

2006 No. 2381

EDUCATION, ENGLAND

**The Education (Nutritional Standards for School Lunches)
(England) Regulations 2006**

<i>Made</i>	- - - -	<i>4th September 2006</i>
<i>Laid before Parliament</i>		<i>8th September 2006</i>
<i>Coming into force</i>	- -	<i>11th September 2006</i>

In exercise of the powers conferred by sections 114(1) and (4) and 138(7) and (8) of the School Standards and Framework Act 1998(a) the Secretary of State for Education and Skills hereby makes the following Regulations—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Nutritional Standards for School Lunches) (England) Regulations 2006 and come into force on 11th September 2006.

(2) These Regulations shall apply to schools maintained by a local education authority in England, except nursery schools and nursery units within primary schools.

Interpretation.

2. In these Regulations—

“the 2003 Regulations” means the Meat Products (England) Regulations 2003(b);

“day” means a school day;

“food” includes drink;

“low calorie” in relation to any food means that the food so described contains no more than 40 calories in each portion;

“meat” has the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs(c), as amended by Commission Directive 2001/101/EC(d);

“meat product” has the same meaning as in the 2003 Regulations;

“portion” means an amount of a particular food made available to an individual as part of a meal; and

“week” means Monday to Friday.

(a) 1998 c.31.

(b) S.I. 2003/2075.

(c) OJ No. L109, 6.5.2000, p. 29.

(d) OJ No. L310, 28.11.2001, p. 19.

Food groups

3.—(1) Food covered by these Regulations shall be divided into the groups shown in the Schedule.

(2) Food included in the groups must be made available as part of a school lunch in schools maintained by local education authorities, except for nursery units within primary schools, in accordance with the following requirements.

(3) For the purposes of these Regulations a pupil referral unit shall be treated as either a primary or a secondary school according to whether the majority of registered pupils are of primary or secondary age at the commencement of each school year.

4.—(1) Not less than two portions each day must be available of food from group A, at least one of which must be salad, vegetables or vegetable juice and at least one of which must be fruit, fruit salad or fruit juice.

(2) A fruit-based dessert (with a content of at least 50% fruit measured by the weight of the raw ingredients) must be available at least twice each week in primary schools.

5.—(1) Subject to sub-paragraph (5) below, a food from group B must be available every day.

(2) Red meat must be available at least twice each week in primary schools, and at least three times each week in secondary schools.

(3) Fish must be available at least once each week in primary schools and at least twice each week in secondary schools.

(4) Fish required to be made available by paragraph (3) must at least once every three weeks be oily fish.

(5) In primary schools a dairy source of protein may be made available in place of a food from group B.

6.—(1) Food from group C may only be made available infrequently.

(2) An economy burger as described in Schedule 2 to the 2003 Regulations and any other shaped product comprising a mixture of meat and other ingredients which is not included in the reserved descriptions specified in that Schedule may only be made available if it complies with the meat content requirements for “Burger” in that Schedule.

(3) No meat product shall be made available if it contains any carcase part listed in regulation 6(2) of the 2003 Regulations, subject to the exception in regulation 6(3) of those Regulations.

7.—(1) A type of bread and another food from group D must be available every day.

(2) A food from group D which has been cooked in fat or oil must not be made available more than three days in a week.

(3) On each day when a food from group D cooked in fat or oil is available, a food (other than bread) from group D not so cooked must also be available.

8. A food from group E must be available every day.

Drinks

9.—(1) Only the drinks included in group F may be provided as part of a school lunch, except that whole milk may be provided for pupils up to the end of the school year in which they attain the age of five.

(2) The drinking water required by regulation 22(1) of the Education (School Premises) Regulations 1999(a) must be provided free of charge to registered pupils on the school premises.

(a) S.I. 1999/2.

Other requirements.

10. Only two portions each week may consist of food which has been deep-fried in the cooking or manufacturing process.

11.—(1) No confectionery or savoury snacks may be provided except nuts, seeds, fruit or vegetables with no added salt, sugar or fat.

(2) In this regulation—

“confectionery” means chewing gum, cereal bars, processed fruit bars, non-chocolate confectionery (whether or not containing sugar), chocolate in any form, any product containing or wholly or partially coated with chocolate and any chocolate-flavoured substance, but excludes cocoa powder used in cakes, biscuits and puddings; and

“savoury snacks” means pre-packaged items which can be eaten without further preparation and which consist of or include as a basic ingredient potato, maize, wheat or rice, but does not include sandwiches or wraps.

12.—(1) No salt shall be available to add to food after the cooking process is complete.

(2) Other condiments may be available to pupils only in individual sachets, or where condiments are not available in sachets in individual portions of no more than 15 grams or one teaspoonful.

Amendments

13. Regulations 4, 5 and 6 of the Education (Nutritional Standards for School Lunches) (England) Regulations 2000(a) are revoked.

4th September 2006

Phil Hope
Parliamentary Under Secretary of State
Department for Education and Skills

SCHEDULE

Regulation 3

Food groups

<i>Food Group</i>	<i>Foods included in group</i>
A. Fruit and vegetables	Fruit and vegetables in all forms, whether fresh, frozen, tinned in juice or dried. Fruit salad, fresh or tinned in juice. Pure fruit or vegetable juice.
B. Meat, fish and other non dairy sources of protein	Meat and fish (in each case whether fresh, frozen, canned or dried), eggs, nuts, pulses and beans, other than green beans. Ham and bacon. Other non-dairy sources of protein. Any food containing meat together with food from groups A, D or E , but excluding any meat product falling within group C.
C. Meat products	Any meat product falling within Schedule 2 to the 2003 Regulations, and any other shaped or coated meat product

(a) S.I. 2000/1777.

D. Starchy foods	All types of bread, pasta, noodles, rice, potatoes, sweet potatoes, yams, millet and cornmeal.
E. Milk and dairy foods	Milk, cheese, yoghurt (including frozen and as a drink), fromage frais and custard; but not butter or cream
F. Drinks	Plain water (still or carbonated). Skimmed or semi-skimmed milk. Pure fruit or vegetable juices. Soya drinks enriched with calcium. Yoghurt or milk with artificial sweeteners or less than 5% added sugar. Combinations of water, milk (skimmed or semi-skimmed), soya drinks, fruit juice or yoghurt (of which the milk or yoghurt may contain artificial sweeteners or less than 5% added sugar). Tea, coffee, low calorie hot chocolate.

EXPLANATORY NOTE

(This note is not part of the Order)

These regulations replace the Education (Nutritional Standards for School Lunches) (England) Regulations 2000 (except for nursery schools and nursery units within primary schools) with new nutritional standards for school lunches in maintained schools and pupil referral units.

Regulation 3 divides food which is the subject of these regulations into six groups which are set out in the Schedule. School lunches are to include these foods as specified in these regulations.

Regulations 4 to 8 set out the requirements for school lunches to include food from the groups in the Schedule.

Regulation 9 provides that drinks served as part of a school lunch must be within the list in group F in the Schedule.

Regulations 10 and 11 permit deep-fried food to be served only twice in a week; and limit confectionery and savoury snacks to healthier items without sugar, salt or fat.

Regulation 12 prevents the addition of salt after food is cooked and places limits on other condiments.

Regulation 13 amends the Education (Nutritional Standards for School Lunches) (England) Regulations 2000 so that they apply only to nursery schools and nursery units in primary schools.

These regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.

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