

1973. No. 292

[C]

EDUCATION

Milk and Meals

REGULATIONS, DATED 31ST AUGUST 1973, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972 (AS AMENDED).

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 46, 47 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a) as amended by the Local Government (Postponement of Elections and Reorganisation) (Northern Ireland) Order 1972(b) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Milk and Meals Regulations (Northern Ireland) 1973.

(2) These Regulations shall come into operation on 1st October 1973.

Regulations revoked

2. The following Regulations are hereby revoked:—

the Milk and Meals Regulations (Northern Ireland) 1955(c);

the Milk and Meals Amending Regulations (Northern Ireland) No. 2 1956(d);

the Milk and Meals Amending Regulations (Northern Ireland) 1969(e);

the Milk and Meals Amending Regulations No. 2 (Northern Ireland) 1969(f);

the Milk and Meals Amending Regulations (Northern Ireland) 1971(g).

Definitions

3. In these Regulations

"approved" means approved by the Ministry;

"board" means an education and library board established under Article 3 of the Order;

"dinner" means a substantial mid-day meal;

"equipment" includes furniture, apparatus and articles of whatever kind (other than food or drink) required in connection with a school meals service;

(a) S.I. 1972, No. 1263 (N.I. 12).

(b) S.I. 1972, No. 1998 (N.I. 21).

(c) S.R. & O. (N.I.) 1955, No. 52.

(d) S.R. & O. (N.I.) 1956, No. 194.

(e) S.R. & O. (N.I.) 1969, No. 19.

(f) S.R. & O. (N.I.) 1969, No. 173.

(g) S.R. & O. (N.I.) 1971, No. 236.

“inspector” means an inspector of the Ministry or any person authorised by the Ministry to carry out inspection for the purpose of these Regulations;

“responsible authority” means, in the case of a voluntary grammar school, the managers of the school, and in the case of any other school or institution of further education to which these Regulations apply the board for the area in which the school or institution of further education is situated or such other board as the Ministry may determine;

“school meals service” means a service for the provision of milk or meals or other refreshment or of any combination thereof;

“trustees” includes any persons in whom the school premises are vested;

“voluntary home” has the meaning assigned to it by section 126 of the Children and Young Persons Act (Northern Ireland) 1968(h).

Duties of responsible authorities

4.—(1) Each board shall provide a school meals service for day pupils in attendance at all primary, intermediate and special schools and at all controlled grammar schools in its area.

(2) The managers of each voluntary grammar school shall provide or secure the provision of a school meals service for day pupils in attendance at the school.

(3) A board may in accordance with approved arrangements provide a school meals service for pupils (being pupils who have not attained the age of eighteen years) in attendance at full-time day courses in institutions of further education, and where such approved arrangements are made at or in connection with any such institution these Regulations shall, except to such extent as the Ministry may from time to time in any particular case otherwise direct, apply to the institution as they apply to a school under the management of the board. For the purpose of this paragraph a pupil shall be deemed not to have attained the age of eighteen years until the 31st July next following the date upon which he attained that age.

(4) A board may, with the consent of the proprietor of any independent school in its area, and on such financial and other terms, if any, as may be agreed between the board and the proprietor of the school, make arrangements for securing the provision of a school meals service for pupils in attendance at the school but any such arrangements shall be such as to secure, so far as is practicable, that the expense incurred by the board in connection with the provision under the arrangements of any service or article shall not exceed the expense which would have been incurred by it in the provision thereof if the pupil had been a pupil at a grant-aided school.

Provision of milk

5.—(1) Subject to the provisions of these Regulations the responsible authority shall, in accordance with approved arrangements and on every day on which any school referred to in this paragraph is open for instruction, except Saturday and Sunday, provide milk of such amount as may be approved by the Ministry for such day pupils and boarding pupils in attendance at the school as are hereinafter specified:—

(a) every pupil in attendance at a primary school or a part of a secondary school which is used for providing primary education, either—

(h) 1968. c. 34 (N.I.).

- (i) who has not attained the age of seven years (and, for the purposes of this sub-paragraph, a pupil who attains or has attained the age of seven years on a date other than 30th June shall be deemed not to have attained that age until 30th June next succeeding the date on which he attained that age); or
 - (ii) in respect of whom there is in force a certificate in writing given to the board in whose area his school is situated by a medical officer of the appropriate Health and Social Services Board, stating that it is necessary in the interests of the pupil's health that he should be provided with milk; or
 - (iii) who is in attendance at a school where a substantial mid-day meal is not provided by the board or the managers of the school, or where because such a meal cannot be provided for all the pupils, it is not available for him;
- (b) every pupil in attendance at a special school:

Provided that the managers of a voluntary grammar school may arrange that the board shall provide milk in accordance with this Regulation for pupils in attendance at the school and in respect of any period during which milk is so supplied the board shall, for that purpose, be the responsible authority.

(2) Responsible authorities may, in accordance with approved arrangements, provide milk for pupils in respect of whom they are not under a duty to provide milk under paragraph (1).

6.—(1) The milk supplied for pupils shall be such as conforms with the standards laid down under the provisions of the Milk Acts (Northern Ireland) 1950 and 1963(i) and the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1967(j).

(2) If, in the case of the pupils of any school liquid milk which satisfies the requirements of paragraph (1) is not available, the Ministry may, for such period as it considers necessary in the circumstances, approve the provision of a suitable substitute therefor.

Provision of meals

7.—(1) Subject to the provisions of these Regulations the responsible authority shall, in accordance with approved arrangements and on every day on which any school to which Regulation 4 applies is open for instruction, except Saturday and Sunday, provide dinners for day pupils in attendance.

(2) The responsible authority may also if it thinks fit provide:—

- (a) on such days as specified in paragraph (1) other meals or refreshment for day pupils; and
- (b) on any other days dinners, other meals or refreshment for day pupils.

8. For the purpose of paragraph (1) of Regulation 5 and paragraph (1) of Regulation 7, organised school parties of pupils who are attending a camp during term time may be deemed to be in attendance at a school which is open for instruction.

(i) 1950. c. 31 and 1963. c. 11 (N.I.).

(j) 1967. c. 15 (N.I.).

9.—(1) Every dinner shall be adequate in quantity and quality so as to be suitable as the main meal of the day for the pupil, shall be well prepared and cooked, and shall be properly served and in good condition.

(2) The dietary for dinners shall be suitably varied and planned in order to secure nutritionally balanced meals appropriate to the ages of the pupils and suitable records shall be kept of the amounts of the ingredients used.

Exceptions

10.—(1) Dinners, milk, other meals or refreshment shall not be provided for pupils whose parents object to such provision.

(2) The responsible authority may exclude any pupil from the benefits of the school meals service or part thereof if the pupil avails himself so rarely or irregularly of the said service or the said part thereof that waste or undue expense is involved in catering for him, or for any other reasonable cause.

Economy

11. The responsible authority shall ensure that due economy is observed in the operation of the school meals service.

Provision of premises, equipment, materials and facilities

12. The responsible authority shall take such steps and provide or secure the provision of such premises, equipment, materials and facilities (including transport) as are necessary to ensure that its school meals service is conducted in accordance with these Regulations.

13.—(1) This Regulation applies to primary, intermediate and special schools not being schools under the management of a board.

(2) The managers of every school to which this Regulation applies shall afford the board all such reasonable facilities at the school, including use of the school buildings and equipment, as are necessary for the efficient operation of the school meals service and a duly authorised officer of the board shall be afforded such facilities, including entry at all reasonable times, to any portion of the school premises used for the purposes of the service, as are necessary for the supervision thereof.

(3) Without prejudice to the provisions of Regulation 12 a board may with the consent of the trustees of any school to which this Regulation applies and with the approval of the Ministry make such alterations to the school buildings, erect such further buildings and do such other work in relation to the school premises as will render them suitable for the purposes of the school meals service:

Provided that before undertaking such alterations, erection of buildings or other work aforesaid the board shall enter into an approved contract or agreement with the said trustees, whether by way of lease or otherwise.

(4) If the use or alteration as aforesaid of the school premises or of any part thereof deprives the managers of the school of the use of such premises or of any part thereof for essential school purposes the board shall make such provision as the Ministry may approve for making good such deprivation.

(5) Where such alterations, erection of buildings or doing of other work as in this Regulation are required solely for the provision of facilities for the school meals service, the expense thereof shall be borne wholly by the board.

(6) Any doubt or dispute as to the meaning and effect of this Regulation shall be referred to the Ministry whose decision thereon shall be final.

Special arrangements

14. Without prejudice to the generality of its power under these Regulations, a board may in accordance with approved arrangements specifying the services to be rendered and the financial conditions applicable thereto—

- (a) assist the managers of a voluntary grammar school to carry out their duties under these Regulations; and
- (b) arrange for the managers of a school (not being a school under the management of a board or a voluntary grammar school) to provide meals on behalf of the board to day pupils in attendance at such school.

Standards of premises and equipment and inspection

15.—(1) All premises used for the school meals service shall be adequate and suitable for the purpose, safe in case of fire, kept in a proper state of repair and cleanliness, adequately lighted, heated and ventilated and suitably arranged and equipped.

(2) The equipment used for the school meals service shall be kept in a proper state of repair and cleanliness.

(3) The premises, equipment and material used for the school meals service shall be open to inspection by an inspector who shall be afforded all the facilities he requires.

Records

16. Without prejudice to the provisions of paragraph 2 of Regulation 9 the responsible authority shall keep (and on request shall produce for inspection by an inspector or furnish to the Ministry) such books, accounts, records and other information relating to its school meals service as it considers necessary or as the Ministry may from time to time direct.

Insurance

17. The responsible authority may, and if so directed by the Ministry shall, provide for insurance against loss or damage by fire to any premises or equipment provided for the purposes of the school meals service and against such other risks or liabilities arising from its school meals service as it considers necessary.

Employment of staff

18.—(1) In addition to the staff mentioned in paragraph (2) each board shall employ an officer as School Meals Organiser together with such other officers, including Assistant School Meals Organisers, as the Ministry may approve and such School Meals Organisers and Assistant School Meals Organisers shall possess approved qualifications in dietetics and cookery and adequate experience in the planning and preparation of meals on a large scale.

(2) Each responsible authority shall, within approved limits, employ a suitable and adequate staff other than teachers—

- (a) for the preparation, cooking and service of meals, for transport of meals where necessary, and for washing-up or any other necessary purpose; and

- (b) to such extent as may be necessary for supervising pupils taking dinners provided under the school meals service.

Supervision of pupils

19. The board, or in the case of a school not under the management of a board the managers of the school, shall ensure that suitable arrangements are made for the supervision and social training of pupils whilst they are participating in the school meals service.

Charges

20.—(1) The parents of a pupil shall be charged—

- (a) for a dinner supplied to a pupil an approved amount; and
(b) for any other meal or refreshment so supplied an amount not less than the cost of the ingredients of the said other meal or refreshment:

Provided that the responsible authority shall remit the charge in the case of a pupil attending a special school or a pupil who resides in a voluntary home and in respect of whose maintenance there no allowance is payable by a statutory body, and in any other case may remit the whole or part of the charge, in accordance with approved arrangements, if it is satisfied that the payment thereof would involve financial hardship to the parent.

(2) A parent shall, if he desires to obtain the remission of the whole or part of the charge on the grounds of financial hardship, make application to the responsible authority.

(3) An application under paragraph (2) shall contain such information as to the parent's means as will enable the responsible authority to determine whether or not the payment of the whole or part of the charge would involve him in financial hardship and shall be made on an approved form.

(4) Milk supplied to pupils in accordance with the provisions of paragraph (1) of Regulation 5 shall be supplied to them free of charge.

(5) The approved arrangements for the provision of milk by responsible authorities under paragraph (2) of Regulation 5 shall include provision for securing that the expense of providing milk under that paragraph shall be defrayed by the pupil's parent.

(6) Save as the Ministry may in any particular case direct any reference in this Regulation to the cost of the ingredients shall refer to the cost as estimated by the responsible authority.

Modification of requirements

21. If the Ministry is of the opinion that in the case of any area or school full compliance with the requirements of these Regulations is not practicable, it may from time to time approve of such modification in the requirements in their application to such area or school as will render them suitable therefor.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 31st day of August 1973.

(L.S.)

P. K. McHugh,
Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations define the responsibilities of Education and Library Boards and other school authorities for the provision of a school meals service.