

2007 No. 2359

EDUCATION, ENGLAND

**The Education (Nutritional Standards and Requirements for
School Food) (England) Regulations 2007**

| | |
|-------------------------------|----------------------------|
| <i>Made</i> - - - - | <i>9th August 2007</i> |
| <i>Laid before Parliament</i> | <i>17th August 2007</i> |
| <i>Coming into force</i> - - | <i>10th September 2007</i> |

The Secretary of State for Education and Skills, 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) Regulations 2007 and shall come into force on 10th September 2007.

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

Interpretation

2.—(1) In these Regulations—

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

“the Fruit Juices Regulations ” means the Fruit Juices and Fruit Nectars (England) Regulations 2003(c);

“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 F in Schedule 1;

“food” includes drink;

“fruit juice” means the products described by that name or by the name of “fruit juice from concentrate” in Schedule 1 to the Fruit Juices Regulations;

(a) 1998 c.31. Section 114A was inserted by section 86 of the Education and Inspections Act 2006 (c.40).
(b) S.I. 2003/2075.
(c) S.I. 2003/1564.

“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(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 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 or tomatoes with no other substance added, except that any water extracted during concentration may be restored;

“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, provided that any food so prepared is not served to pupils as part of a school lunch ; or
- (e) on an occasional basis by parents or pupils.

Food Groups.

3. For the purpose of these Regulations food shall be divided into the groups shown in Schedule 1, and any reference to a group is a reference to one of those groups.

4. Where a school is open for fewer than five days in any week the requirements in Schedules 2 and 3 which refer to the number of times food must or must not be provided by reference to a week shall apply as if the school were open for the whole of that week.

Lunch requirements

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

- (a) to registered pupils at a primary or secondary school which is not a special school, and
- (b) to any other person on the school premises.

(2) Before the dates given in paragraph (5), the nutritional requirements set out in Schedule 2 must be complied with.

(3) But paragraph (2) shall not apply in relation to a school where the nutritional standards and requirements in Schedule 3 are complied with.

(4) On and after the dates given in paragraph (5), the nutritional standards and requirements in Schedule 3 must be complied with.

(a) OJ No. L109, 6.5.2000, p. 29; as amended by Commission Directive 2001/101/EC (OJ No.L310, 28.11.2001, p.19).

(5) In relation to primary schools the date is 1st September 2008; and in relation to secondary schools, 1st September 2009.

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

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

(2) Before the date given in paragraph (4), the nutritional requirements set out in Schedule 2 must be complied with.

(3) But paragraph (2) shall not apply in relation to a school where the nutritional standards and requirements in Schedule 3 are complied with.

(4) On and after 1st September 2009 the nutritional standards and requirements in Schedule 3 must be complied with.

(5) Where a maintained special school or a pupil referral unit provides both primary and secondary education a school lunch provided to a junior pupil must comply with the requirements for primary schools in Schedules 2 and 3; and a school lunch provided to a senior pupil must comply with the requirements for secondary schools in Schedules 2 and 3.

Provision of other food

7. 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, except on any part of those premises which is under the control of another person by virtue of a transfer of control agreement.

8. Food provided by the local education authority or the governing body to pupils on a school trip 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.

Drinks

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

10. Fruit juice provided in schools must not contain—

- (a) honey; or
- (b) any of the additional ingredients listed in paragraphs 1 and 3(b) of Schedule 3 to the Fruit Juices Regulations.

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

- (a) food additives 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 authorized for use in foodstuffs intended for human consumption(b); and
- (b) any substances mentioned in group F in Schedule 1.

(2) Drinks included in group F2 in Schedule 1 (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(c).

(a) S.I. 1999/2.

(b) OJ No. L40, 11.2.89, p.27; as amended by Directive 94/34/EC (OJ NO.L237, 10.9.1994, p.1) and Regulation EC/1882/2003 (OJ No. L284, 31.10.2003, p.1).

(c) OJ No. L184, 15.7.88, p.6; as amended by Commission Directive 91/71/EEC (OJ No. L42, 15.2.91, p.25).

Nursery schools

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

(2) If at any time the nutritional standards and 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.

13. Regulations 5, 7 and 8 do not apply to nursery schools or nursery units within primary schools.

Revocation

14. The Education (Nutritional Standards for School Lunches) (England) Regulations 2000(a) and the Education (Nutritional Standards for School Lunches) (England) Regulations 2006(b) are revoked.

9th August 2007

K Brennan
Parliamentary Under Secretary of State
Department for Education and Skills

SCHEDULE 1

Regulation 3

Food Groups

| <i>Food Group</i> | <i>Foods included in group</i> |
|--|---|
| A. Fruit and vegetables | Fruit and vegetables of all types, whether fresh, frozen or dried. Fruit canned in water or juice. Vegetables canned in water or juice. Fruit salad, fresh or canned in water or juice. Fruit juice and vegetable juice. |
| B. Meat, fish 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. Ham and bacon. Other non-dairy sources of protein. Any food containing meat together with food from groups A, D or E, but excluding any meat product falling within group C. |
| C. Meat products (sub-divided as shown) | Any meat product falling within Schedule 2 to the Meat Products Regulations, and any other shaped or coated meat product. C1: Burger, hamburger, chopped meat, corned meat. C2: Sausage, sausage meat, link, chipolata, luncheon meat. C3: Individual meat pie, meat pudding, Melton Mowbray pie, game pie, Scottish (or Scotch) pie, pasty or pastie, bridie, sausage roll. |

(a) S.I. 2000/1777
(b) S.I. 2006/2381

| | |
|-------------------------------------|---|
| | C4: Any other shaped or coated meat product. |
| D. Starchy foods | All types of bread, pasta, noodles, rice, potatoes, sweet potatoes, yams, millet and cornmeal. |
| E. Milk and dairy foods | Milk (skimmed, semi-skimmed or lactose-reduced), 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). Milk (skimmed, semi-skimmed or lactose-reduced). 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— (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; (b) milk (skimmed, semi-skimmed or lactose-reduced) 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.</p> <p>Combinations of milk (skimmed, semi-skimmed or lactose-reduced), 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 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 milk (skimmed, semi-skimmed or lactose-reduced) containing not less than 90% milk by volume and which may contain vitamins, minerals and less than 5% added sugars or honey.</p> <p>Tea, coffee.</p> <p>Hot chocolate containing no more than 20 calories per 100 millilitres.</p> |

SCHEDULE 2

Regulations 5 and 6

School lunch requirements

1. Food included in the groups set out in Schedule 1 must be provided as part of a school lunch in accordance with the following requirements of this Schedule.

2.—(1) Not less than two portions each day must be provided of food from group A, at least one of which must be salad, vegetables or vegetable juice and at least one of which must be fruit, fruit salad or fruit juice.

(2) A fruit based dessert (with a content of at least 50% fruit measured by the weight of the raw ingredients) must be provided at least twice each week in primary schools.

3.—(1) A portion of food from group B must be provided every day except a day when a food from group C is provided as permitted by paragraph 4.

(2) Red meat must be provided at least twice each week in primary schools, and at least three times each week in secondary schools; except that a day when a food from group C which contains red meat is provided may count towards this total.

(3) Fish must be provided at least once each week in primary schools and at least twice each week in secondary schools.

(4) Fish required to be provided by sub-paragraph (3) must at least once every three weeks be oily fish.

(5) In primary schools a dairy source of protein may be provided in place of a food from group B.

4.—(1) A portion of food from each of the subdivisions in group C may not be provided more often than once every two weeks.

(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 shall be provided.

5.—(1) A type of bread with no added fat or oil and another food from group D must be provided every day.

(2) A food in group D cooked in fat or oil must not be provided on more than three days in a week.

(3) On each day when a food in group D cooked in fat or oil is provided, a food from that group (other than bread) not so cooked must also be provided.

6. A portion of food from group E must be provided every day.

7. No drinks other than those included in group F may be provided, 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.

8. No more than two portions each week may consist of food which has been deep-fried in the cooking or manufacturing process.

9. No confectionery or snacks may be provided except snacks which consist of —

- (a) nuts, seeds, fruit or vegetables with no added salt, sugar, honey or fat (except that dried fruit may contain no more than 0.5% vegetable oil as a glazing agent); or
- (b) savoury crackers or bread sticks which are served with food from group A or group E.

10. Cakes or biscuits must not contain any confectionery.
- 11.—(1) No salt shall be available to add to food after the cooking process is complete.
(2) Other condiments may be available to pupils only in individual sachets or in individual portions of no more than 10 grams or one teaspoonful.

SCHEDULE 3

Regulations 5 and 6

Nutritional standards and requirements applying to school lunches in maintained schools from 1st September 2008 (primary schools) and 1st September 2009 (secondary schools, special schools and pupil referral units)

PART 1

Food requirements

1. Not less than two portions each day must be provided of food from group A, at least one of which must be salad, vegetables or vegetable juice and at least one of which must be fruit, fruit salad or fruit juice.
2. Oily fish must be provided at least once every three weeks.
- 3.—(1) A portion of food from each of the subdivisions in group C may not be provided more often than once every two weeks.
(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 shall be provided.
4. A food in group D cooked in fat or oil must not be provided on more than three days in a week.
5. A type of bread with no added fat or oil must be provided every day.
6. No drinks other than those included in group F may be provided, 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.
7. No more than two portions in each week may consist of food which has been deep-fried in the cooking or manufacturing process.
8. No confectionery or snacks may be provided except snacks which consist of –
 - (a) nuts, seeds, fruit or vegetables with no added salt, sugar, honey or fat (except that dried fruit may contain no more than 0.5% vegetable oil as a glazing agent); or
 - (b) savoury crackers or bread sticks which are served with food from group A or group E.
9. Cakes and biscuits must not contain any confectionery.
- 10.—(1) No salt shall be available to add to food after the cooking process is complete.
(2) Other condiments may be available to pupils only in individual sachets or individual portions of no more than 10 grams or one teaspoonful.

PART 2

Nutritional standards

11. In this Part—

“average school lunch” has the meaning given by paragraph 13 below;

“menu cycle” means a plan of menus for school lunches lasting for no less than one and no more than four consecutive weeks during a term;

“non-milk extrinsic sugars” means any sugar which is not contained within cell walls, except lactose in milk and milk products;

“nutrient” means any substance listed in the table in paragraph 14 below.

12. There shall be excluded from the calculations required by this Schedule any bread provided by virtue of paragraph 5 of part 1 of this Schedule.

13. The average school lunch for a school must be calculated by totalling the amounts of energy and nutrients provided by all school lunches in a menu cycle, and then dividing that total by the estimated number of school lunches served to individual pupils during that menu cycle.

14. The average school lunch must provide –

- (a) an amount of energy which shall be either the figure shown in the table below or within 5% of that figure;
- (b) no more than the amounts of fat, saturated fat, non-milk extrinsic sugars and sodium shown in the table below; and
- (c) at least the amounts of other nutrients shown in the table below.

| <i>Energy or Nutrient and amount of measurement</i> | <i>Maximum or minimum of value</i> | <i>Primary Schools</i> | <i>Secondary Schools</i> |
|---|------------------------------------|------------------------|--------------------------|
| Energy in kilojoules (kilocalories) | - | 2215 (530) | 2700 (646) |
| Fat (grams) | Max | 20.6 | 25.1 |
| Saturated fat (grams) | Max | 6.5 | 7.9 |
| Non-milk extrinsic sugars (grams) | Max | 15.5 | 18.9 |
| Sodium (milligrams) | Max | 499 | 714 |
| Total carbohydrate (grams) | Min | 70.6 | 86.1 |
| Fibre (grams) | Min | 4.2 | 5.2 |
| Protein (grams) | Min | 7.5 | 13.3 |
| Iron (milligrams) | Min | 3 | 5.2 |
| Zinc (milligrams) | Min | 2.5 | 3.3 |
| Calcium (milligrams) | Min | 193 | 350 |
| Vitamin A (micrograms) | Min | 175 | 245 |
| Vitamin C (milligrams) | Min | 10.5 | 14 |
| Folate (micrograms) | Min | 53 | 70 |

SCHEDULE 4

Regulations 7 and 8

Requirements for food provided otherwise than as part of a school lunch.

1. Foods from group A must be available in any place on the school premises where food is provided.
2. A portion of food in group C may only be provided if a portion permitted under paragraph 4(1) of Schedule 2 or paragraph 3(1) of Schedule 3 is not provided.
3. A portion of food from group D which is cooked in fat or oil may only be provided if a portion permitted under paragraph 5(2) of Schedule 2 or paragraph 4 of Schedule 3 is not provided.
4. No drinks other than those included in group F may be provided, 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.
5. A portion of food which has been deep-fried in the cooking or manufacturing process may only be provided if a portion permitted under paragraph 8 of Schedule 2 or paragraph 7 of Schedule 3 is not provided.
6. No confectionery or snacks shall be provided except snacks which consist of nuts, seeds, fruit or vegetables with no added salt, sugar, honey or fat (except that dried fruit may contain no more than 0.5% vegetable oil as a glazing agent).
7. No cakes or biscuits shall be provided.
- 8.—(1) No salt shall be available to add to food after the cooking process is complete.
(2) Other condiments may be available to pupils only in individual sachets or in individual portions of no more than 10 grams or one teaspoonful.

SCHEDULE 5

Regulation 12

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) below 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, 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 foods | Milk, cheese, yoghurt (including frozen yoghurt and drinking yoghurt), fromage frais, milkshakes and custard, but not butter or cream. |

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations require food and drink provided in maintained schools to comply with certain nutritional standards which are set out in the Schedules. These Regulations replace the Education (Nutritional Standards for School Lunches) (England) Regulations 2000 and the Education (Nutritional Standards for School Lunches) (England) Regulations 2006.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.

Regulation 2(2) sets out certain exemptions to these Regulations.

Regulation 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 4 provides that where a school is only open for part of a week the menus should continue as if it were open for the whole week.

Regulation 5 sets out the requirements for school lunches provided to registered pupils whether on school premises or not, and to other persons on school premises. The local education authority or the governing body have a duty to ensure that these requirements are complied with. Requirements coming into force from 10th September 2007 are set out in Schedule 2. From 1st September 2008 (primary schools) or 1st September 2009 (secondary schools) schools must comply with the requirements in Schedule 3 in place of those in Schedule 2. They may also do so at an earlier date.

Schedule 3 is in two parts. Part 1 sets out requirements for the types of food that must be provided or must not be provided as part of school lunches after the dates given in regulations 5 and 6. Part 2 requires a calculation to be made to ensure that the correct amounts of energy and nutrients are contained in an average school lunch.

Regulation 6 provides that special schools and pupil referral units must comply with the requirements in Schedule 3 from 1st September 2009. They may also do so at an earlier date.

Regulation 7 specifies that food provided on a school day otherwise than as part of a school lunch must comply with the requirements in Schedule 4, unless it is provided after 6 pm or on part of the premises which is controlled by another person for community use. Regulation 8 makes similar provision in respect of food provided by the local education authority or governing body to pupils on a school trip. By virtue of Regulation 13 these provisions do not apply to nursery schools or to nursery units within primary schools.

Regulation 9 provides that drinking water must be provided free of charge to pupils on school premises.

Regulation 10 limits the ingredients that may be used in fruit juice provided in schools.

Regulation 11 specifies that drinks provided in schools may only contain the additives which are permitted by Directive 89/107/EEC or by these Regulations; except that combination drinks may also contain flavourings.

Regulation 12 applies the requirements in Schedule 5 to nursery schools and nursery units with primary schools in cases where they do not comply with Schedule 2. Regulation 13 disapplies regulations 5, 7 and 8 in respect of nursery schools and nursery units within primary schools.

Regulation 14 revokes the earlier Regulations.

STATUTORY INSTRUMENTS

2007 No. 2359

EDUCATION, ENGLAND

The Education (Nutritional Standards and Requirements for
School Food) (England) Regulations 2007

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