



# Healthy Eating in Schools (Wales) Measure 2009

## 2009 nawm 3

### **4 Requirements for food and drink provided on school premises etc**

- (1) The Welsh Ministers may by regulations 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 maintained school, or
  - (b) food or drink provided at a place other than school premises by a local authority or the governing body of a maintained school 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,
  - (b) require that specified descriptions of food or drink are not to be provided,
  - (c) specify maximum amounts of—
    - (i) fat,
    - (ii) saturated fat,
    - (iii) salt, and
    - (iv) sugar,which the food or drink can contain.
- (3) Requirements prescribed by virtue of subsection (1)(a) do not apply to food or drink brought on to the premises of a maintained school where the food or drink is brought on to those premises by any person for that person's own consumption.
- (4) When a local authority or the governing body of a maintained school provides 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,

*Changes to legislation: Healthy Eating in Schools (Wales) Measure 2009, Section 4 is up to date with all changes known to be in force on or before 26 May 2023. 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*

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) When—

- (a) food or drink is provided on the premises of a maintained school,
- (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 10, 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 maintained school.

(10) References in this section to food or drink provided by a local 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.

(11) Before making regulations under this section the Welsh Ministers must—

- (a) take steps to ascertain the views of pupils as to the provisions proposed to be made by the regulations, and
- (b) consult such other persons as they consider appropriate.

#### Commencement Information

**II** S. 4 in force at 8.8.2013 by S.I. 2013/1985, art. 2(a)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 4 coming into force by [2009 nawm 3 s. 12\(3\)](#)