1953 No. 65 (S. 7)

The Meals Service (Scotland) Regulations, 1953

Made - - - -	17*th January*, 1953
Laid before Parliament	19*th January*, 1953
Coming into Operation	20*th January*, 1953

In the exercise of the powers conferred upon me by subsection (3) of section 47 and subsection (1) of section 71 of the Education (Scotland) Act, 1946(**a**), and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Interpretation

1.—(1) In these Regulations, unless the context otherwise requires—

(*a*) " Act " means the Education (Scotland) Act, 1946 ;

(*b*) " Approved " means approved by the Secretary of State for the purpose of these Regulations ;

(*c*) " Dried full cream milk " has the meaning assigned to it by the Public Health (Dried Milk) Regulations (Scotland), 1931(**b**) ;

(*d*) " Equipment " means fixtures, fittings, furnishings, vehicles, plant, apparatus, containers, receptacles, utensils and all articles whatsoever, not being food, used or required for the purpose of the meals service ;

(*e*) " Food " means any article used or intended to be used as food or drink for the meals service ;

(*f*) " Premises " includes any land, building or place, whether forming part of a school or other educational establishment or contiguous thereto or detached therefrom, used for the purpose of the meals service ;

(*g*) " Meals service " means the provision made by an education authority for the discharge of the authority's duty and the exercise of their powers under section 47 of the Act ;

(*h*) " Tuberculin tested " milk, " pasteurised " milk, and " sterilised " milk have the meanings respectively assigned to them in The Milk (Special Designations) (Scotland) Order, 1951(**c**).

(2) The Interpretation Act, 1889(**d**), applies to the interpretation of these Regulations as it applies to an Act of Parliament.

(3) In these Regulations, unless the context otherwise requires, references to any Act or instrument shall be construed as references to the said Act or instrument as amended by any subsequent Act or instrument.

Provision of premises and equipment

2.—(1) The education authority shall provide such premises and equipment for the meals service as the authority consider adequate or as the Secretary of State, if he is not satisfied as to the adequacy of the authority's proposals, may require.

(2) The said premises shall be appropriate to their purpose, suitably arranged and equipped, safe in case of fire, kept in a proper state of repair and cleanliness, and adequately lighted, heated and ventilated ; satisfactory sanitary arrangements shall be conveniently accessible.

(a) 9 & 10 Geo. 6. c. 72.
(b) S.R. & O. 1931/1; Rev. VIII, p. 47; 1931, p. 1111.
(c) S.I. 1951/644; 1951 I, p. 1316.
(d) 52 & 53 Vict. c. 63.

(3) The equipment of the meals service shall be maintained in a proper state of repair and cleanliness.

Provision of staff

3. The education authority shall employ an adequate staff for the meals service. If the Secretary of State is of opinion, after consultation with the education authority, that the staff is inadequate in any respect and that the authority have not done all that they can reasonably be expected to do, having regard to all the circumstances, to remedy the deficiency, the Secretary of State may require them to employ or arrange for the services of a staff which is, in his opinion, adequate in that respect, and it shall be the duty of the authority forthwith to take the necessary steps to comply with such requirement.

Charges relating to the Meals Service

4.—(1) The education authority shall not recover from parents any part of the cost of buying and distributing milk for drinking to pupils in attendance at school.

(2) It shall be in the power of the Secretary of State to prescribe the charges to be made by the education authority for midday meals provided by the meals service to pupils in attendance at school.

(3) Every education authority shall have a scheme setting forth the charges to be made for midday meals provided by the meals service. The statement of charges, so far as relating to midday meals, approved by the Secretary of State for any education area under paragraph (3) of Regulation 4 of the Education (Meals Service) (Scotland) Regulations, 1946(a), shall, until revoked by a scheme submitted and approved under the next following paragraph be the scheme of charges for the education area, provided that, from and after any date upon which a charge prescribed under the last foregoing paragraph comes into operation, the said statement shall be deemed to include a provision that the charge to be made to the parents of pupils in attendance at school in respect of midday meals shall, except in cases of financial hardship and in other special cases provided for in the statement, be the charge as prescribed.

(4) An education authority may, and shall if required by the Secretary of State, prepare and submit for his approval a scheme to amend or to revoke and replace the scheme of charges in operation in their area. The Secretary of State may approve the scheme as submitted or with such modifications and amendments as he thinks proper.

(5) A scheme of charges or an amended scheme of charges shall require the education authority to recover the prescribed charge for the time being in force from the parents of pupils in attendance at school not belonging to any of the categories for whom special provision is made in the scheme. The scheme may specify and authorise the recovery of reduced charges from pupils, other than the first pupil, belonging to the same household, and from pupils attending special schools or nursery schools. The scheme shall include a power to remit in whole or in part the prescribed charge or a reduced charge where the authority are satisfied that the parent is unable without financial hardship to pay the whole or part, as the case may be, of the charge. The scheme may also make provision as to the charges to be made to the parents of pupils undergoing courses of further education.

(a) S.R. & O. 1946/799; Rev. VI, p. 737; 1946 I, p. 476.

(6) The education authority shall recover from the parents of pupils for whom midday meals are provided charges in accordance with the approved scheme of charges, provided that, if the education authority are satisfied that a pupil undergoing further education is able to pay the whole or part of any sum recoverable from his parent under this paragraph they may recover the whole or the said part, as the case may be, of the said sum from the pupil instead of from the parent.

(7) For the purposes of this Regulation—

(*a*) a pupil shall be deemed to be in attendance at school on days when the school does not meet as well as on other days ;

(*b*) a child who has attained the age of five years shall, pending admission to school, be deemed to be in attendance at school ;

(*c*) a child or young person for whom the education authority have made special provision under section 14 of the Act may, at the discretion of the education authority, be deemed to be in attendance at school.

(8) The education authority shall recover from the parents of pupils for whom meals (other than midday meals) or other refreshments are provided such sum as they consider reasonable having regard to the cost of providing the food for and of cooking and serving the said meals or other refreshments. The proviso to paragraph (6) of this Regulation shall apply to the charges to be made under this paragraph. The authority may remit in whole or in part the charge recoverable under this paragraph where they are satisfied that the parent is unable without financial hardship to pay the whole or part, as the case may be, of the charge.

(9) Nothing in this Regulation shall prevent an authority from recovering the cost of meals and refreshments from persons to whom the scheme of charges does not apply who have been provided with such meals and refreshments by the school meals service.

Conditions of grant from the Education (Scotland) Fund

5.—(1) The conditions of the payment of grant from the Education (Scotland) Fund in aid of the meals service shall include compliance with the requirements of this Regulation.

(2) The education authority shall supply on each day when a school meets not less than one third of a pint of milk to every pupil attending the said school who desires milk to drink.

(3) The said milk shall be of a quality and from a source approved by the Medical Officer of Health, and shall as far as possible be tuberculin tested, pasteurised or sterilised milk.

(4) If milk which satisfies the requirements of the last foregoing paragraph is not available, the education authority shall provide an equivalent quantity of dried full cream milk suitably prepared for drinking.

(5) Meals and refreshments shall be prepared and served under proper hygienic conditions.

(6) Midday meals shall be of good quality, adequate as the main meal of the day for the pupil, well prepared and cooked, attractively served and in good condition.

(7) Meals shall be planned to secure variety and a nutritious and balanced dietary appropriate to the ages of the pupils. Suitable records shall be kept of the menus and of the amounts of the ingredients used. The Secretary

of State may require the proposed menus and particulars of ingredients to be submitted by the education authority for his approval and may give such directions as he thinks fit.

(8) Where an education authority provide meals or refreshments other than midday meals, the said meals or refreshment shall be of good quality, well prepared and cooked, attractively served and in good condition.

(9) The education authority shall ensure that suitable arrangements are made for the supervision and social training of pupils during meals.

(10) The education authority shall afford to Her Majesty's Inspector or any person appointed for the purpose by the Secretary of State all reasonable facilities to inspect the meals service or any part thereof.

(11) The education authority shall keep such records as the Secretary of State may from time to time require.

Citation, Commencement and Revocation

6.—(1) These Regulations may be cited as the Meals Service (Scotland) Regulations, 1953.

(2) These Regulations shall come into operation on 20th January, 1953.

(3) The Education (Meals Service) (Scotland) Regulations, 1946, are hereby revoked.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
17th January, 1953.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations replace the Education (Meals Service) (Scotland) Regulations, 1946. The main change is in the provisions relating to the charges to be made to parents by the education authority for school meals. The Secretary of State is empowered to prescribe the charges, and each education authority must have a scheme approved by him providing for the recovery of the prescribed charges except in special cases where reduced charges may be made and in cases of hardship where the charges may be remitted in whole or in part. The amount of the charge is no longer limited to the cost of the food of which the meal is composed.