



Child Poverty Act 2010

2010 CHAPTER 9

PART 3

MISCELLANEOUS AND GENERAL

Free school lunches and milk

26 Free school lunches and milk

- (1) In section 512ZB of the Education Act 1996 (provision of free school lunches and milk), in subsection (4)—
- (a) after “A person” insert “(“C””,
 - (b) in paragraph (a)—
 - (i) for “his parent” substitute “C’s parent”,
 - (ii) at the end of sub-paragraph (iia), insert “or”, and
 - (iii) omit sub-paragraph (iv) (including the “or” immediately following it),
 - (c) after paragraph (a) insert—
 - “(aa) C meets any conditions prescribed for the purposes of this paragraph and C’s parent is, in such circumstances as may be so prescribed—
 - (i) in receipt of any benefit or allowance not falling within paragraph (a) that is so prescribed, or
 - (ii) entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, that is so prescribed, or”,
 - (d) in paragraph (b)—
 - (i) for “he, himself, is—” substitute “C is—”,
 - (ii) at the end of sub-paragraph (ii), insert “or”, and
 - (iii) omit sub-paragraph (iii), and
 - (e) at the end insert—

Status: This is the original version (as it was originally enacted).

- “(c) C meets any conditions prescribed for the purposes of this paragraph and is—
- (i) in receipt of any benefit or allowance not falling within paragraph (b) that is so prescribed, or
 - (ii) entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, that is so prescribed.”
- (2) Any regulations made under paragraph (a)(iv) of subsection (4) of section 512ZB of the Education Act 1996 and in force immediately before the coming into force of this section are to have effect as if made under paragraph (aa) of that subsection.
- (3) Any regulations made under paragraph (b)(iii) of subsection (4) of section 512ZB of the Education Act 1996 and in force immediately before the coming into force of this section are to have effect as if made under paragraph (c) of that subsection.

General

27 **General interpretation**

- (1) In this Act—
- “child” means—
 - (a) a person under the age of 16, or
 - (b) a person who is a qualifying young person for the purposes of Part 9 of the Social Security Contributions and Benefits Act 1992 or Part 9 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (child benefit);
 - “parent” means—
 - (a) any individual who has parental responsibility for a child, or
 - (b) any other individual with whom a child resides and who has care of the child;
 - “prescribed” means prescribed by regulations;
 - “regulations” means regulations made by the Secretary of State under this Act.
- (2) In paragraph (a) of the definition of “parent” in subsection (1), the reference to “parental responsibility”—
- (a) in relation to England and Wales, is to be read in accordance with the Children Act 1989,
 - (b) in relation to Northern Ireland, is to be read in accordance with the Children (Northern Ireland) Order 1995, and
 - (c) in relation to Scotland, is to be read as a reference to parental responsibilities within the meaning of the Children (Scotland) Act 1995.

28 **Regulations and orders**

- (1) Any power to make regulations or an order under this Act is exercisable by statutory instrument.
- (2) Any regulations or order under this Act may—
- (a) make different provision for different cases,

- (b) include supplementary, incidental and consequential provision, and
 - (c) make transitional provisions and savings.
- (3) A power conferred by any provision of this Act to make regulations or an order includes power to provide for a person to exercise a discretion in dealing with any matter.
- (4) A statutory instrument containing—
 - (a) regulations under any provision of this Act, other than regulations made only under section 5(3) or 22(2), or
 - (b) an order under section 8(4),may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) A statutory instrument containing—
 - (a) regulations made only under section 5(3) or 22(2), or
 - (b) an order under section 20(6),is subject to annulment in pursuance of a resolution of either House of Parliament.

29 Financial provisions

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred under or by virtue of this Act by a Minister of the Crown, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

30 Extent

- (1) Except as provided by subsections (2) to (4), the provisions of this Act extend to England and Wales, Scotland and Northern Ireland.
- (2) Section 11 extends to Scotland only.
- (3) Section 12 extends to Northern Ireland only.
- (4) Part 2 and section 26 extend to England and Wales only.

31 Commencement

- (1) This Act, except Part 2 and section 26, comes into force on the day on which this Act is passed.
- (2) Part 2 and section 26 come into force at the end of the period of 2 months beginning with the day on which this Act is passed.

32 Short title

This Act may be cited as the Child Poverty Act 2010.