STATUTORY INSTRUMENTS

1969 No. 483

EDUCATION, ENGLAND AND WALES

The Provision of Milk and Meals Regulations 1969

Made - - - -	*27th March* 1969
Laid before Parliament	*2nd April* 1969
Coming into Operation	*7th April* 1969

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 49 of the Education Act 1944(a) as amended by the Secretary of State for Education and Science Order 1964(b) and section 3 of the Public Expenditure and Receipts Act 1968(c), hereby makes the following regulations :—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Provision of Milk and Meals Regulations 1969 and shall come into operation on 7th April 1969.

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

Revocation

2. The regulations specified in schedule 2 are hereby revoked.

Duty of local education authority

3.—(1) It shall be the duty of every local education authority (in these regulations called " authority "), subject to and in accordance with these regulations, to provide so far as is reasonably practicable such milk, meals and other refreshment as are required by day pupils in attendance at schools maintained by them.

(2) The duty imposed by paragraph (1) above shall include the duty to provide such premises, equipment and transport and such incidental and ancillary facilities and services as appear to the authority to be necessary ; and for the purposes of this regulation the duty to provide premises shall include the duty to make alterations to the school buildings, including such consequential alterations as are necessary to secure that the school premises conform to the prescribed standards.

Provision of milk

4.—(1) On every school day one third of a pint of milk shall be provided for every pupil in every primary school and special school and for every junior pupil in every school which is a primary school by virtue of section 114(3) of the Education Act 1944.

(2) On any school day a further third of a pint of milk may be provided in any special school for any delicate pupil within the meaning of the Handicapped Pupils and Special Schools Regulations 1959(e) as amended(f).

(a) 1944 c. 31. (b) S.I. 1964/490 (1964 I, p. 800). (c) 1968 c. 14.
(d) 1889 c. 63. (e) S.I. 1959/365 (1959 I, p. 1024).
(f) The amending Regulations are not relevant to the subject matter of these Regulations.

(3) The authority shall provide milk—

(*a*) which is pasteurised or ultra heat treated or, if no such milk is obtainable, designated for sale as untreated ; and

(*b*) from sources and of a quality approved for the purposes of these regulations by the medical officer of health for the area of the authority after consultation with the medical officer of health for any county district concerned and the school medical officer.

(4) If it is not reasonably practicable for the authority to comply with the requirements of paragraph (3)(*b*) above, they shall provide full-cream dried milk prepared for drinking or milk tablets.

Provision of meals and other refreshment

5.—(1) On every school day there shall be provided, and on any other day there may be provided, for every pupil as a midday dinner a meal suitable in all respects as the main meal of the day.

(2) On any school day there may be provided such other meals and refreshment as the authority consider appropriate.

Exceptions and saving

6.—(1) The authority shall not be under any duty to provide milk under regulation 4(1) or as the case may be a meal under regulation 5(1) for any pupil who takes it so rarely or irregularly that unreasonable expense is involved in catering for him.

(2) These regulations shall be without prejudice to the exercise by the head teacher of a school, under the articles of government or rules of management for the school, of any function relating to the internal discipline of the school.

Duties of managers and governors

7. The managers or governors of every school shall afford to the authority such facilities as are required by the authority to enable them to carry out their duties under these regulations and for that purpose shall allow the authority to make such use of the premises and equipment of the school, and to make such alterations to the school buildings, as the authority consider necessary.

Organisers of school meals

8. The duties of the authority with respect to the appointment of officers shall include the duty of appointing a fit person to be the organiser of school meals.

Supervision of pupils

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

Expenses

10.—(1) Subject to the provisions of this regulation, the expense incurred in providing milk, meals and other refreshment under these regulations shall be defrayed by the authority.

(2) The authority shall make arrangements for the payment by the parent of—

(*a*) a charge of 1s. 6d. for every meal provided in a county or voluntary school under regulation 5(1) ;

(*b*) such a charge (if any) as they consider appropriate for any meal provided in a special school under regulation 5(1) ; and

(*c*) such charges as they consider appropriate for meals and refreshment provided under regulation 5(2).

(3) The arrangements made by the authority under paragraph (2) above shall include provision for the remission of the charge in the case of any parent who satisfies them that he is unable to pay it without hardship.

(4) For the purposes of paragraph (3) above, a parent who is in receipt of a supplementary pension or a supplementary allowance under section 4 of the Ministry of Social Security Act 1966(**a**) shall be treated as unable to pay the charge without hardship; and in the case of the charge under paragraph (2)(*a*) above, the question whether any parent not in receipt of such benefit is so unable to pay shall be determined in accordance with schedule 1.

Inspection

11. All the facilities (including buildings and equipment) provided under these regulations shall be open to inspection by any person authorised by the Secretary of State for that purpose.

Regulation 10(4) SCHEDULE 1

DETERMINATION OF FINANCIAL HARDSHIP

Net income scale

1. 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 any amount shown in the corresponding entry in Part B, the number of children in respect of whom the charge 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 shillings									
	1	2	3	4	5	6	7	8	9	10
1	195									
2	240	232								
3	285	277	269							
4	330	322	314	306						
5	375	367	359	351	343					
6	420	412	404	396	388	380				
7	465	457	449	441	433	425	417			
8	510	502	494	486	378	470	462	454		
9	555	547	539	531	523	515	507	499	491	
10	600	592	584	576	568	560	552	544	536	528

For larger families, in respect of each child—

(*a*) 45s. is to be added at each incremental point in every additional line; and

(*b*) 8s. is to be subtracted at each incremental point in every additional column.

For the purposes of this paragraph the expression "size of family" means the number of dependent children in the family who have not attained the age of 19.

(**a**) 1966 c. 20.

Calculation of net income

2. In calculating the net income of the parent there shall be taken into account his income (reduced by income tax and national insurance contributions but including any benefit in kind other than a dwelling) from all sources, but there shall be disregarded the resources specified in paragraph 3 below and a deduction shall be made in respect of the expenses specified in paragraph 4 below.

Resources to be disregarded

3.—(1) 40s. of the income consisting of any one or more of the following—

(*a*) workmen's compensation ;

(*b*) disablement benefit ;

(*c*) disability pension ;

(*d*) the amount by which—

(i) a war widow's pension ;

(ii) a widow's pension under section 19(3) of the National Insurance (Industrial Injuries) Act 1965(**a**) or an analogous payment—

exceeds the rate of pension payable under schedule 3 of the National Insurance Act 1965(**b**).

(2) 20s. of any income other than any earnings or any of the following—

(*a*) benefit under the National Insurance Acts 1965 and 1966(**c**) ;

(*b*) industrial injury benefit under the National Insurance (Industrial Injuries) Acts 1965 and 1966 ;

(*c*) family allowances ;

(*d*) payments for maintenance (including any marriage allowance) ;

(*e*) any rent received in respect of accommodation whether let furnished or unfurnished ;

(*f*) any amount received as a contribution towards the expenses of the household from any other member of, or person living with, the family :

provided that the amount disregarded under this sub-paragraph shall not, together with the amount disregarded under sub-paragraph (1) above, exceed 40s.

(3) 40s. of the earnings of a mother or female guardian.

(4) 20s. of the casual earnings of an unemployed father or male guardian.

(5) Any maternity grant under section 23 of the National Insurance Act 1965.

(6) Any death grant under section 39 of the National Insurance Act 1965.

(7) Any payment in respect of a pupil under the Regulations for Scholarships and Other Benefits 1945(**d**) as amended(**e**).

(8) 25s. of any income if one parent is blind.

(9) 40s. of any income if both parents are blind.

(10) One-tenth of the rent received in respect of accommodation let unfurnished.

(11) One-quarter of the rent received in respect of accommodation let furnished.

(12) Nineteen-twentieths of any amount up to £3, and three quarters of any amount in excess of £3, received as a contribution towards the expenses of the household from any other member of, or person living with, the family.

Expenses to be deducted

4.—(1) The amount of any premium on a policy of assurance on the life of either parent.

(**a**) 1965 c. 52. (**b**) 1965 c. 51. (**c**) 1965 c. 51; 1966 c. 6.
(**d**) S.R. & O. 1945/666 (Rev. VI, p. 378: 1945 I, p. 340).
(**e**) S.I. 1948/688, 2223 (Rev. VI, p. 378: 1948 I, p. 754; 1948 I, p. 755), S.I. 1964/1294 (1964 II, p. 2974).

(2) Any expenses reasonably incurred in the provision of necessary household assistance and necessary day care for a child below compulsory school age where—

(*a*) the parent is widowed, divorced or permanently separated from the other party to the marriage;

(*b*) either parent is incapacitated;

(*c*) the parent is an unmarried women.

(3) Any expenses necessarily incurred in the course of the parent's employment, including travelling expenses, trade union subscriptions and superannuation contributions.

(4) The amount of any rent, general and water rates and mortgage payments in respect of the home and of any hire purchase payments in respect of any caravan or houseboat which is the permanent home of the family.

(5) Any payment made—

(*a*) for the maintenance of a former wife or her child;

(*b*) under an affiliation order;

(*c*) under a contribution order in respect of a child in the care of a local authority.

(6) 12s. 6d. of the cost of any special diet prescribed by a registered medical practitioner.

Regulation 2

SCHEDULE 2

REVOCATIONS

Regulations Revoked	*References*
The Provision of Milk and Meals Regulations 1945.	S.R. & O. 1945/698 (Rev. VI, p. 380: 1945 I, p. 366).
The Provision of Milk and Meals Amending Regulations 1959.	S.I. 1959/409 (1959 I, p. 1029).
The Provision of Milk and Meals Amending Regulations 1965.	S.I. 1965/308 (1965 I, p. 771).
The Provision of Milk and Meals Amending Regulations 1968.	S.I. 1968/534 (1968 I, p. 1280).
The Provision of Milk and Meals (Amendment No. 2) Regulations 1968.	S.I. 1968/1251 (1968 II, p. 3381).

Given under the Official Seal of the Secretary of State for Education and Science on 27th March 1969.

(L.S.)

Alice Bacon,
Minister of State for Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations consolidate with amendments the regulations which impose upon local education authorities the duty to provide milk, meals and other refreshment for pupils attending schools maintained by them. The principal amendments are—

(*a*) the provisions for determining the parent's capacity to pay the charge for school dinner (regulation 10 (4) and schedule 1) ; and

(*b*) the omission of the provision for the remission of that charge in respect of children belonging to large families.