

2014 No.

EDUCATION

The Requirements for School Food (England) Regulations 2014

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State for Education, in exercise of the powers conferred by section 114A and 138(7) and (8) of the School Standards and Framework Act 1998⁽¹⁾, makes the following Regulations:

Citation, commencement and application

1.—(1) These regulations may be cited as The Requirements for School Food (England) Regulations 2014 and come into force on 1st January 2015.

(2) These Regulations apply in relation to food provided to pupils of schools maintained by a local authority in England.

Revocation and saving

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

Interpretation

3.—(1) In these Regulations—

“the Meat Products Regulations” means the Meat Products (England) Regulations 2003⁽²⁾;

“the Fruit Juices Regulations” means the Fruit Juices and Fruit Nectars (England) Regulations 2013⁽³⁾;

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

“confectionery” means 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) of the Fruit Juices Regulations;

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

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

⁽¹⁾ 1998 c.31.
⁽²⁾ S.I. 2003/2075 as amended by S.I. 2005/2626 and S.I. 2008/517.
⁽³⁾ S.I. 2013/2775.

“meat” has the meaning assigned 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;

“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 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 but does not include, sandwiches, cakes or biscuits;

“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;

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

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

(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 by a pupil is served as part of the pupil’s school lunch; or
- (e) on an occasional basis by parents or pupils.

Food Groups

4. 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.

5. 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.

Lunch Requirements

6.—(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

7.—(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 4.

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

8.—(1) This regulation applies to food provided by a governing body to pupils on a school trip where the trip is for at least one week.

(2) Where the governing body provides food 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 4.

9.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.

Drinks

10. The supply of drinking water required by regulation 22(1) of the Education (School Premises) Regulations 1999 must be provided free of charge at all times to registered pupils on the school premises.

11.—(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 of Schedule 8 to the Fruit Juices Regulations.

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

(a) food additive in accordance with Directive 89/107/EEC of the Council of the European Communities on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption; and

(b) any substances mentioned in group E of Schedule 1.

(2) Drinks included in subgroup E2 (combination drinks) may also contain flavourings in accordance with Directive 88/388/EEC of the European Parliament and Council on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production.

Nursery Schools

13.—(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 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.

14. Regulations 6, 7 and 8 do not apply to nursery schools or nursery units within primary schools.

Address
Date

Name
Minister of State
Department for Education

SCHEDULE 1 Regulation 4

Food Groups

Table 1

<i>Food Group</i>	<i>Food included in group</i>
A. Starchy food	All types of pasta, noodles, rice, potatoes, sweet potatoes, yams, millet and cornmeal.
B. Fruit and vegetables (sub-divided as shown)	<p>B1: Fruit of all types, whether fresh, frozen or dried.</p> <p>Fruit canned in water or juice.</p> <p>Fruit-based desserts (with a content of at least 50% fruit measured by the weight of the raw ingredients)</p> <p>B2: Vegetables of all types, whether fresh, frozen or dried.</p> <p>Vegetables canned in water or juice.</p>
C. Meat, fish, eggs, beans and other non-dairy sources of protein	<p>Meat and fish (in each case whether fresh, frozen, canned or dried), eggs, nuts, pulses and beans, other than green beans.</p> <p>Other non-dairy sources of protein.</p> <p>Any food containing meat together with food from groups A, B or D</p>
D. Milk and dairy	<p>D1: Low fat milk and lactose reduced milk.</p> <p>D2: Cheese, yoghurt (including frozen), fromage frais, custard.</p>
E. Drinks (sub-divided as shown)	<p>E1: Plain drinks:</p> <p>Plain water (still or carbonated).</p> <p>Low fat milk or lactose reduced milk.</p> <p>Fruit juice or vegetable juice of no more than 150mls per portion.</p> <p>Plain soya, rice or oat drinks enriched with calcium.</p> <p>Plain fermented milk drinks.</p> <p>E2: Combination drinks of no more than 330mls per portion:</p> <p>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 45% by volume, but no more than 150mls, 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</p>

	<p>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.</p> <p>Hot chocolate which may contain vitamins, minerals and less than 5% added sugars or honey.</p>
--	--

SCHEDULE 2

School lunch requirements

Starchy food

1. One or more portions of food from group A must be provided every day,
2. A type of bread with no added fat or oil must be available every day.
3. Three or more different foods from group A 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 group A that is provided every week must be wholegrain.

Fruit and vegetables

5. One or more portion of food from sub-group B2 (vegetables and salad accompaniment) 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 and salad accompaniment) 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, bean and other non-dairy sources of protein

10. A portion of food from group C must be provided per 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 available three or more days every week.

Milk and dairy

14. A portion of food in sub-group D2 must be provided every day.
15. The drink in sub-group D1 (low fat milk and lactose reduced milk) must be available for drinking every day.

Foods high in fat, sugar and salt

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

SCHEDULE 3

Requirements for food provided as part of a school lunch or otherwise

Starchy food

1. Food from group A 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

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, except for yoghurt.

SCHEDULE 5

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 vegetable in all forms (whether fresh, frozen, canned, dried or in the form of juice).
(ii) Starchy foods	Bread, chapatis, 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.
(iv) Milk and dairy	Milk, cheese, yoghurt (including frozen yoghurt and drinking yoghurt), fromage frais, milkshakes and custard