

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 17 – Other Reforms

Provision of school meals

Section 93 – Provision of free school lunches

275. This section amends section 53 of the 1980 Act” to (i) impose a duty on education authorities to provide certain pupils (prescribed by regulations) with school lunches free of charge; and (ii) give education authorities the power to provide school lunches free of charge to pupils who satisfy such conditions as the authority thinks fit.
276. Subsections (2) to (5) remove the provisions which currently require authorities to charge for school lunches and remove the current limit on the authority’s power to provide only food and drink which is not a school lunch free of charge. Subsection (2) repeals section 53(2) of the 1980 Act with the effect that there is no longer a requirement on education authorities to charge pupils for a school lunch. Instead they have the power to provide school lunches free of charge.
277. Subsection (3) inserts “which the authority are required to provide by virtue of subsection (3)” onto the end of section 53(2A) of the 1980 Act. As section 53(2B) of the 1980 Act gives local authorities the power to provide any food or drink free of charge or charge pupils for any food or drink, including school lunches, the effect of this insertion is to make it clear that subsection (2B) only applies to a school lunch which is not provided pursuant to section 53(3); the provisions which confer eligibility for free school lunches and which the authority is under a duty to provide free of charge.
278. Subsection (4) removes the limitation on authorities as to the time of day when they provide food or drink free of charge from section 53(2C)(b) of the 1980 Act, ensuring that can food or drink can be provided free of charge at any time of the day.
279. Subsection (5) removes reference to subsection (2) from section 53(2D) of the 1980 Act consequential on the repeal of section 53(2) of the 1980 Act by section 93(2) which removes the obligation on authorities to charge for school lunches.
280. The purpose of subsection (6) is to insert a new subsection (3)(c) into section 53 of the 1980 Act. Section 53(3) contains the provisions which confer eligibility for free school lunches which the authority is under a duty to provide free of charge. The effect of the new subsection is to introduce a further enabling power so that the Scottish Ministers may prescribe the description of pupils (whether that be by reference to their yearly stage of education or such other description) to whom education authorities are obliged to provide free school lunches.