1971 No. 1537 (S.178)

EDUCATION, SCOTLAND

Milk and Meals (Education) (Scotland) Regulations 1971

Made - - -	17*th September* 1971
Laid before Parliament	27*th September* 1971
Coming into Operation	28*th September* 1971

In exercise of the powers conferred on me by section 53(3) of the Education (Scotland) Act 1962(**a**), as read with section 2(3) of the Education (Milk) Act 1971(**b**), and by section 144(5) of the said Act of 1962, and of all other powers enabling me in that behalf, I hereby make the following regulations :—

Citation and commencement

1. These Regulations may be cited as the Milk and Meals (Education) (Scotland) Regulations 1971 and shall come into operation on 28th September 1971.

Interpretation

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

"the Act" means the Education (Scotland) Act 1962, as read with the Act of 1971 ;

"the Act of 1971" means the Education (Milk) Act 1971, in its application to Scotland ;

"medical officer of health" has the same meaning as in section 79(1) and 87(1) of the Local Government (Scotland) Act 1947(**c**) ; and

"provide", in relation to milk or midday meals, includes the making of arrangements for the provision of milk or midday meals.

(2) Any reference in these regulations to any enactment, order or other regulations shall, unless the context otherwise requires, be construed as a reference to such enactment, order or regulations as amended, re-enacted or replaced by any subsequent enactment, order or regulations.

(3) The Interpretation Act 1889(**d**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1962 c. 47.
(b) 1971 c. 74.
(c) 1947 c. 43.
(d) 1889 c. 63.

Provision of milk

3.—(1) Where an education authority in implement of their duty under section 53 of the Act provide milk for pupils, the authority, in relation to each day on which they do so, shall provide—

(*a*) one-third of a pint of milk for each pupil receiving primary education until the 1st August first occurring after the date on which he attains the age of seven ;

(*b*) one-third of a pint of milk for each other pupil receiving primary education in respect of whom there is for the time being in force a certificate given by a medical officer of the education authority stating that the pupil's health requires that he should be provided with milk at school ;

(*c*) not less than one-third and not more than two-thirds of a pint of milk for each pupil receiving special education.

(2) An education authority acting in implement of their said duty, or in exercise of their powers under section 2(2) of the Act of 1971, to provide milk, shall provide pasteurised, sterilised or ultra heat treated milk :

Provided that on any occasion when the authority are satisfied that such milk is not obtainable, the authority shall in lieu thereof provide—

(*a*) milk from such sources and of such quality as are approved for this purpose by the medical officer of health for the area of the authority ; or

(*b*) dried full cream milk prepared for drinking.

(3) In paragraph (2) above the expressions "pasteurised", "sterilised", and "ultra heat treated", in relation to milk, mean milk in respect of which the special designations "Pasteurised", "Sterilised" and "Ultra Heat Treated" respectively are lawfully used by virtue of the Milk (Special Designations) (Scotland) Order 1965(**a**) as amended (**b**), and the expression "dried full cream milk" means milk so described which may be lawfully sold as so described by virtue of the Dried Milk (Scotland) Regulations 1965(**c**).

Provision of midday meals

4. Where an education authority provide midday meals under section 53 of the Act, the authority shall secure that the meals so provided shall be—

(*a*) suitable and adequate in all respects as the main meal of the day for the recipients thereof ; and

(*b*) so planned as to secure variety and a nutritious and balanced dietary appropriate to the age of such recipients.

Hygiene

5. An education authority shall secure that milk, midday meals and other meals and refreshments provided by them under section 53 of the Act or under section 2(2) of the Act of 1971, as the case may be, shall be served, or prepared and served, as the case may be, under hygienic conditions.

(**a**) S.I. 1965/253 (1965 I, p. 617). (**b**) S.I. 1966/1573 (1966 III, p. 4850).
(**c**) S.I. 1965/1007 (1965 I, p. 2464).

Provision and inspection of facilities

6.—(1) An education authority shall provide such premises, equipment and transport and such other incidental and ancillary facilities and services as the authority consider adequate for the purposes of the discharge of their duties or the exercise of their powers, as the case may be, under section 53 of the Act, section 2(1) and (2) of the Act of 1971 and these regulations or, if the Secretary of State is not satisfied as to the adequacy of such provision, as he may at any time require.

(2) All the facilities (including premises and equipment) provided by an education authority for the aforesaid purposes shall be open to inspection by any person authorised in that behalf by the Secretary of State.

Charges

7.—(1) Subject to the provisions of this regulation and of section 2(2) of the Act of 1971, the expense incurred by an education authority in providing milk, meals and other refreshments under section 53 of the Act shall be defrayed by the authority.

(2) The education authority shall in respect of every midday meal provided by them under section 53 of the Act for any pupil or child—

(*a*) where a pupil is receiving school education (other than special education), or, where a child having attained the age of five years, is awaiting admission to school, make arrangements for the payment by the parent of a charge of 12p ;

(*b*) where a pupil is receiving special education, make arrangements for the payment by the parent of such charge (if any) as they consider appropriate, not exceeding 6p ;

(*c*) in any other case make arrangements for the payment by the parent or the pupil, whichever appears to the authority to be the more appropriate, of such charge as they consider reasonable having regard to the cost of providing the food for and of preparing and serving the meal.

(3) The education authority shall in respect of every meal (other than a midday meal) or other refreshment provided by them under section 53 of the Act for any child or pupil make arrangements for the payment by the parent of such child or pupil or by the pupil, whichever appears to the authority to be the more appropriate, of such charge as they consider reasonable having regard to the cost of providing the food or drink for the said meal or refreshment, as the case may be, and of preparing and serving it.

(4) Arrangements made by an education authority under sub-paragraphs (*a*) and (*b*) of paragraph (2) of this regulation shall include provision for the remission of any charge mentioned in the sub-paragraphs in the case of any parent who satisfies them that he is unable to pay it without financial hardship :

Provided that for the purposes of this paragraph a parent who is in receipt of a supplementary allowance or a supplementary pension under section 4 of the Ministry of Social Security Act 1966(**a**) or a family income supplement under section 1 of the Family Income Supplements Act 1970(**b**) shall be

(**a**) 1966 c. 20. (**b**) 1970 c. 55.

deemed to be unable to pay any charge under the said sub-paragraphs (*a*) and (*b*) without financial hardship ; and in the case of a parent not in receipt of any such benefit the question whether he is unable to pay such charge without financial hardship shall be determined in accordance with the Schedule to these regulations.

Revocations

8.—(1) The Meals Service (Scotland) Regulations 1953(**a**) and regulation 11 of the Abolition of the Education (Scotland) Fund (Consequential Provisions) Regulations 1959(**b**) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

17th September 1971.

Regulation 7(4)

SCHEDULE

Determination of Financial Hardship

Where the net weekly income of the parent of a family of any size specified in Part A of the following table is less than the amount of the corresponding entry in column 1 of Part B, the number of children in respect of whom the charge for the meal shall be remitted is the number at the head of the column in Part B in which there appears the lowest amount in that entry which exceeds his income.

Part A	Part B					
Size of family	Net weekly income in £p					
	1	2	3	4	5	6
1	13·25					
2	16·35	15·75				
3	19·45	18·85	18·25			
4	22·55	21·95	21·35	20·75		
5	25·65	25·05	24·45	23·85	23·25	
6	28·75	28·15	27·55	26·95	26·35	25·75

(**a**) S.I. 1953/65 (1953 I, p. 642). (**b**) S.I. 1959/476 (1959 I, p. 1095).

For larger families in respect of each child—

(*a*) £3·10 is to be added at each incremental point in every additional line; and

(*b*) £0·60 is to be subtracted at each incremental point in every additional column.

For the purposes of this Schedule—

"net weekly income" means the weekly resources of the parent calculated in accordance with the provisions of Part III of Schedule 2 to the Ministry of Social Security Act 1966, reduced by payments made for rent and rates.

"size of family" means the number of dependent children in the family who have not attained the age of 19.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which replace the Meals Service (Scotland) Regulations 1953, regulate the provision by education authorities of milk, meals and other refreshments under the Education (Scotland) Act 1962 and the Education (Milk) Act 1971. They provide for the manner of supply of such milk, meals and other refreshments, the facilities to be afforded, and the arrangements by which the expense incurred shall be defrayed. The Regulations also prescribe the charges for school meals and the circumstances in which they may be remitted.