STATUTORY INSTRUMENTS

1978 No. 959

EDUCATION, ENGLAND AND WALES

The Provision of Milk and Meals (Amendment) Regulations 1978

Made - - - -	10*th July* 1978
Laid before Parliament	14*th July* 1978
Coming into Operation	1*st August* 1978

The Secretary of State for Education and Science, in exercise of the powers conferred by section 49 of the Education Act 1944(**a**) (read with section 1 of the Education (Milk) Act 1971(**b**) as amended by section 9 of the Education Act 1976(**c**)) and vested in her(**d**), hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Provision of Milk and Meals (Amendment) Regulations 1978.

(2) These Regulations shall come into operation on 1st August 1978 and shall have effect, in the case of each school maintained by a local education authority and the pupils thereat, as from the first day of the first term which begins after that date at the school in question.

2. In these Regulations a reference to the principal Regulations is a reference to the Provision of Milk and Meals Regulations 1969(**e**), as amended(**f**).

3. At the end of Regulation 1 of the principal Regulations (citation, commencement and interpretation) there shall be added the following provision:—

"(3) In these regulations—

"middle school" means a school in relation to which an order has been made under section 1(2) of the Education Act 1964(**g**) and "primary middle school" and "secondary middle school" mean, respectively, such a school which is deemed by the relevant order to be a primary school or to be a secondary school;

"primary school" does not include a primary middle school.".

(**a**) 1944 c. 31.
(**b**) 1971 c. 74.
(**c**) 1976 c. 81.
(**d**) S.I. 1964/490, 1970/1536, 1978/274.
(**e**) S.I. 1969/483.
(**f**) The relevant amending instruments are S.I. 1971/1368, 1973/1299.
(**g**) 1964 c. 82.

4.—(1) For paragraph (1)(c) of Regulation 4 of the principal Regulations (provision of milk) there shall be substituted the following provision:—

"(c) in the case of a pupil in respect of whom there is for the time being in force a certificate given by the medical officer of the authority that his health requires that he shall be provided with milk at school (other than a pupil for whom milk is provided in pursuance of sub-paragraph (a) or (b) above), any such pupil at a primary school and, until the end of the summer term ending next after the date of his twelfth birthday, any such pupil at a middle school.".

(2) Paragraph (6) of the said Regulation 4 is hereby revoked.

5. For Regulation 10(2) of the principal Regulations (expenses) there shall be substituted the following provision:—

"(2) The authority shall make arrangements for securing that the cost of milk provided under regulation 4(3) for a pupil is defrayed by him or his parents:

Provided that this paragraph shall not apply as respects the cost of a third of a pint of milk a day so provided—

(*a*) for a pupil at a primary or primary middle school, or

(*b*) before the end of the summer term ending next after his twelfth birthday, for a pupil at a secondary middle school,

unless he is also provided with milk under regulation 4(1) or (2).".

Given under the Official Seal of the Secretary of State for Education and Science on 10th July 1978.

(L.S.)

Shirley Williams,

Secretary of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Provision of Milk and Meals Regulations 1969, under which a local education authority, in the case of pupils falling within specified categories, are required to provide a third of a pint of milk a day and, in the case of any pupils (including those within the specified categories), are empowered to provide milk (or milk additional to that required to be provided).

The principal amendment is made by Regulation 5 of the present Regulations. It provides that no charge shall be made in respect of the provision of a third of a pint of milk a day where an authority choose to exercise the power referred to above in the case of pupils at primary and primary middle schools or in the case of pupils at secondary middle schools who are under the age of twelve or have attained that age during the current school year. It also provides that in those cases in which a charge continues to be made it shall be restricted to the cost of the milk (to the exclusion, for example, of overhead expenses).

Regulations 3 and 4(2) take account of the fact that there are no longer any "all age" schools (i.e. schools which are deemed to be primary schools by virtue only of section 114(3) of the Education Act 1944).

Regulation 4(1) relates to the provision of milk in pursuance of a medical certificate; this is restricted by the Regulations of 1969, in the case of pupils at middle schools, to pupils who have not attained the age of 12 years. The present Regulations provide for such provision of milk, in the case of a pupil at a middle school, until the end of the summer term ending next after the date of his twelfth birthday.

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