Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCOTTISH STATUTORY INSTRUMENTS

2014 No. 315

CHILDREN AND YOUNG PERSONS
LOCAL GOVERNMENT
EDUCATION

The Children and Young People (Scotland) Act 2014 (Ancillary Provision) (No. 2) Order 2014

Made - - - -	*18th November 2014*
Laid before the Scottish Parliament - - - -	*20th November 2014*
Coming into force - -	*5th January 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 101(a) of the Children and Young People (Scotland) Act 2014(**1**) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Children and Young People (Scotland) Act 2014 (Ancillary Provision) (No. 2) Order 2014 and comes into force on 5th January 2015.

Revocation

2. The Provision of School Lunches (Disapplication of the Requirement to Charge) (Scotland) Order 2008(**2**) is revoked.

St Andrew's House,
Edinburgh
18th November 2014

ALASDAIR ALLAN
Authorised to sign by the Scottish Ministers

(**1**) 2014 asp 8.
(**2**) S.S.I. 2008/400.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential provision which the Scottish Ministers consider appropriate in connection with the provisions in the Children and Young People (Scotland) Act 2014 ("the 2014 Act").

Section 53(2) of the Education (Scotland) Act 1980 ("the 1980 Act") requires an education authority, where it provides school lunches, to charge for them (subject to section 53(3) of the 1980 Act). The Provision of School Lunches (Disapplication of the Requirement to Charge) (Scotland) Order 2008 ("the 2008 Order") makes provision enabling education authorities (councils), using their power to advance well-being under section 20 of the Local Government in Scotland Act 2003 (asp 1), to provide school lunches free of charge, to all pupils in Primary 1, 2 and 3 in their schools, rather than just to those pupils who are entitled to school lunches free of charge under section 53(3) of the 1980 Act (where the pupil or their parent are in receipt of certain benefits).

Section 93(2) of the 2014 Act repeals section 53(2) of the 1980 Act thereby removing the obligation to charge. Further section 93(4) of the 2014 Act amends section 53(2C)(b) thereby enabling an education authority to provide school lunches (in addition to food and drink at such times of the day as they think fit), free of charge to pupils who satisfy such conditions as the authority think fit. These changes made by the 2014 Act thereby render the provisions in the 2008 Order unnecessary and hence the revocation of the 2008 Order by this Order.