
STATUTORY INSTRUMENTS

1999 No. 604

EDUCATION, ENGLAND AND WALES

**The Education (Transfer of Functions Concerning
School Lunches) (England) Order 1999**

<i>Made</i>	- - - -	<i>6th March 1999</i>
<i>Laid before Parliament</i>		<i>9th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 512A and 568(5) and (6) of the Education Act 1996⁽¹⁾ the Secretary of State for Education and Employment hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Education (Transfer of Functions Concerning School Lunches) (England) Order 1999 and shall come into force on 1st April 1999.

(2) In this Order “the 1996 Act” means the Education Act 1996.

Duties imposed on governing bodies

2.—(1) Subject to paragraph (3) duties corresponding to the duties of the local education authority specified in paragraph (2) are hereby imposed on the governing body of each school to which this article applies.

(2) The duties referred to in paragraph (1) are—

- (a) the duty to provide school lunches in accordance with section 512(1A) and (1B) of the 1996 Act⁽²⁾; and
- (b) the duty to provide school lunches free of charge in accordance with section 512(3)(a) of the 1996 Act⁽³⁾.

(3) The duty referred to in paragraph 2(a) shall not however be imposed on the governing body of any school until section 512(1A) and (1B) of the 1996 Act is in force.

(1) 1996 c. 56; section 512A was inserted by section 116 of the School Standards and Framework Act 1998 (c. 31).
(2) Section 512(1A) and (1B) were inserted by section 115 of the School Standards and Framework Act 1998.
(3) Section 512(3) is amended by section 115 of the School Standards and Framework Act 1998.

Schools to which article 2 applies

- 3.—(1) Subject to paragraph (2) below article 2 applies to—
- (a) each secondary school maintained by a local education authority specified in Part I of the Schedule;
 - (b) each primary and secondary school maintained by the local education authority specified in Part II of the Schedule;
 - (c) each primary, secondary and special school maintained by a local education authority specified in Part III of the Schedule;
 - (d) each secondary and special school maintained by a local education authority specified in Part IV of the Schedule; and
 - (e) each special school maintained by the local education authority specified in Part V of the Schedule,

whose budget share within the meaning of section 47(1) of the School Standards and Framework Act 1998 includes an amount in respect of meals and other refreshment.

(2) Article 2 shall not however apply on and after 1st September 1999 to any school which was a grant-maintained or grant-maintained special school immediately before that date.

Modification of section 512(2)(b) of the 1996 Act where school does not have a delegated budget

4.—(1) In relation to any local education authority which maintains a school to which article 2 applies which does not have a delegated budget by reason of it having been suspended under section 17 of, or Schedule 15 to, the School Standards and Framework Act 1998, section 512(2)(b) of the 1996 Act shall have effect during the period of a year from the date on which the suspension of the delegated budget in question took effect with the modifications specified in paragraph (2).

(2) The modifications referred to in paragraph (1) are that the duty imposed on the local education authority under section 512(2)(b) of the 1996 Act shall be a duty—

- (a) to charge every pupil registered at any school maintained by the authority other than the school which does not have the delegated budget the same price for the same quantity of the same item; and
- (b) to charge every pupil registered at the school which does not have a delegated budget the same price for the same quantity of the same item.

6th March 1999

Estelle Morris
Minister of State,
Department for Education and Employment

SCHEDULE

Article 3

LOCAL EDUCATION AUTHORITIES

PART I

SECONDARY SCHOOLS

Birmingham
Blackburn with Darwen
Bromley
Essex
Gloucestershire
Greenwich
Hackney
Havering
Northamptonshire
Oxfordshire
Southend-on-Sea
Staffordshire
Stockton-on-Tees
Thurrock
Trafford
Wolverhampton

PART II

PRIMARY AND SECONDARY SCHOOLS

Kingston-upon-Thames

PART III

PRIMARY, SECONDARY AND SPECIAL SCHOOLS

Barnet
Brent
Hillingdon
Lewisham
Lincolnshire
Richmond-upon-Thames
Slough

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART IV

SECONDARY AND SPECIAL SCHOOLS

Buckinghamshire

Lancashire

PART V

SPECIAL SCHOOLS

Devon

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes duties with respect to the provision of free school meals and paid school meals (when in force) on the governing bodies of certain maintained schools. The schools in question are described in article 3 together with the Schedule. The effect of section 512A(4) of the Education Act 1996 is that where such duties are imposed on the governing body of a maintained school the local education authority is not subject to the corresponding duty in relation to the school. This Order also modifies section 512(2)(b) of the Education Act 1996 in certain circumstances where a school's delegated budget has been suspended.