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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 318**

**EDUCATION**

**The Education (Disapplication of section 53B) (Scotland) Regulations 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 Regulations in exercise of the powers conferred by section 53B(1A) of the Education (Scotland) Act 1980<sup>(1)</sup>, and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Disapplication of section 53B) (Scotland) Regulations 2014 and come into force on 5th January 2015.

(2) In these Regulations, “the 1980 Act” means the Education (Scotland) Act 1980.

**Disapplication of section 53B of the 1980 Act**

2.—(1) Paragraph (2) sets out the circumstance in which the obligations in section 53B (protection of identity of pupils receiving free school lunches) of the 1980 Act is disapplied.

(2) The circumstance is where the entitlement of the pupil to be provided with a school lunch free of charge arises by virtue of both—

- (a) sub-paragraph (a) or (b) (or, as the case may be, both sub-paragraph (a) and (b)) of section 53(3) of the 1980 Act; and
- (b) the exercise of the power conferred by section 53(2B)(a) and (2C) of the 1980 Act so as to provide a school lunch free of charge to a pupil on the condition of being in a particular—
  - (i) yearly stage of primary or secondary education;
  - (ii) school;

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(1) 1980 c.44; section 53B was inserted by the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), section 8 and amended by the Children and Young People (Scotland) Act 2014 (asp 8), schedule 5, paragraph 2(4). Section 53B(1A) was brought into force on 1st August 2014 by SSI 2014/131 so far as is necessary to enable the Scottish Ministers to make regulations.

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**Status:** This is the original version (as it was originally made).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

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(iii) area of the education authority.

St Andrew's House,  
Edinburgh  
18th November 2014

*ALASDAIR ALLAN*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 53B of the Education (Scotland) Act 1980 (“the 1980 Act”) makes provision about the protection of identity of pupils where a school lunch is provided to them free of charge by virtue of section 53(3) of the 1980 Act. Section 53B(1A) of the 1980 Act enables the Scottish Ministers by regulations to prescribe the circumstances when section 53B of the 1980 Act does not apply.

Article 2 provides that section 53B of the 1980 Act does not apply where a pupil’s entitlement to be provided with a school lunch free of charge arises by virtue of section 53(3)(a) or (b), or as the case may be, section 53(3)(a) and (b) of the 1980 Act (where the pupil or their parent are in receipt of certain benefits) and also arises by virtue of section 53(2B)(a) and (2C) of the 1980 Act (where the pupil is in a particular yearly stage of primary or secondary education, school or area of the education authority).