STATUTORY INSTRUMENTS

2026 No. 706

EDUCATION, ENGLAND

The Education (Free School Lunches in Maintained Nursery Schools) (Universal Credit) (England) Order 2026

Made - - - -	*29th June 2026*
Laid before Parliament	*1st July 2026*
Coming into force - -	*17th August 2026*

The Secretary of State makes this Order in exercise of the powers conferred by section 512ZB(4B)(a) of the Education Act 1996(**a**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Education (Free School Lunches in Maintained Nursery Schools) (Universal Credit) (England) Order 2026.

(2) This Order comes into force on 17th August 2026.

(3) This Order extends to England and Wales.

Interpretation

2. In this Order "the 1996 Act" means the Education Act 1996.

Persons to be treated as within section 512ZB(4A) of the 1996 Act

3. A registered pupil at a maintained nursery school(**b**) in England is to be treated as a person within section 512ZB(4A) of the 1996 Act (provision of free school lunches and milk) if—

(a) their parent is in receipt of universal credit, and

(b) they are not within section 512ZB(4) of the 1996 Act(**c**).

(**a**) 1996 c. 56. Section 512ZB was inserted by section 201(1) of the Education Act 2002 (c. 32). Section 512ZB(4B) was inserted by section 106(2)(b) of the Children and Families Act 2014 (c. 6).

(**b**) Section 579 of the Education Act 1996 defines "maintained nursery school" by reference to the definition in section 22(9) of the School Standards and Framework Act 1998 (c. 31).

(**c**) Relevant amendments to section 512ZB(4) were made by paragraph 16(3) of Schedule 3 to the Welfare Reform Act 2007 (c. 5), section 26(1) of the Life Chances Act 2010 (c. 9) (which was previously referred to as the Child Poverty Act 2010) and paragraph 39 of Schedule 2 and Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5). Section 512ZB(4) is prospectively amended by Part 1 of Schedule 7 to the Welfare Reform Act 2009 (c. 24) from a day to be appointed.

Olivia Bailey
Parliamentary Under-Secretary of State
Department for Education

29th June 2026

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings registered pupils at maintained nursery schools in England within section 512ZB(4A) (provision of free school lunches and milk) of the Education Act 1996 (c. 56) ("the 1996 Act"), for the purpose of receiving free school lunches, if two conditions are met. Those conditions are (a) that their parent is in receipt of universal credit, and (b) they are not already eligible for free school lunches by virtue of being within section 512ZB(4) of the 1996 Act.

A full impact assessment of the effect of extending free school lunch entitlements on the private, voluntary or public sector was prepared for the Children's Wellbeing and Schools Act 2026 (c. 21), including the impact of extending free school lunch entitlements to pupils in maintained nursery schools. A copy of the impact assessment is available from the Department for Education at Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

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ISBN 978-0-34-828495-9

£6.40

http://www.legislation.gov.uk/id/uksi/2026/706

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