
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 210

**The Education (Scotland) Act 1980
(Modification) Regulations 2021**

Extension of eligibility for free school lunches

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

(2) In paragraph (aa)(1), for “£7,330” substitute “£7,500”.

(3) After paragraph (b), insert—

- “(c) the pupil is, or the parents of the pupil are, in receipt of universal credit, either—
- (i) as an individual who is not a member of a couple, where the individual has earned income not exceeding £625 in the assessment period immediately preceding the application for a free school lunch being made, or
 - (ii) as a member of a couple, where the couple have a combined earned income not exceeding £625 in the assessment period immediately preceding the application for a free school lunch being made.

In this subsection—

“assessment period” means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013(2),

“couple” has the meaning given in section 39 of the Welfare Reform Act 2012(3),

“earned income” means the person’s earned income within the meaning of Chapter 2 of Part 6 of the Universal Credit Regulations 2013,

“universal credit” means universal credit payable under Part 1 of the Welfare Reform Act 2012.”.

(1) Section 53(7)(aa) was inserted by [S.S.I. 2019/179](#) and amended by [S.S.I. 2020/150](#).

(2) [S.I. 2013/376](#). Regulation 21 of [S.I. 2013/376](#) was relevantly amended by [S.I. 2014/2887](#) and [S.I. 2018/65](#).

(3) [2012 c.5](#). Section 39 was amended by [S.I. 2014/3229](#) and [S.I. 2019/1458](#).