

2008 No. 1800

EDUCATION, ENGLAND

The Education (Nutritional Standards and Requirements for School Food) (England) (Amendment) Regulations 2008

<i>Made</i>	- - - -	<i>3rd July 2008</i>
<i>Laid before Parliament</i>		<i>11th July 2008</i>
<i>Coming into force</i>	- -	<i>1st September 2008</i>

The Secretary of State for Children, Schools and Families, in exercise of the powers conferred by sections 114A and 138(7) and (8) of the School Standards and Framework Act 1998(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Nutritional Standards and Requirements for School Food) (England) (Amendment) Regulations 2008 and shall come into force on 1st September 2008.

(2) These Regulations apply only in relation to England.

Amendments

2. The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007(b) are amended as follows.

3. In regulation 2(1) (Interpretation) after the definition of “fruit juice” insert—

““low fat milk” means milk the fat content of which has been reduced to not more than 1.8%;”.

4. For regulation 10 substitute—

“**10.—(1)** Fruit juice provided in schools must not contain any honey or added vitamins or minerals.

(2) Sugars may be added to fruit juice, other than any prepared from grapes or pears, which is provided in schools, but only for the purpose and in the amount permitted by paragraph 3(a) of Schedule 3 to the Fruit Juices Regulations.”.

5. In Schedule 1 for the fifth and sixth groups in the table (Groups E and F) substitute—

(a) 1998 c.31. Section 114A was inserted by section 86 of the Education and Inspections Act 2006 (c.40). See section 142 for the definition of “regulations”.
(b) S.I. 2007/2359.

E. Milk and dairy foods	Low fat milk, lactose reduced milk, cheese, yoghurt (including frozen), fromage frais and custard; but not butter or cream
F. Drinks (sub-divided as shown)	<p><u>F1: Plain drinks:</u> Plain water (still or carbonated). Low fat milk or lactose reduced milk. Fruit juice or vegetable juice. Plain soya, rice or oat drinks enriched with calcium. Plain fermented milk drinks.</p> <p><u>F2: Combination drinks:</u> Combinations of fruit juice or vegetable juice with—</p> <p>(a) plain water, in which case the fruit juice or vegetable juice must be at least 50% by volume and may contain vitamins and minerals;</p> <p>(b) low fat milk, lactose reduced milk or plain fermented milk drinks (in each case with or without plain water) in which case the milk or fermented milk drink must be at least 50% by volume and may contain vitamins, minerals and less than 5% added sugars or honey;</p> <p>(c) plain soya, rice or oat drink (in each case with or without plain water) in which case the soya, rice or oat drink must be at least 50% by volume and may contain vitamins, minerals and less than 5% added sugars or honey.</p> <p>Combinations of low fat milk, lactose reduced milk, plain fermented milk drinks or plain soya, rice or oat drinks (in each case with or without plain water) with cocoa, in which case the low fat milk, lactose reduced milk, fermented milk drink, soya, rice or oat drink must be at least 50% by volume and may contain vitamins, minerals and less than 5% added sugars or honey.</p> <p>Flavoured low fat milk, flavoured lactose reduced milk or flavoured soya, rice or oat drinks, in which case the low fat milk, lactose reduced milk, soya, rice or oat drink must be at least 90% by volume and may contain vitamins, minerals and less than 5% added sugars or honey.</p> <p>Tea, coffee. Hot chocolate which may contain vitamins, minerals and less than 5% added sugars or honey.</p>

6. In paragraph 11 of Part 2 of Schedule 3—

- (a) after the definition of “average school lunch” insert—

““group of schools” means two or more schools providing education for the same age range of pupils and which, where the schools provide secondary education, are either all co-educational, all boys’ single sex or all girls’ single sex.”;

- (b) in the definition of “menu cycle” after the words “school lunches” insert “at a school or group of schools”; and
- (c) after the definition of “nutrient” insert—
 - ““second key stage” and “third key stage” shall be construed in accordance with section 82 of the Education Act 2002(a)”.

7. In paragraph 13 of Part 2 of Schedule 3 after the words “The average school lunch for a school” insert “or a group of schools”.

8. In paragraph 14 of Part 2 of Schedule 3—

- (a) in sub-paragraph (a) for “or within 5% of that figure” substitute “or, where applicable, the figure calculated in accordance with paragraphs 15 or 16 or in each case within 5% of that figure”;
- (b) in sub-paragraphs (b) and (c) after the words “shown in the table below” insert “or, where applicable, calculated in accordance with paragraphs 15 or 16”.

9. After paragraph 14 of Part 2 of Schedule 3 insert—

“15. In the case of any school or group of schools providing both primary and secondary education, for the purpose of paragraph 14 the figure or amount shall be—

$$(X + Y)/\text{Total number of pupils.}$$

Where—

X is the figure or amount shown in the table below for primary schools multiplied by the number of pupils receiving primary education; and

Y is the figure or amount shown in the table below for the applicable type of secondary school multiplied by the number of pupils receiving secondary education.

16. In the case of a middle school or a group of schools that are middle schools, for the purpose of paragraph 14 the figure or amount shall be—

$$(A + B)/\text{Total number of pupils.}$$

Where—

A is the figure or amount shown in the table below for middle school second key stage multiplied by the number of pupils in the second key stage; and

B is the figure or amount shown in the table below for middle school third key stage multiplied by the number of pupils in the third key stage”

10. For the table in Part 2 of Schedule 3 substitute—

<i>Energy or Nutrient and amount of measurement</i>	<i>Maximum or minimum value</i>	<i>Primary Schools</i>	<i>Middle Schools</i>		<i>Secondary Schools</i>		
			<i>Second Key Stage</i>	<i>Third Key Stage</i>	<i>Single Sex Girls’</i>	<i>Single Sex Boys’</i>	<i>Co-educational</i>
Energy in kilojoules (kilocalories)	-	2215 (530)	2328 (557)	2549 (610)	2412 (577)	2985 (714)	2700 (646)
Fat (grams)	Max	20.6	21.6	23.7	22.5	27.8	25.1

(a) 2002 c. 32.

Saturated fat (grams)	Max	6.5	6.8	7.5	7.1	8.7	7.9
Non-milk extrinsic sugars (grams)	Max	15.5	16.3	17.9	16.9	20.9	18.9
Sodium (milligrams)	Max	499	595	714	714	714	714
Total carbohydrate (grams)	Min	70.6	74.2	81.3	77	95.2	86.1
Fibre (grams)	Min	4.2	4.5	4.9	4.6	5.7	5.2
Protein (grams)	Min	7.5	8.5	12.5	12.7	13.8	13.3
Iron (milligrams)	Min	3	3	5.2	5.2	4	5.2
Zinc (milligrams)	Min	2.5	2.5	3.2	3.2	3.3	3.3
Calcium (milligrams)	Min	193	193	350	280	350	350
Vitamin A (micrograms)	Min	175	175	210	210	245	245
Vitamin C (milligrams)	Min	10.5	10.5	12.3	14	14	14
Folate (micrograms)	Min	53	53	70	70	70	70

3rd July 2008

Kevin Brennan
Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007 (“the Principal Regulations”).

Regulation 3 inserts a definition of low fat milk into the Principal Regulations.

Regulation 4 substitutes new requirements for fruit juice provided in schools.

Regulation 5 substitutes groups E and F in the table in Schedule 1 to the Principal Regulations.

Regulations 6 and 7 enable the energy and nutrient figures of an average school lunch to be calculated for a group of schools, not just a single school.

Regulations 8 and 9 insert a method to calculate the energy and nutrient figures and amounts for a school or a group of schools providing both primary and secondary education and for a middle school or a group of schools that are middle schools.

Regulation 10 substitutes a new table of energy and nutrient figures and amounts.

A full regulatory impact assessment has not been produced specifically for this instrument as no additional impact on the private or voluntary sectors is foreseen. The assessment produced for the Principal Regulations is available from the Department for Children, Schools and Families and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website.

STATUTORY INSTRUMENTS

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School Food) (England) (Amendment) Regulations 2008**

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