
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 37

EDUCATION

**The Education (Scotland) Act 1980
(Modification) Regulations 2023**

Made - - - - 8th February 2023
*Laid before the Scottish
Parliament* - - - - 10th February 2023
Coming into force - - 1st April 2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 53(8)(a)(i) and (ii) of the Education (Scotland) Act 1980⁽¹⁾, and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Education (Scotland) Act 1980 (Modification) Regulations 2023 and come into force on 1 April 2023.

Eligibility for free school meals

2.—(1) Section 53(7) of the Education (Scotland) Act 1980 (provision of school meals) is amended as follows.

(2) In paragraph (aa)⁽²⁾, for “£7,920” substitute “£8,717”.

(3) In paragraph (c)⁽³⁾, for “£660”, in both places where it appears, substitute “£726”.

St Andrew’s House,
Edinburgh
8th February 2023

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

(1) 1980 c. 44. Section 53 of the Education (Scotland) Act 1980 was substituted by section 22(2) of the Education (Scotland) Act 2016 (asp 8).
(2) Section 53(7)(aa) was inserted by S.S.I. 2019/179 and amended by S.S.I. 2020/150, S.S.I. 2021/210 and S.S.I. 2022/172.
(3) Section 53(7)(c) was inserted by S.S.I. 2021/210 and amended by S.S.I. 2022/172.

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 53(2) of the Education (Scotland) Act 1980 (“the 1980 Act”) provides that an education authority must provide or secure the provision of a school lunch (as defined in section 53(12)) free of charge to pupils falling within section 53(7).

Regulation 2(2) of these Regulations amends section 53(7)(aa) of the 1980 Act. This has the effect that a pupil will fall within section 53(7) if the parents of the pupil are in receipt of child tax credit and working tax credit provided that the income as calculated for the purpose of awarding those tax credits does not exceed £8,717.

Regulation 2(3) of these Regulations amends section 53(7)(c) of the 1980 Act. This has the effect that a pupil will fall within section 53(7) if the pupil is, or the parents of the pupil are, in receipt of universal credit provided that qualifying criteria about earned income of the pupil or the parents are satisfied. Where the person in receipt of universal credit is not a member of a couple, the criteria will be satisfied if the person’s earned income does not exceed £726 in the assessment period preceding the application. Where the person in receipt of universal credit is a member of a couple, the criteria will be satisfied if the couple’s combined earned income does not exceed £726 in the assessment period preceding the application.