



School Standards and Organisation (Wales) Act 2013

2013 anaw 1

PART 5

MISCELLANEOUS SCHOOLS FUNCTIONS

Free breakfasts in primary schools

88 Duty to provide free breakfasts for pupils in primary schools

- (1) A local authority must provide breakfasts on each school day for pupils at a primary school maintained by the authority, if—
 - (a) the governing body of the school has asked the authority in writing for breakfasts to be provided, and
 - (b) 90 days have passed, beginning with the day following the day on which the request was received.
- (2) The duty in subsection (1) does not apply (or ceases to apply) in relation to a request from a governing body if either of the following paragraphs applies—
 - (a) the governing body has asked the authority in writing to stop providing breakfasts;
 - (b) it would be unreasonable to provide the breakfasts and the local authority has notified the governing body in writing that as a result—
 - (i) it is not going to provide breakfasts, or
 - (ii) it is going to stop providing breakfasts.
- (3) If the duty under subsection (1) applies, the local authority must provide breakfast for each pupil who asks the authority for it; for this purpose, the request may be made by or on behalf of the pupil.
- (4) Breakfasts provided by a local authority under this section—

Status: This is the original version (as it was originally enacted).

- (a) may take any form the authority thinks fit, subject to any regulations made under section 4 of the Healthy Eating in Schools (Wales) Measure 2009 (requirements for food and drink provided on school premises);
 - (b) must be provided free of charge;
 - (c) must be available on the school's premises;
 - (d) must be available before the start of each school day, except in the case of a community special school where breakfasts may be made available before or at the start of each school day.
- (5) In exercising its functions, a local authority or a governing body of a primary school maintained by a local authority must have regard to any guidance given by the Welsh Ministers about providing breakfasts for pupils.