
WELSH STATUTORY INSTRUMENTS

2013 No. 1984

The Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013

Title, commencement and application

1.—(1) The title of these Regulations is the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 and they come into force on 2 September 2013.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996⁽¹⁾;

“boarding school” (“*ysgol fyrddio*”) means a maintained school which has boarding pupils, whether or not it also has day pupils;

“confectionery” (“*melysion*”) means—

- (a) chewing gum including sugar free chewing gum;
- (b) cereal bars (whether chewy or crunchy);
- (c) processed or extruded fruit bars;
- (d) other non-chocolate confectionery (whether or not containing sugar) including mints;
- (e) frostings or icings or decorative toppings made from icing sugar;
- (f) chocolate in any form (except hot chocolate);
- (g) any product containing chocolate or wholly or partially coated with chocolate;
- (h) any chocolate flavoured substance (except cocoa powder used in cakes, biscuits and puddings or in a drink listed in Table D to Schedule 5);

“evening meal” (“*pryd gyda’r hwyr*”) in relation to a maintained boarding school, means food or drink provided on or after 6pm;

“fruit juice” (“*sudd ffrwythau*”) means—

- (a) the products described by that name; or
- (b) the product described by the name of “fruit juice from concentrate” in Schedule 1 to the Fruit Juices and Fruit Nectars (Wales) Regulations 2003⁽²⁾;

“junior pupil” (“*disgybl iau*”) has the meaning given to it by section 3(2) of the 1996 Act;

“maintained nursery school” (“*ysgol feithrin a gynhelir*”) means a nursery school or a nursery unit in a primary school maintained by a local authority;

“maintained school” (“*ysgol a gynhelir*”) has the meaning given to it by section 11 of the Healthy Eating in Schools (Wales) Measure 2009;

(1) 1996 c.56.

(2) S.I. 2003/3041(W.286) amended by S.I. 2011/700 (W.107).

“milk” (“*llaeth*”) means whole milk, semi-skimmed milk or skimmed milk;

“meat” (“*cig*”) has the meaning given to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽³⁾;

“meat product” (“*cynnyrch cig*”) has the meaning given to it by the Meat Products Regulations and includes any formed, shaped and coated meat product;

“Meat Products Regulations” (“*Rheoliadau Cynhyrchion Cig*”) means the Meat Products (Wales) Regulations 2004⁽⁴⁾;

“medically prescribed dietary requirements” (“*anghenion deietegol sydd wedi eu rhagnodi'n feddygol*”) means dietary requirements prescribed by—

- (a) a registered medical practitioner; or
- (b) a dietitian who is registered in Part 4 of the Register maintained under article 5 of the Health and Social Work Professions Order 2001⁽⁵⁾;

“oily fish” (“*pysgod olewog*”) includes anchovies, herring, kipper, mackerel, pilchards, salmon, sardines, trout, tuna (but not canned tuna) and whitebait but excludes fortified fish products or other foods fortified with omega 3;

“portion” (“*dogn*”) means an amount of a particular food provided to an individual as part of a meal;

“primary education” (“*addysg gynradd*”) has the meaning given to it by section 2(1) of the 1996 Act;

“primary school” (“*ysgol gynradd*”) means a school that provides primary education (whether or not it also provides other kinds of education);

“provide” (“*darparu*”) includes arranging provision;

“relevant European Union Regulations” (“*Rheoliadau Undeb Ewropeaidd perthnasol*”) means—

- (a) Regulation (EC) No 1333/2008⁽⁶⁾ of the European Parliament and the Council of the European Union on food additives;
- (b) Regulation (EC) No 1334/2008⁽⁷⁾ of the European Parliament and the Council of the European Union on flavourings and certain food ingredients with flavouring properties for use in and on foods;

“sandwiches” (“*brechedanau*”) includes filled rolls and similar products which are ready to eat without further preparation;

“savory snacks” (“*byrbrydau sawrus*”) means —

- (a) pre-packaged items (excluding confectionery, sandwiches, cakes, biscuits, nuts and seeds) which are ready to eat without further preparation; and
- (b) consist of or include as a basic ingredient—
 - (i) potato or root vegetables (such as crisps);
 - (ii) cereals (such as corn puff or corn snacks);
 - (iii) tortilla chips;
 - (iv) pretzels;

(3) OJ L 109, 6.5.2000, p.29 as amended by Commission Directive 2001/101/EC (OJ L 310, 28.11.2001, p.19).

(4) S.I. 2004/1396 (W.141) amended by S.I. 2008/713 (W.74).

(5) S.I. 2002/254 (as amended).

(6) OJ L 354, 31.12.2008, p.16. Vitamins or minerals added to a food for an additive purpose must meet the controls on the use of additives set out in the Direction.

(7) OJ L 354, 31.12.2008, p.34.

- (v) popcorn (whether plain, sweetened or salted);
- (vi) prawn crackers;
- (vii) rice cakes (whether plain or flavoured);
- (viii) Bombay mix;

“school breakfast” (“*brecwast ysgol*”) means food provided for consumption by pupils or other persons on school premises before the start of the morning school session, or in the case of a community or foundation special school before or at the start of the morning school session;

“school day” (“*diwrnod ysgol*”) in relation to a maintained school, means any day on which at that school there is at least one school session which takes place between 8.30am and 6pm;

“school lunch” (“*cinio ysgol*”) means food provided for consumption by pupils or other persons as their midday meal on a school day, whether involving a set meal or the selection of items by them;

“school premises” (“*mangre ysgol*”) means the premises of the maintained school;

“secondary school” (“*ysgol uwchradd*”) means a school that provides secondary education (whether or not it also provides other kinds of education);

secondary education” (“*addysg uwchradd*”) has the meaning given to it by section 2(2) of the 1996 Act;

“senior pupil” (“*disgybl hŷn*”) has the meaning given to it by section 3(2) of the 1996 Act;

“vegetable juice” (“*sudd llysiau*”) means juice extracted from vegetables or tomatoes with no other substance added, except that any water extracted during concentration may be restored;

“week” (“*wythnos*”) means the five days from Monday to Friday.

- (2) Nothing in these Regulations applies to food or drink provided—
- (a) at any school social event or school recreational event to mark any religious or cultural occasion;
 - (b) at fund-raising events;
 - (c) as rewards for achievement, good behaviour or effort;
 - (d) for use in teaching food preparation and cookery skills provided that any food so prepared is not provided to pupils as part of a school breakfast or school lunch;
 - (e) by parents, pupils or other persons for their own consumption on school premises;
 - (f) as part of any medically prescribed dietary requirements.

Revocations

3. The Education (Nutritional Standards for School Lunches) (Wales) Regulations 2001(8) are revoked.

Breakfast in maintained schools

4.—(1) A local authority or a governing body of a maintained school must comply with the requirements in Schedule 1 where it provides school breakfast on a school day to—

- (a) registered pupils of a maintained school whether on school premises or a place other than school premises;
- (b) any other person on the school premises.

(2) Where the local authority or governing body provides school breakfast in accordance with paragraph (1), it must give the pupil or other person the option to choose one food item from each of the food categories listed in Table A in Schedule 1.

Lunch in maintained nursery schools

5.—(1) Subject to paragraph (2), a local authority or a governing body of a maintained school must comply with the requirements in Schedule 2 where it provides school lunch on a school day to—

- (a) registered pupils of a maintained nursery school whether on school premises or a place other than school premises;
- (b) any other person on the premises of a maintained nursery school.

(2) The requirements in Schedule 2 do not apply where a local authority or a governing body of a maintained school has complied with the requirements in Schedule 3 and the nutritional standards in Schedule 4 in relation to school lunches provided to persons in paragraph (1).

Lunch in maintained primary and secondary schools

6.—(1) This regulation applies where a local authority or a governing body of a maintained school provides school lunch on a school day to—

- (a) registered pupils at a maintained school whether on school premises or at a place other than school premises; and
- (b) any other person on the school premises.

(2) The local authority or governing body must ensure that school lunch provided to a person specified in paragraph (1) complies with the requirements in Schedule 3 and the nutritional standards in Schedule 4.

(3) The local authority or governing body must ensure that school lunch provided to pupils on a school trip on a school day complies with the requirements in Schedule 3 and the nutritional standards in Schedule 4.

(4) Where a local authority or a governing body provides both primary and secondary education at the school, the school lunch provided to—

- (a) a junior pupil must comply with the requirements for primary schools in Schedule 3 and the nutritional standards for primary schools in Schedule 4; and
- (b) a senior pupil must comply with the requirements for secondary schools in Schedule 3 and the nutritional standards for secondary schools in Schedule 4.

(5) Where a school is open for fewer than five days in any week the requirements in Schedule 3 which refer to the number of times food must or must not be provided by reference to a week apply as if the school were open for the whole of that week.

Drinks in maintained schools

7.—(1) This regulation applies to a drink provided to—

- (a) registered pupils of a maintained school whether on school premises or at a place other than school premises; and
- (b) any other person on the school premises.

(2) The local authority or governing body must ensure that a drink provided to a person in paragraph (1), complies with the requirements in Schedule 5.

(3) Where a local authority or a governing body provides both primary and secondary education at the school, a drink provided to—

- (a) a junior pupil must comply with the requirements for primary schools in Schedule 5; and
- (b) a senior pupil must comply with the requirements for secondary schools in Schedule 5.

Provision of other food or drink in maintained schools

8.—(1) A local authority or a governing body of a maintained school must comply with the requirements in Schedule 6 if it provides food on a school day that does not form part of school breakfast or school lunch to persons specified in paragraph (3).

(2) A local authority or a governing body of a maintained school must comply with the requirements in Schedule 5 if it provides drink on a school day that does not form part of school breakfast or school lunch to persons specified in paragraph (3).

(3) For the purposes of this regulation, the reference to persons in paragraphs (1) and (2) means—

- (a) pupils who are registered at a maintained school and who are—
 - (i) on school premises before 6pm;
 - (ii) at a place other than school premises before 6pm;
- (b) any other person on the school premises before 6pm.

(4) The requirements set out in Schedule 6 do not apply in relation to confectionery, snacks, cakes or biscuits provided to pupils at a boarding school as part of an evening meal.

8 August 2013

Carwyn Jones
First Minister of Wales