3** Words in s. 114A(1)(a) inserted (W.) (2.9.2013) by Healthy Eating in Schools (Wales) Measure 2009 (nawm 3), **ss. 8(1)(a)**, 12(3); S.I. 2013/1985, art. 2(b)
- F4** Words in s. 114A(1)(b) inserted (W.) (2.9.2013) by Healthy Eating in Schools (Wales) Measure 2009 (nawm 3), **ss. 8(1)(b)**, 12(3); S.I. 2013/1985, art. 2(b)

^{F5}**115 Extension of LEA functions concerning school lunches, etc.**

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Textual Amendments

- F5** S. 115 repealed (31.3.2003 for W., 1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 4

116 Transfer of [^{F2}local authority] functions concerning school lunches, etc. to governing bodies.

After section 512 of the Education Act 1996 there shall be inserted—

“512A Transfer of functions under section 512 to governing bodies.

- (1) The Secretary of State may by order make provision for imposing on the governing body of any school to which the order applies a duty or duties corresponding to one or more of the duties of the local education authority which are mentioned in subsection (2).
- (2) Those duties are—
 - (a) the duty to provide school lunches in accordance with section 512(1A) and (1B);
 - (b) the duty to provide school lunches free of charge in accordance with section 512(3)(a); and
 - (c) the duty to provide milk free of charge in accordance with section 512(3)(b).
- (3) An order under this section may (subject to subsection (6)) apply to—
 - (a) all maintained schools; or
 - (b) any specified class of such schools; or
 - (c) all such schools, or any specified class of such schools, maintained by specified local education authorities.
- (4) Where any duty falls to be performed by the governing body of a school by virtue of an order under this section—
 - (a) the corresponding duty mentioned in subsection (2) shall no longer fall to be performed by the local education authority in relation to the school; and

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- (b) if the duty corresponds to the one mentioned in subsection (2)(b) or (c), section 533(3) shall not apply to any school lunches or milk provided by the governing body in pursuance of the order.
- (5) An order under this section may provide for section 513(2) not to apply—
- (a) to local education authorities generally, or
 - (b) to any specified local education authority,
- either in relation to all pupils for whom provision is made by the authority under section 513 or in relation to all such pupils who are of such ages as may be specified.
- (6) An order under this section shall not operate to—
- (a) impose any duty on the governing body of a school, or
 - (b) relieve a local education authority of any duty in relation to a school,
- at any time when the school does not have a delegated budget; and such an order may provide for section 512(2)(b) above to have effect, in relation to any provision made at any such time by the local education authority for pupils at the school, with such modifications as may be specified.
- (7) In this section—
- “delegated budget” and “maintained school” have the same meaning as in the School Standards and Framework Act 1998;
 - “school lunch” has the same meaning as in section 512 above;
 - “specified” means specified in an order under this section.”

Textual Amendments

- F2** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

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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. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)