

2014 No. 1603

EDUCATION, ENGLAND

The Requirements for School Food Regulations 2014

Made - - - - *16th June 2014*

Laid before Parliament *20th June 2014*

Coming into force - - *1st January 2015*

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

Citation and commencement

1. These Regulations may be cited as the Requirements for School Food Regulations 2014 and come into force on 1st January 2015.

Interpretation

2.—(1) In these Regulations—

“the Meat Products Regulations” means the Meat Products (England) Regulations 2003(c);

“boarding school” means a school which has boarding pupils, whether or not it also has day pupils;

“confectionery” includes chewing gum, cereal bars, processed fruit bars, non-chocolate confectionery (whether or not containing sugar), chocolate in any form (except hot chocolate), any product containing or wholly or partially coated with chocolate and any chocolate-flavoured substance, but excludes cocoa powder used in cakes, biscuits and puddings or in a drink listed in group E of Schedule 1;

“food” includes drink;

“fruit juice” means a product that complies with the specification in Schedule 2 (Specification for Fruit Juice) or Schedule 3 (Specification for Fruit Juice from Concentrate) to the Fruit Juices and Fruit Nectars (England) Regulations 2013(d);

“governing body” includes the management committee of a pupil referral unit;

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

“meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat (which has the meaning given in point 1.14 of Annex I to Regulation (EC) No

(a) Section 114A was substituted for section 114, as originally enacted, by section 86(1) of the Education and Inspections Act 2006 (c.40).

(b) 1998 c.31. See section 142(1) for the definitions of “prescribed” and “regulations”.

(c) S.I. 2003/2075 as amended by S.I. 2005/2626, S.I. 2008/517, S.I. 2009/3238, S.I. 2011/1043 and S.I. 2012/1809.

(d) S.I. 2013/2775.

853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin)(a);

“meat product” has the same meaning as in the Meat Products Regulations;

“oily fish” includes anchovies, herring, kipper, mackerel, pilchards, salmon, sardines, trout, tuna (but not canned tuna) and whitebait;

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

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

“school lunch” means food provided for consumption by pupils as their midday meal on a school day, whether involving a set meal or the selection of items by them or otherwise;

“snacks” means pre-packaged items other than confectionery, sandwiches, cakes or biscuits which are ready to eat without further preparation and which consist of or include as a basic ingredient potato, cereals, soya, nuts, seeds, fruit or vegetables;

“transfer of control agreement” has the same meaning as in paragraph 2(7) of Schedule 13 to the School Standards and Framework Act 1998;

“vegetable juice” means juice extracted from vegetables with no other substance added, except that any water extracted during concentration may be restored;

“week” means the five days from Monday to Friday;

“wholegrain” means made with or containing whole unprocessed grains.

(2) Nothing in these Regulations applies to food provided—

- (a) at parties or celebrations to mark religious or cultural occasions;
- (b) at fund-raising events;
- (c) as rewards for achievement, good behaviour or effort;
- (d) for use in teaching food preparation and cookery skills, including where the food prepared is served to pupils as part of a school lunch; or
- (e) on an occasional basis by parents or pupils.

(3) For the purpose of these Regulations food is divided into the groups and sub-groups shown in Schedule 1, and any reference to a group or sub-group is a reference to one of those groups or sub-groups.

(4) Where a school is open for fewer than five days in any week the requirements in Schedule 2 and 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.

(5) Regulations 3, 4 and 5 do not apply to food provided in nursery schools or nursery units within primary schools.

Lunch Requirements

3.—(1) This regulation applies to a school lunch provided to—

- (a) registered pupils at a maintained school or a pupil referral unit, and
- (b) any other person on the school premises.

(2) The requirements set out in Schedule 2 and Schedule 3 must be complied with.

Provision of other food

4.—(1) Subject to paragraphs (2) and (3), food provided to pupils on school premises on a school day before 6 p.m. otherwise than as part of a school lunch must be provided in accordance with the requirements set out in Schedule 3 and Schedule 4.

(a) OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 218/2014 (OJ No L 69, 8.3.2014, p 95).

(2) Paragraph (1) does not apply in relation to any part of the school premises which is under the control of a person or body other than the governing body by virtue of a transfer of control agreement.

(3) The requirements set out in paragraph 6 of Schedule 3 and paragraphs 2 to 4 of Schedule 4 do not apply in relation to confectionery, snacks, cakes or biscuits provided to pupils at a boarding school as part of an evening meal.

5.—(1) This regulation applies to food provided by a local authority or governing body to pupils on a school trip where the trip is for at least seven days.

(2) Where food is provided on a school day before 6 p.m. otherwise than as part of a school lunch, this must be provided in accordance with the requirements set out in Schedule 3 and Schedule 4.

Drinks

6. The supply of drinking water required by regulation 9(1) of the School Premises (England) Regulations 2012^(a) must be provided free of charge at all times to registered pupils on the school premises.

7. Fruit juice provided in schools must not contain any added vitamins or minerals.

8.—(1) Subject to paragraph (2), drinks provided in schools must not contain any added substances other than—

- (a) food additives in accordance with Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives^(b); and
- (b) any substances mentioned in group E.

(2) Drinks included in sub-group E2 (combination drinks) may also contain flavourings in accordance with Regulation (EC) No 1334/2008 of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC^(c).

Milk

9.—(1) Lower fat milk and lactose reduced milk (sub-group D1) must be made available on every school day at a time during school hours.

(2) For the purposes of this regulation, “school hours” means any time during a school session or during a break between school sessions.

Nurseries

10.—(1) Subject to paragraph (2), school lunches provided in maintained nursery schools and nursery units within primary schools must comply with the requirements in Schedule 5.

(2) If at any time the requirements in Schedule 2 and Schedule 3 are complied with in respect of school lunches provided in a maintained nursery school or a nursery unit within a primary school, paragraph (1) shall not apply in relation to that school or unit.

^(a) S.I. 2012/1943.

^(b) OJ No L 354, 31.12.2008, p 16, last amended by Commission Regulation (EU) No 506/2014 (OJ No L 145, 16.15.2014, p 35).

^(c) OJ No L 354, 31.12.2008, p 34, last amended by Commission Regulation (EU) No 251/2014 (OJ No L 84, 20.3.2014, p 14).

Revocation

11. The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007(a) are revoked on 1st January 2015.

16th June 2014

David Laws
Minister of State for Schools
Department for Education

SCHEDULE 1 FOOD GROUPS

Regulation 2

<i>Food Group</i>	<i>Food included in group</i>
A. Starchy food (sub-divided as shown)	A1: All types of bread, pasta, noodles, rice, potatoes, sweet potatoes, yams, millet and cornmeal. A2: All types of bread with no added fat or oil.
B. Fruit and vegetables (sub-divided as shown)	B1: Fruit of all types, whether fresh, frozen or dried. Fruit canned in water or juice. Fruit-based desserts (with a content of at least 50% fruit measured by the weight of the raw ingredients). B2: Vegetables of all types, whether fresh, frozen or dried. Vegetables canned in water or juice.
C. Meat, fish, eggs, beans and other non-dairy sources of protein	Meat and fish (in each case whether fresh, frozen, canned or dried), eggs, nuts, pulses and beans, other than green beans. Other non-dairy sources of protein. Any food containing meat together with food from groups A, B or D.
D. Milk and dairy (sub-divided as shown)	D1: Lower fat milk and lactose reduced milk. D2: Cheese, yoghurt (including frozen), fromage frais and custard.
E. Drinks (sub-divided as shown)	E1: Plain drinks: Plain water (still or carbonated). Lower fat milk or lactose reduced milk. Fruit juice or vegetable juice of no more than 150mls per portion. Plain soya, rice or oat drinks enriched with calcium. Plain fermented milk drinks. E2: Combination drinks of no more than 330mls per portion:

(a) S.I. 2007/2359 as amended by S.I. 2008/1800, S.I. 2010/1172, S.I. 2011/1190 and S.I. 2013/2775.

	Combinations of fruit juice or vegetable juice with— (a) plain water, in which case the fruit juice or vegetable juice must be at least 45% by volume, but no more than 150mls, and may contain vitamins and minerals; (b) lower 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; (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. Combinations of lower 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 lower 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. Flavoured lower fat milk, flavoured lactose reduced milk or flavoured soya, rice or oat drinks, in which case the lower 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. Tea and coffee. Hot chocolate which may contain vitamins, minerals and less than 5% added sugars or honey.
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SCHEDULE 2

SCHOOL LUNCH REQUIREMENTS

Regulation 3

Starchy food

1. One or more portions of food from sub-group A1 must be provided every day.
2. A type of bread from sub-group A2 must be available every day.
3. Three or more different foods from sub-group A1 must be provided every week, but this requirement will not be met if the different foods are provided in a single portion.
4. One or more of the portions of food from sub-group A1 that is provided every week must be wholegrain.

Fruit and vegetables

5. One or more portions of food from sub-group B2 (vegetables) must be provided every day.
6. One or more portions of food from sub-group B1 (fruit) must be provided every day.

7. A fruit-based dessert with a content of at least 50% fruit measured by volume of raw ingredients must be provided two or more times every week.

8. Three or more different foods from sub-group B1 (fruit) must be provided every week, but this requirement will not be met if the different foods are provided in a single portion.

9. At least three different foods from sub-group B2 (vegetables) must be provided every week, but this requirement will not be met if the different foods are provided in a single portion.

Meat, fish, eggs, beans and other non-dairy sources of protein

10. A portion of food from group C must be provided every day.

11. A portion of meat or poultry must be provided on three or more days every week.

12. Oily fish must be provided once or more every three weeks.

13. A portion of non-dairy sources of protein must be provided on three or more days every week.

Milk and dairy

14. A portion of food in sub-group D2 must be provided every day.

Foods high in fat, sugar and salt

15. Savoury crackers or breadsticks which are served with food groups B or D may be provided as part of a school lunch.

SCHEDULE 3

Regulations 3, 4 and 5

REQUIREMENTS FOR FOOD PROVIDED AS PART OF A SCHOOL LUNCH OR OTHERWISE

Starchy food

1. Food from sub-group A1 which is cooked in fat or oil must not be provided on more than two days each week.

Meat, fish, eggs, beans and other non-dairy sources of protein

2.—(1) Subject to sub-paragraph (5), meat products may not be provided more than once each week in primary schools and twice each week in secondary schools, and where they are provided they must be provided in accordance with this paragraph.

(2) Any shaped product comprising a mixture of meat and other ingredients which is not included in the reserved descriptions specified in Schedule 2 to the Meat Products Regulations may only be provided if it complies with the meat content requirements for “Burger” in that Schedule.

(3) No meat product shall be provided if it contains any carcass part listed in regulation 6(2) of the Meat Products Regulations, subject to the exception in regulation 6(3) of those Regulations.

(4) No economy burgers as defined in Schedule 2 to the Meat Products Regulations may be provided.

(5) In respect of boarding schools, meat products may not be provided more than twice each week as part of a school lunch, and where they are provided (whether as part of a school lunch or otherwise) they must be provided in accordance with sub-paragraphs (2) to (4).

Foods high in fat, sugar and salt

3. No more than two portions of food that has been deep-fried, batter-coated or breadcrumb-coated may be provided each week.

4. No more than two portions of food which includes pastry may be provided each week.

5.—(1) No snacks may be provided, except for nuts, seeds, vegetables and fruit with no added salt, sugar or fat.

(2) Where dried fruit is provided it must have no more than 0.5% vegetable oil as a glazing agent.

6. Confectionery must not be provided.

7. Salt must not be available to add to food after the cooking process is complete.

8. Condiments may only be available in sachets or individual portions of no more than 10 grams or one teaspoonful.

Drinks

9. The only drinks that may be provided are those in group E, except that whole milk may be provided for pupils up to the end of the school year in which they attain the age of five.

SCHEDULE 4

Regulations 4 and 5

REQUIREMENTS FOR FOOD PROVIDED OTHERWISE THAN AS PART OF A SCHOOL LUNCH

Fruit and vegetables

1. Either fruit or vegetables, or both fruit and vegetables must be available in any place on the school premises where food is provided.

Foods high in fat, sugar and salt

2. Savoury crackers and breadsticks must not be provided.

3. Cakes and biscuits must not be provided.

4. Desserts must not be provided, other than—

(a) yoghurt; or

(b) fruit-based desserts (with a content of at least 50% fruit measured by volume of raw ingredients).

SCHEDULE 5

Regulation 10

REQUIREMENTS FOR SCHOOL LUNCHES PROVIDED AT MAINTAINED NURSERY SCHOOLS AND NURSERY UNITS WITHIN PRIMARY SCHOOLS

Each day food from each of the categories (i), (ii), (iii) and (iv) must be provided as part of the school lunch.

<i>Food Category</i>	<i>Foods included in category</i>
(i) Fruit and vegetables	Fruit and vegetables in all forms (whether fresh, frozen, canned, dried

	or in the form of juice).
(ii) Starchy foods	Bread, pasta, noodles, rice, potatoes, sweet potatoes, yams, millet and cornmeal.
(iii) Meat, fish and other non-dairy sources of protein	Meat and fish in all forms (whether fresh, frozen, canned or dried) including meat or fish products, eggs, nuts, pulses and beans, other than green beans. Other non-dairy sources of protein.
(iv) Milk and dairy	Milk, cheese, yoghurt (including frozen yoghurt and drinking yoghurt), fromage frais, milkshakes and custard.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 114A of the School Standards and Framework Act 1998 and require food and drink provided to pupils in maintained schools and pupil referral units in England to comply with certain nutritional standards. Under subsection (4) of section 114A, the local authority or governing body has a duty to secure that applicable provisions of the regulations are complied with whenever they provide food or drink on, or in certain circumstances outside of, school premises. These Regulations revoke and replace the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007 (as amended).

Regulation 2(2) sets out the circumstances in which these Regulations will not apply.

Regulation 2(3) and Schedule 1 divide food which is the subject of these Regulations into six groups for the purpose of the Schedules which prescribe requirements for food according to the groups. As some requirements in the Schedules refer to the frequency with which certain foods must or must not be provided by reference to weeks, regulation 2(4) provides that where a school is only open for part of the week those requirements apply as if the school were open for the whole week. Regulation 2(5) makes it clear that certain regulations do not apply to nursery schools or nursery units within primary schools.

Regulation 3 and Schedules 2 and 3 set out the requirements that must be complied with where a school lunch is provided to registered pupils at a maintained school or pupil referral unit, or any other person on the school premises.

Regulation 4 specifies that where food is provided to pupils on a school day otherwise than as part of a school lunch the requirements set out in Schedules 3 and 4 must be complied with, unless it is provided after 6pm or on a part of the premises which is controlled by another person under a transfer of control agreement. Certain requirements in Schedules 3 and 4 do not apply in relation to confectionery, snacks, cakes or biscuits that are provided as part of an evening meal to boarding school pupils.

Regulation 5 requires Schedules 3 and 4 to be complied with where food is provided before 6pm otherwise than as part of a school lunch by a local authority or governing body to pupils on a school trip that lasts for at least seven days.

Regulation 6 provides that drinking water must be provided free of charge to pupils on school premises.

Regulations 7 and 8 limit the ingredients and substances that fruit juice and other drinks provided in schools may contain.

Under Regulation 9, schools must ensure that lower fat milk is available for pupils to drink every day at a time during school hours.

Regulation 10 requires school lunches provided in maintained nursery schools and nursery units within primary schools to comply with the provisions of Schedule 5, unless they comply with Schedules 2 and 3.

Regulation 11 revokes the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.

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