



# Schools (Health Promotion and Nutrition) (Scotland) Act 2007

2007 asp 15

## *Food and drink*

### **5 Education authorities' arrangements with independent schools**

(1) In section 49 of the 1980 Act (power to assist persons to take advantage of educational facilities), after subsection (2) insert—

“(2ZA) Before exercising the power conferred by subsection (2)(b) in respect of a person attending an independent school an education authority must have regard to the matter mentioned in section 50A.”.

(2) In section 50 of that Act (education of pupils in exceptional circumstances)—

- (a) in subsection (1), in paragraph (b), after “can” insert “, subject to subsection (1ZA),”, and
- (b) after that subsection insert—

“(1ZA) In deciding whether school education suitable to the age, ability and aptitude of a pupil is best provided at a particular independent school, an education authority must have regard to the matter mentioned in section 50A.”.

(3) After section 50 of that Act insert—

#### **“50A Sections 49 and 50: matter to which education authority must have regard**

The matter referred to in sections 49(2ZA) and 50(1ZA) is the extent to which food and drink provided for pupils in attendance at the independent school which—

- (a) is provided on the premises of the school, and
- (b) is not—
  - (i) brought onto the premises by a pupil, or

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*Status: This is the original version (as it was originally enacted).*

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(ii) provided as part of a social, cultural or recreative activity (whether or not the activity is organised by the proprietor of the independent school),  
would comply with nutritional requirements specified by the Scottish Ministers by regulations such as are mentioned in section 56A(1) if those regulations applied in relation to the independent school.”