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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 179**

**EDUCATION**

**The Education (Scotland) Act 1980  
(Modification) Regulations 2019**

<i>Made</i>	- - - -	<i>16th May 2019</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>20th May 2019</i>
<i>Coming into force</i>	- -	<i>1st August 2019</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 53(8)(a)(ii) of the Education (Scotland) Act 1980<sup>(1)</sup> 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 2019 and come into force on 1 August 2019.

**Eligibility for free school meals**

2.—(1) The Education (Scotland) Act 1980 is amended as follows.

(2) After section 53(7)(a) (provision of school meals) insert—

“(aa) the parents of the pupil are in receipt of child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002 and the income calculated for the purpose of awarding those tax credits does not exceed £6,900,”<sup>(2)</sup>.

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(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(2) Part 1 of the Tax Credits Act 2002 (c.21) was repealed by Part 1 of schedule 14 of the Welfare Reform Act 2012 (c.5) subject to savings specified in article 3(5) of the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019 (S.I. 2019/167).

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**Status:** This is the original version (as it was originally made).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

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St Andrew's House,  
Edinburgh  
16th May 2019

*JOHN SWINNEY*  
A member of the Scottish Government

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## 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) of the 1980 Act) free of charge to pupils falling within section 53(7). An education authority may provide other food or drink to pupils falling outwith section 53(7) as per section 53(3)(a) of the 1980 Act and may provide food and drink to other pupils as per section 53(3)(b).

Regulation 2 of these Regulations modifies the 1980 Act to provide that a pupil falls within section 53(7) if the parents of the pupil are in receipt of an award of child tax credit and working tax credit where the income as calculated for the purpose of awarding those tax credits does not exceed £6,900.

The effect of regulation 2 is that pupils who fall within the prescribed description are entitled to be provided with a school lunch free of charge.