

School Meals and Nutrition Bill

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Make further provision about nutritional standards, and other nutritional requirements, for school meals; to regulate food vending machines in schools; to provide for restrictions on the whereabouts of pupils during school hours for the purpose of controlling the supply of food to them; to require the inclusion of information about nutritional standards of food in schools in reports of school inspections; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

School meals

1 Amendment of the School Standards and Framework Act 1998

- (1) Section 114 of the School Standards and Framework Act 1998 (c. 31) (nutritional standards for school lunches) is amended as follows.
- (2) In subsection (1), for the words “may prescribe nutritional standards, or other nutritional requirements”, substitute the words “shall prescribe nutritional standards and other nutritional requirements”. 5
- (3) After subsection (1), insert—
 - “(1A) Regulations under subsection (1) shall, in particular—
 - (a) secure that the consumption of food of high nutritional standards is promoted by requirements about the unavailability of certain foods of low nutritional standards, 10
 - (b) require that the starchy foods specified in subsection (1B) cooked in oil or fat are not available on more than two days in any school week, and 15
 - (c) require that desserts containing high levels of sugar are unavailable on at least two days in any school week.
 - (1B) The starchy foods specified in this subsection are—
 - (a) bread,

- (b) chapatis,
(c) pasta,
(d) noodles,
(e) rice,
(f) potatoes, 5
(g) sweet potatoes,
(h) yams,
(i) millet, and
(j) cornmeal.”
- 2 Amendment of the English Nutritional Standards Regulations 10**
- (1) The Education (Nutritional Standards for School Lunches) (England) Regulations 2000 (S.I. 2000/1777) are amended as follows.
- (2) In regulation 4 (nutritional requirements for pupils at primary schools) –
- (a) in paragraph (1), for the words “paragraph (2)”, substitute the words “paragraphs (2) to (2B)”;
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- (b) in paragraph (2)(a)(ii), for the words “at least twice”, substitute the words “on at least four days”;
- (c) in paragraph (2)(a)(iii), at the end, insert the words “and more than one such vegetable shall be available on at least three days in any week”;
- (d) in paragraph (2)(b) –
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- (i) for the word “three”, substitute the word “two”, and
- (ii) at the end, insert the words “and the fat or oil used shall be of the polyunsaturated or monosaturated variety”; and
- (e) after paragraph (2) insert –
- “(2A) On at least two of the days in any week when a fruit based
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dessert is available, no dessert shall be available which contains high levels of sugar.
- (2B) On at least two of the days in any week when more than one type of vegetable which does not fall within group B is available, no type of vegetable which does fall within group B shall be available.”
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- (3) In regulation 5 (nutritional requirements for pupils at secondary schools) –
- (a) in paragraph (1), for the words “paragraph (2)”, substitute the words “paragraphs (2) to (2B)”;
- (b) for paragraph (2)(a), substitute –
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- “(a) within group A –
- (i) fresh fruit, fruit tinned in juice, or fruit salad shall be available every day;
- (ii) a fruit based dessert shall be available on at least four days in any week; and
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- (iii) a type of vegetable (which does not fall within group B) shall be available every day and more than one such vegetable shall be available on at least three days in every week;”;
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- (c) for paragraph (2)(b), substitute –
 “(b) within group B, fat or oil shall not be used in the cooking process on more than two days in any week;” and
- (d) after paragraph (2) insert – 5
 “(2A) On at least two of the days in any week when a fruit based dessert is available, no dessert shall be available which contains high levels of sugar.
 (2B) On at least two of the days in any week when more than one type of vegetable which does not fall within group B is available, no type of vegetable which does fall within group B shall be available.” 10
- 3 Amendment of the Welsh Nutritional Standards Regulations**
- (1) The Education (Nutritional Standards for School Lunches) (Wales) Regulations 2001 (S.I. 2001/1784) are amended as follows. 15
- (2) In regulation 4 (nutritional requirements for pupils of compulsory school age at primary schools) –
- (a) in paragraph (1), for the words “paragraph (2)”, substitute the words “paragraphs (2) to (2B);”
- (b) in paragraph (2)(a)(ii), for the words “at least twice”, substitute the words “on at least four days”; 20
- (c) at the end of paragraph (2)(a)(iii), insert the words “and more than one such vegetable shall be available on at least three days in any week”; and
- (d) after paragraph (2) insert – 25
 “(2A) On at least two of the days in any week when a fruit based dessert is available, no dessert shall be available which contains high levels of sugar.
 (2B) On at least two of the days in any week when more than one type of vegetable which does not fall within group B is available, no type of vegetable which does fall within group B shall be available.” 30
- (3) In regulation 5 (nutritional requirements for pupils at secondary schools) –
- (a) in paragraph (1), for the words “paragraph (2)”, substitute the words “paragraphs (2) to (2B);” 35
- (b) in paragraph (2)(a)(ii), for the words “at least twice”, substitute the words “on at least four days”; and
- (c) after paragraph (2) insert –
 “(2A) On at least two of the days in any week when a fruit based dessert is available, no dessert shall be available which contains high levels of sugar. 40
 (2B) On at least two of the days in any week when more than one type of vegetable which does not fall within group B is available, no type of vegetable which does fall within group B shall be available.” 45

4 School Food Trust

- (1) The Secretary of State may by regulations make provision for the establishment and operation of a School Food Trust.
- (2) The purpose of the School Food Trust shall be to give independent support and advice to schools and parents to improve the standard of school meals. 5

Food vending machines

5 Regulations relating to food vending machines in schools

- (1) The appropriate authority may by regulations make provision about food vending machines on school premises.
- (2) Regulations under subsection (1) may, in particular – 10
 - (a) prohibit food vending machines on specified school premises,
 - (b) prohibit or restrict the sale or dispensing of specified foods or types of food from food vending machines,
 - (c) require notices to be displayed on food vending machines, and
 - (d) require local education authorities to perform certain functions in connection with the enforcement of the regulations. 15
- (3) In this section “food vending machines” means machines or equipment intended in whole or in part for the dispensing of food whether upon payment or otherwise.

Restrictions on whereabouts of pupils 20

6 Regulations relating to restrictions on the whereabouts of pupils

- (1) The appropriate authority may by regulations enable head teachers to exercise powers to restrict the circumstances in which a relevant pupil may be either – 25
 - (a) outside the premises of the school of which he is a pupil generally, or
 - (b) in a certain place which is, or on certain premises which are, outside the premises of the school of which he is a pupil,
 without parental consent during the relevant hours of a school day for the purpose specified in subsection (2).
- (2) The purpose specified in this subsection is to restrict opportunities for pupils to purchase or otherwise obtain food that is not of high nutritional value during the relevant hours of a school day. 30
- (3) Regulations under subsection (1) may, in particular –
 - (a) enable a head teacher to designate certain places or premises as prohibited places or premises for the purpose of the exercise of his powers under the regulations, 35
 - (b) require a head teacher to notify relevant pupils affected and the parents of those pupils of the exercise of certain of his powers under the regulations,
 - (c) prescribe disciplinary powers that a head teacher may exercise in connection with the exercise of his powers under the regulations, 40
 - (d) enable a head teacher to request –
 - (i) the governing body of the school, or

- (ii) the local education authority for the area in which the school is located, or
 - (iii) both of those bodies,

to take certain actions in support of the exercise of his powers under the regulations. 5
- (4) In exercising powers under regulations under this section, a head teacher shall have regard to any guidance given from time to time by the Secretary of State.
- (5) In this section—
 - “parent” has the meaning given by section 576 of the principal Act (meaning of “parent”); 10
 - “parental consent” means the consent of the person with parental responsibility of which the head teacher concerned has been informed in writing;
 - “parental responsibility” has the same meaning as in the Children Act 1989 (c. 41); 15
 - “the relevant hours of a school day” means—
 - (a) any time during a day when there is a school session at the school, and
 - (b) on any day when there is more than one school session at the school, any break between school sessions on that day; 20
 - “relevant pupil” mean a pupil who is under the age of 18.

School inspections

7 Amendment of the School Inspections Act 1996

- (1) The School Inspections Act 1996 (c. 57) is amended as follows.
- (2) In section 2 (functions of the Chief Inspector for England)— 25
 - (a) after subsection (1)(b), insert—
 - “(ba) the nutritional standards of school lunches provided by or on behalf of those schools;”;
 - (b) after subsection (2), insert—
 - “(2A) Where the Chief Inspector has been the subject of a request under subsection (2)(b) that relates to a school maintained by a local education authority, he shall in particular inspect and report on the nutritional standards of school lunches provided by or on behalf of that school.” 30
- (3) In section 5 (functions of the Chief Inspector for Wales)— 35
 - (a) after subsection (1)(b), insert—
 - “(ba) the nutritional standards of school lunches provided by or on behalf of those schools;”;
 - (b) after subsection (2), insert—
 - “(2A) Where the Chief Inspector has been the subject of a request under subsection (2)(b) that relates to a school maintained by a local education authority, he shall in particular inspect and report on the nutritional standards of school lunches provided by or on behalf of that school.” 40

- (4) In section 10 (inspection of certain schools by registered inspectors) subsection (5) (matters on which there is a general duty of a registered inspector to report), omit the word “and” at the end of paragraph (c) and, after paragraph (d), insert “and
- (e) the nutritional standards of school lunches provided by or on behalf of the school.” 5
- (5) In section 46(1), at the end, insert –
- “‘school lunches’ has the meaning given by section 114(5) of the School Standards and Framework Act 1998.”

Miscellaneous and final provisions 10

8 Interpretation

In this Act –

- “the appropriate authority” means –
- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the National Assembly for Wales; 15
- “food” is to be construed in accordance with the provisions of section 1(1) and (2) of the Food Safety Act 1990 (c. 16) (meaning of “food” and other basic expressions);
- “head teacher” includes an acting head teacher;
- “local education authority” is to be construed in accordance with the provisions of section 12 of the principal Act (local education authorities and their areas); 20
- “the principal Act” means the Education Act 1996 (c. 56);
- “pupil” has the meaning given by section 3(1) of the principal Act (definition of pupil, etc.); 25
- “school” means –
- (a) a school maintained by a local education authority,
- (b) a special school not maintained by a local education authority, or
- (c) a school in one of the classes specified in paragraphs (a) to (gg) of section 10(3) of the School Inspections Act 1996 (c. 57); 30
- “school premises” is to be construed in accordance with the provisions of section 579(1) of the principal Act (general interpretation);
- “special school” has the meaning given by section 6(2) of the principal Act (special schools). 35

9 Orders and regulations

- (1) Every power conferred by this Act on the Secretary of State or the National Assembly for Wales to make an order or regulations is a power exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations made by the Secretary of State under this Act (other than an order made under section 11) shall be subject to annulment in pursuance of a resolution of either House of Parliament. 40
- (3) Every power conferred by this Act on the appropriate authority to make an order or regulations includes power – 45

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the appropriate authority thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as the appropriate authority thinks fit.

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10 Expenses

There shall be paid out of money provided by Parliament –

- (a) *any expenditure incurred by the Secretary of State by virtue of this Act; and*
- (b) *any increase attributable to this Act in the sums payable out of money so provided under any other enactment.*

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11 Short title, commencement and extent

- (1) This Act may be cited as the School Meals and Nutrition Act 2005.
- (2) Sections 1 and 2 shall come into force on such day as the Secretary of State may by order appoint.
- (3) The Secretary of State shall consult the National Assembly for Wales before making an order under subsection (2) relating to the coming into force of section 1.
- (4) Section 3 shall come into force on such day as the National Assembly for Wales may by order appoint.
- (5) Section 4 shall come into force on such day as the Secretary of State may by order appoint.
- (6) Sections 5 and 6 shall come into force on such day as the appropriate authority may by order appoint.
- (7) Section 7 shall come into force on 1 September 2005.
- (8) This Act extends to England and Wales only.

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