

1978 No. 504 (S. 48)

EDUCATION, SCOTLAND

**Milk and Meals (Education) (Scotland) Amendment
Regulations 1978**

<i>Made</i>	- - -	23rd March 1978
<i>Laid before Parliament</i>		10th April 1978
<i>Coming into Operation</i>		1st May 1978

In exercise of the powers conferred on me by sections 53(3) and 144(5) of the Education (Scotland) Act 1962(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Milk and Meals (Education) (Scotland) Amendment Regulations 1978 and these regulations and the Milk and Meals (Education) (Scotland) Regulations 1971 to 1977 may be cited together as the Milk and Meals (Education) (Scotland) Regulations 1971 to 1978.

(2) These regulations shall come into operation on 1st May 1978.

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

Amendment of regulations

2. The Milk and Meals (Education) (Scotland) Regulations 1971(c) as amended(d) shall be amended so that—

- (a) in Regulation 7(4)(a), after the word “remission” there shall be inserted the words “in accordance with the Schedule to these regulations”; and
- (b) for the Schedule to the regulations there shall be substituted the following Schedule—

(a) 1962 c. 47.

(b) 1889 c. 63.

(c) S.I. 1971/1537.

(d) The relevant amending instruments are S.I. 1973/1258, 1977/362, 1203, 1654.

SCHEDULE

Regulation 7(4)

DETERMINATION OF FINANCIAL HARDSHIP

1. For the purpose of determining the question whether a parent who is not in receipt of any such benefit as is mentioned in Regulation 7(4) is unable to pay a charge mentioned in Regulation 7(2)(a) or (b) without financial hardship, and as to remission of any such charge, the net weekly income of both parents of the family or, in the case of a one parent family, the parent, shall be calculated in accordance with the provisions of this Schedule.

2.—(1) A determination that such a parent as is mentioned in paragraph 1 is unable to pay such a charge as is there mentioned shall be made where such net weekly income is less than the standard amount of net weekly income of a family, and remission shall be made of any such charge only where such a determination may be made and that in the cases of one child and of an additional child in the family for each whole amount of £1.25 by which such net weekly income falls short of such standard amount.

(2) For the purposes of this paragraph

“child” in relation to a family means a child or young person under the age of 19 years who is dependent on the parents or parent;

“standard amount” in relation to net weekly income of a family means the amount of £38.00 increased by £7.40 in respect of each child other than the first included in the family.

Calculation of net weekly income.

3. The net weekly income of the parents or as the case may be parent shall be taken to be income from all sources, in the relevant week (reduced by income tax and national insurance contributions) including the value in that week of any benefit in kind other than a dwelling:

Provided that—

(a) where earnings are included in such sources, the amount of such earnings shall be deemed to be the amount of the average sum of the net earnings calculated, in the case of a parent who is paid weekly, by reference to the relevant week and four weeks immediately preceding that week and, in any other case, by reference to the two months immediately preceding the month in which any application for remission of charge is made;

(b) such income shall be ascertained—

(i) disregarding the resources specified in paragraph 4 below; and

(ii) after making deduction in respect of the expenses specified in paragraph 5 below.

Resources to be disregarded.

4. For the purposes of paragraph 3 above, the following resources are specified as the resources to be disregarded in accordance with that paragraph—

General Income.

(a) the first £4 of the total of any income howsoever derived other than income derived from the following sources:—

(i) earnings;

(ii) any benefit received under the Social Security Act 1975(a);

(iii) any benefit paid under section 1 of the Child Benefit Act 1975(b) (child benefit);

(iv) any payment received for maintenance (including any marriage allowance); and

(v) any rent received in respect of accommodation whether let furnished or unfurnished:

(a) 1975 c. 14.

(b) 1975 c. 61.

Provided that—

- (aa) where the income comprises payments of a kind to which paragraph 25 of Schedule 1 to the Supplementary Benefits Act 1976(a) (occupational pensions) applies there shall not be disregarded more than £1 of such payments;
- (bb) for the purpose of paragraph (a) above, income representing a war widow's pension and a widow's pension payable under section 67 of the Social Security Act 1975 (industrial death benefit) at the higher permanent rate under section 68 of that Act shall be deemed to be the sum thereof reduced by the amount of the rate of pension payable to a widow under section 6(1)(a) of the Social Security Pensions Act 1975(b);
- (cc) in addition to the sum of £4 mentioned in paragraph (a) above, there shall be disregarded in the case of a family where one parent is blind, £1.25, and in the case of a family where both parents are blind, £2, of any income, including income derived from the sources excluded in subparagraphs (i) to (v) above.

Earnings.

- (b) In the case of a one parent family, the first £6 of the earnings of the parent;
- (c) In any other case—
 - (i) the first £4 of the earnings of a mother or female guardian; and
 - (ii) the first £2 of the casual earnings of an unemployed father or male guardian.

Grants under enactments relating to social security.

- (d) Any maternity grant received under section 21 of the Social Security Act 1975.
- (e) Any death grant received under section 32 of the Social Security Act 1975.
- (f) Any attendance allowance received under section 35 of the Social Security Act 1975.
- (g) Any mobility allowance received under section 37A of the Social Security Act 1975 as inserted by section 22 of the Social Security Pensions Act 1975.

Maintenance payments.

- (h) Any payment of bursary in respect of a child granted under section 49(2)(c) of the Act.
- (i) Any income received as a contribution towards the expenses of the household from any member of, or person living with, the family, other than a parent.

Rents.

- (j) One-tenth of rent received in respect of accommodation let unfurnished.
- (k) One-quarter of rent received in respect of accommodation let furnished.

Expenses to be deducted.

5. For the purposes of paragraph 3 above, the following expenses incurred by the parents or as the case may be parent are specified as expenses in respect of which a deduction may be made in accordance with that paragraph—

- (a) the proportion appropriate to the relevant week of any premium paid on a policy of assurance on the life of any parent in the family.
- (b) such expenses, as are reasonably incurred in the provision of necessary household assistance and necessary day care for a child below compulsory school age during that week where—
 - (i) the parent is unmarried, widowed, divorced or permanently separated and is in sole charge of the child; or
 - (ii) either parent is incapacitated.
- (c) The proportion appropriate to the relevant week of any expenses necessarily incurred in the course of both parents' or the parent's employment including in particular travelling expenses, trade union subscriptions, and superannuation contributions.

(a) 1976 c. 71.

(b) 1975 c. 60.

- (d) The proportion appropriate to the relevant week of any rent, rates and water rates and mortgage payments paid 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.
- (e) The proportion appropriate to the relevant week of any payments made
 - (i) for the maintenance of a former wife or her child;
 - (ii) under a decree for payment of aliment;
 - (iii) by way of contribution (whether under a contribution order or otherwise) in respect of a child in the care of a local authority.
- (f) The cost in that week (to the extent not exceeding in any case £2.10), of any special diet prescribed by a registered medical practitioner.

6. Interpretation.

For the purposes of this Schedule—

“a one parent family” means a family where the household does not include the parent’s spouse or a person with whom the parent cohabits as man and wife; and

“the relevant week” means the week preceding any week in respect of which an application for remission of a charge is made.

Bruce Millan,

One of Her Majesty’s Principal
Secretaries of State.

New St. Andrew’s House
Edinburgh.
23rd March 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the provisions of the Milk and Meals (Education) (Scotland) Regulations 1971 in relation to the calculation of a parent’s net weekly income for the purpose of determining entitlement to remission of the charge for school meals and as to the number of such remissions to be allowed.

SI 1978/504
ISBN 0-11-083504-2

