

Children's Food Bill

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Make provision about the marketing, sale and provision of food to and for children; to make provision for education and the dissemination of information about children's diet, nutrition and health; to place certain duties on the Food Standards Agency; 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:—

General duties

1 Duties of the Food Standards Agency in respect of children's food

- (1) It shall be the duty of the Food Standards Agency, from time to time, to prepare and publish assessments of—
- (a) the medical, social and educational evidence as to the relationship between diet and the health and well-being of children and their educational performance; 5
 - (b) evidence as to the effect on the health and well-being of children of the nutritional content of food;
 - (c) evidence as to the effect on the health and well-being of children of the presence in food of contaminants, hormones, growth mediators, pathogens and other residues and other food additives; 10
 - (d) evidence as to the effect on the health and well-being of children of food production techniques, including genetic modification and irradiation;
 - (e) evidence as to the benefits to be derived by children from the consumption of food produced as a result of the application of sustainable development factors including locality of supply and organic standards; and 15
 - (f) any other matters which the Food Standards Agency may consider relevant. 20
- (2) In discharging its functions under section 1 of the Food Standards Act 1999 (c. 28), the Food Standards Agency shall promote the consumption by children of food considered by it to be of benefit to their health and well-being.

2 Duties of the appropriate authority in respect of children's food

- (1) It shall be the duty of the appropriate authority, from time to time—
 - (a) to review the food provided for consumption by children attending the schools specified in subsection (5), and
 - (b) to prepare and issue guidance on the matters reviewed in accordance with paragraph (a) to local education authorities and to others responsible for the provision of school meals. 5
- (2) In preparing guidance under subsection (1)(b), the appropriate authority shall have regard to assessments made by the Food Standards Agency under section 1(1). 10
- (3) Guidance issued under subsection (1)(b) shall include a Healthy Food Promotion Plan setting out the means by which the appropriate authority proposes to encourage the consumption by children of food beneficial to their health and well-being.
- (4) The appropriate authority shall consult the Food Standards Agency before performing any functions under this section. 15
- (5) The schools specified in this subsection are—
 - (a) maintained schools, and
 - (b) such other educational establishments as may be prescribed.

Marketing of food 20

3 Prohibition on marketing certain foods to children

- (1) The Secretary of State may make regulations prohibiting the marketing to children, in such manner as may be prescribed, of classes of food which may be considered detrimental to the health, well-being or educational performance of such children. 25
- (2) Regulations made under this section may provide for the prohibition of different forms of marketing to children of different ages and in such variety of circumstances as the Secretary of State thinks fit.
- (3) Before laying a draft of regulations under this section before Parliament, the Secretary of State shall consult— 30
 - (a) the Food Standards Agency,
 - (b) so far as those regulations apply to Scotland, the Scottish Ministers,
 - (c) so far as those regulations apply to Wales, the National Assembly for Wales,
 - (d) so far as those regulations apply to Northern Ireland, the relevant Northern Ireland department, and 35
 - (e) such other persons or bodies representative of the interests of children and of persons involved in the education, care and welfare of children as he considers appropriate.

*Education and children's food***4 Food education**

- (1) The Education Act 2002 (c. 32) is amended in accordance with subsections (2) to (7).
- (2) In section 76 (interpretation of Part 6), at the appropriate place in alphabetical order, insert – 5
 “‘food’ has the same meaning as in section 1 of the Food Safety Act 1990;”.
- (3) After subsection (3)(a) of section 84 (curriculum requirements for first, second and third key stages in England), insert – 10
 “(aa) food,”.
- (4) After subsection (3)(a) of section 85 (curriculum requirements for fourth key stages in England) insert –
 “(aa) food,”.
- (5) In section 97 (interpretation of Part 7), at the appropriate place in alphabetical order, insert – 15
 “‘food’ has the same meaning as in section 1 of the Food Safety Act 1990;”.
- (6) After subsection (3)(a) of section 105 (curriculum requirements for first, second and third key stages in Wales), insert – 20
 “(aa) food,”.
- (7) After subsection (3)(a) of section 106 (curriculum requirements for fourth key stages in Wales) insert –
 “(aa) food,”.
- (8) The appropriate authority shall exercise its powers under the Education Acts in relation to the curriculum in maintained schools so as to ensure that education for all children in those schools includes – 25
 (a) practical cooking skills;
 (b) food growing skills; and
 (c) other related practical skills and knowledge about food which promote life-long health. 30

5 Sale or provision of food in educational establishments

- (1) The appropriate authority may make regulations prescribing offences prohibiting the sale or provision for consumption on educational premises of items of food and drink detrimental to the health and well-being of children attending such premises for the purposes of receiving education. 35
- (2) Regulations made under this section shall not apply to the provision of foods or drinks –
 (a) brought to school by a child or by the parent or guardian of a child at the school, or 40
 (b) which form part of a school meal.

6 Composition of school meals

The appropriate authority may, after consideration of an assessment made by the Food Standards Agency under section 1(1), make regulations as to the overall composition of meals provided for children in attendance at educational establishments in England and Wales with a view to achieving improvement in their health and well-being. 5

Miscellaneous and final provisions

7 Regulations

- (1) Any power of the appropriate authority to make regulations under this Act is exercisable by statutory instrument. 10
- (2) The Secretary of State may not make regulations under this Act unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.

8 Financial provision

There shall be paid out of money provided by Parliament – 15

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

9 Interpretation

In this Act – 20

“appropriate authority” means –

- (a) in relation to England, the Secretary of State; and
- (b) in relation to Wales, the National Assembly for Wales;

“child” means a person under the age of 16;

“Education Acts” has the meaning given by section 578 of the Education Act 1996 (c. 56); 25

“educational establishments” means all nurseries, schools and pupil referral units, whether publicly or independently maintained;

“food” has the same meaning as in section 1 of the Food Safety Act 1990 (c. 16); 30

“Food Standards Agency” has the same meaning as in section 1 of the Food Standards Act 1999 (c. 28);

“maintained schools” has the same meaning as in section 39(1) of the Education Act 2002 (c. 32);

“prescribed” means prescribed by regulations made by the appropriate authority. 35

10 Short title and extent

- (1) This Act may be cited as the Children's Food Act 2005.
- (2) The following provisions of this Act extend to England and Wales only – 40
 - (a) section 2, and
 - (b) sections 4 to 6.

-
- (3) The following provisions of this Act extend to Scotland and Northern Ireland, as well as to England and Wales –
- (a) section 1,
 - (b) section 3,
 - (c) sections 7 to 9, and
 - (d) this section.

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*Mary Creagh
supported by
other Members whose names
are to be provided.*

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