
WELSH STATUTORY INSTRUMENTS

2013 No. 1984

The Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽¹⁾;

“boarding school” (“*ysgol fyrddio*”) means a maintained school which has boarding pupils, whether or not it also has day pupils;

“confectionery” (“*melysion*”) means—

- (a) chewing gum including sugar free chewing gum;
- (b) cereal bars (whether chewy or crunchy);
- (c) processed or extruded fruit bars;
- (d) other non-chocolate confectionery (whether or not containing sugar) including mints;
- (e) frostings or icings or decorative toppings made from icing sugar;
- (f) chocolate in any form (except hot chocolate);
- (g) any product containing chocolate or wholly or partially coated with chocolate;
- (h) any chocolate flavoured substance (except cocoa powder used in cakes, biscuits and puddings or in a drink listed in Table D to Schedule 5);

“evening meal” (“*pryd gyda’r hwyr*”) in relation to a maintained boarding school, means food or drink provided on or after 6pm;

“fruit juice” (“*sudd ffrwythau*”) means—

- (a) the products described by that name; or
- (b) the product described by the name of “fruit juice from concentrate” in Schedule 1 to the Fruit Juices and Fruit Nectars (Wales) Regulations 2003⁽²⁾;

“junior pupil” (“*disgybl iau*”) has the meaning given to it by section 3(2) of the 1996 Act;

“maintained nursery school” (“*ysgol feithrin a gynhelir*”) means a nursery school or a nursery unit in a primary school maintained by a local authority;

“maintained school” (“*ysgol a gynhelir*”) has the meaning given to it by section 11 of the Healthy Eating in Schools (Wales) Measure 2009;

“milk” (“*llaeth*”) means whole milk, semi-skimmed milk or skimmed milk;

“meat” (“*cig*”) has the meaning given 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⁽³⁾;

(1) 1996 c.56.

(2) S.I. 2003/3041(W.286) amended by S.I. 2011/700 (W.107).

(3) OJ L 109, 6.5.2000, p.29 as amended by Commission Directive 2001/101/EC (OJ L 310, 28.11.2001, p.19).

“meat product” (“*cynnyrch cig*”) has the meaning given to it by the Meat Products Regulations and includes any formed, shaped and coated meat product;

“Meat Products Regulations” (“*Rheoliadau Cynhyrchion Cig*”) means the Meat Products (Wales) Regulations 2004⁽⁴⁾;

“medically prescribed dietary requirements” (“*anghenion deietegol sydd wedi eu rhagnodi’n feddygol*”) means dietary requirements prescribed by—

- (a) a registered medical practitioner; or
- (b) a dietitian who is registered in Part 4 of the Register maintained under article 5 of the Health and Social Work Professions Order 2001⁽⁵⁾;

“oily fish” (“*pysgod olewog*”) includes anchovies, herring, kipper, mackerel, pilchards, salmon, sardines, trout, tuna (but not canned tuna) and whitebait but excludes fortified fish products or other foods fortified with omega 3;

“portion” (“*dogn*”) means an amount of a particular food provided to an individual as part of a meal;

“primary education” (“*addysg gynradd*”) has the meaning given to it by section 2(1) of the 1996 Act;

“primary school” (“*ysgol gynradd*”) means a school that provides primary education (whether or not it also provides other kinds of education);

“provide” (“*darparu*”) includes arranging provision;

“relevant European Union Regulations” (“*Rheoliadau Undeb Ewropeaidd perthnasol*”) means —

- (a) Regulation (EC) No 1333/2008⁽⁶⁾ of the European Parliament and the Council of the European Union on food additives;
- (b) Regulation (EC) No 1334/2008⁽⁷⁾ of the European Parliament and the Council of the European Union on flavourings and certain food ingredients with flavouring properties for use in and on foods;

“sandwiches” (“*brechedanau*”) includes filled rolls and similar products which are ready to eat without further preparation;

“savory snacks” (“*byrbrydau sawrus*”) means —

- (a) pre-packaged items (excluding confectionery, sandwiches, cakes, biscuits, nuts and seeds) which are ready to eat without further preparation; and
- (b) consist of or include as a basic ingredient—
 - (i) potato or root vegetables (such as crisps);
 - (ii) cereals (such as corn puff or corn snacks);
 - (iii) tortilla chips;
 - (iv) pretzels;
 - (v) popcorn (whether plain, sweetened or salted);
 - (vi) prawn crackers;
 - (vii) rice cakes (whether plain or flavoured);
 - (viii) Bombay mix;

(4) S.I. 2004/1396 (W.141) amended by S.I. 2008/713 (W.74).

(5) S.I. 2002/254 (as amended).

(6) OJ L 354, 31.12.2008, p.16. Vitamins or minerals added to a food for an additive purpose must meet the controls on the use of additives set out in the Direction.

(7) OJ L 354, 31.12.2008, p.34.

“school breakfast” (“*brecwast ysgol*”) means food provided for consumption by pupils or other persons on school premises before the start of the morning school session, or in the case of a community or foundation special school before or at the start of the morning school session;

“school day” (“*diwrnod ysgol*”) in relation to a maintained school, means any day on which at that school there is at least one school session which takes place between 8.30am and 6pm;

“school lunch” (“*cinio ysgol*”) means food provided for consumption by pupils or other persons as their midday meal on a school day, whether involving a set meal or the selection of items by them;

“school premises” (“*mangre ysgol*”) means the premises of the maintained school;

“secondary school” (“*ysgol uwchradd*”) means a school that provides secondary education (whether or not it also provides other kinds of education);

secondary education” (“*addysg uwchradd*”) has the meaning given to it by section 2(2) of the 1996 Act;

“senior pupil” (“*disgybl hŷn*”) has the meaning given to it by section 3(2) of the 1996 Act;

“vegetable juice” (“*sudd llysiau*”) means juice extracted from vegetables or tomatoes with no other substance added, except that any water extracted during concentration may be restored;

“week” (“*wythnos*”) means the five days from Monday to Friday.

(2) Nothing in these Regulations applies to food or drink provided—

- (a) at any school social event or school recreational event to mark any religious or cultural occasion;
- (b) at fund-raising events;
- (c) as rewards for achievement, good behaviour or effort;
- (d) for use in teaching food preparation and cookery skills provided that any food so prepared is not provided to pupils as part of a school breakfast or school lunch;
- (e) by parents, pupils or other persons for their own consumption on school premises;
- (f) as part of any medically prescribed dietary requirements.