



# Education Act 1980

## 1980 CHAPTER 20

### *School meals*

#### **22 School meals: England and Wales**

- (1) A local education authority—
  - (a) may provide registered pupils at any school maintained by them with milk, meals or other refreshment; and
  - (b) shall provide such facilities as the authority consider appropriate for the consumption of any meals or other refreshment brought to the school by such pupils.
- (2) A local education authority shall exercise their power under subsection (1)(a) above in relation to any pupil whose parents are in receipt of supplementary benefit or family income supplement so as to ensure that such provision is made for him in the middle of the day as appears to the authority to be requisite.
- (3) A local education authority—
  - (a) may make such charges as they think fit for anything provided by them under subsection (1)(a) above, except where it is provided by virtue of subsection (2) above ; but
  - (b) shall remit the whole or part of any charge that would otherwise be made if, having regard to the particular circumstances of any pupil or class or description of pupils, they consider it appropriate to do so.
- (4) The governors of a school maintained by a local education authority shall—
  - (a) afford the authority such facilities as they require to enable them to exercise their functions under this section; and
  - (b) allow the authority to make such use of the premises and equipment of the school and such alterations to the school buildings as the authority consider necessary for that purpose;

but nothing in this subsection shall require the governors of a voluntary school to incur any expenditure.

- (5) The power under section 78(2)(a) of the Education Act 1944 to make arrangements as to the provision of milk for pupils in attendance at non-maintained schools shall apply in relation to all such pupils; and accordingly section 1(3) of the Education (Milk) Act 1971 (which restricts the power to provision for children under the age of eight and children at special schools) shall cease to have effect.

## **23 School meals: Scotland**

- (1) An education authority—
- (a) may provide milk, meals or other refreshment for pupils in attendance at public schools and other educational establishments under their management; and
  - (b) shall provide such facilities as the authority consider appropriate for the consumption of any meals or other refreshment brought to the school or other educational establishment by such pupils.
- (2) An education authority shall exercise their power under subsection (1)(a) above in relation to any pupil whose parents are in receipt of supplementary benefit or family income supplement so as to ensure that such provision is made for him in the middle of the day as appears to the authority to be requisite.
- (3) An education authority—
- (a) may make such charges as they think fit for anything provided by them under subsection (1)(a) above, except where it is provided by virtue of subsection (2) above; but
  - (b) shall remit the whole or any part of any charge that would otherwise be made if, having regard to the particular circumstances of any pupil or class or description of pupils, they consider it appropriate to do so.
- (4) For the purposes of this section, a pupil for whom an education authority have made special arrangements under section 14 of the Education (Scotland) Act 1962 may, at the discretion of the authority, be deemed to be in attendance at a public school under their management.
- (5) The power under section 55 of the Education (Scotland) Act 1962 to make arrangements as to the provision of milk for pupils in attendance at schools other than public schools shall apply in relation to all such pupils ; and accordingly section 2(4) of the Education (Milk) Act 1971 (which restricts the power to provision for pupils under the age of eight and pupils receiving special education) shall cease to have effect.
- (6) In section 24(1) of the Education (Scotland) Act 1962 (provision by education authority for education of pupils belonging to areas of other authorities) after the word " Act" there shall be inserted the words " or the Education Act 1980 ".
- (7) This section applies to Scotland only.