



Education Act 2002

2002 CHAPTER 32

PART 11

MISCELLANEOUS AND GENERAL

Provision of services

201 [F1Local authority] functions concerning school lunches, milk etc.

- (1) For section 512 of the Education Act 1996 (provision of meals etc. at schools maintained by [F2local authorities]) there is substituted—

[F1“Local authority] functions concerning provision of meals, etc.

- (1) A [F1local authority] may provide—
- registered pupils at any school maintained by the authority,
 - other persons who receive education at such a school, and
 - children who receive relevant funded nursery education,
- with milk, meals and other refreshments.
- (2) Where provision is made under subsection (1), it shall be made—
- in a case within paragraph (a) or (b) of that subsection, either on the school premises or at any other place where education is being provided, and
 - in a case within paragraph (c) of that subsection, at any place where education is being provided.
- (3) A [F1local authority] shall exercise their power under subsection (1) to provide school lunches for any person within paragraph (a) or (c) of that subsection if—
- any prescribed requirements are met,
 - a request for the provision of school lunches has been made by or on behalf of that person to the authority, and

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- (c) either—
- (i) that person is eligible for free lunches (within the meaning of section 512ZB(2)), or
 - (ii) in the case of a person within subsection (1)(a), it would not be unreasonable for the authority to provide the lunches.
- (4) Subject to section 114(2) of the School Standards and Framework Act 1998 (c. 31) (lunches provided by [F²local authorities] to meet nutritional standards), any school lunches provided by a [F¹local authority] pursuant to subsection (3) may take such form as the authority think fit.
- (5) A [F¹local authority] shall provide at any school maintained by them such facilities as they consider appropriate for the consumption of any meals or other refreshment brought to the school by registered pupils.
- (6) In this section—
- “prescribed” means prescribed by the Secretary of State by order;
- “relevant funded nursery education”, in relation to a [F¹local authority], means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—
- (a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of [F¹local authority] to secure sufficient nursery education), and
 - (b) in consideration of financial assistance provided by the authority under those arrangements;
- “school lunch”—
- (a) in relation to a pupil, means food made available for consumption by the pupil as his midday meal on a school day, and
 - (b) in relation to a child receiving relevant funded nursery education at an establishment other than a school, means food made available for consumption by the child as his midday meal on a day on which he receives that education,
- whether involving a set meal or the selection of items by him or otherwise;
- and references, in relation to a [F¹local authority], to a school maintained by the authority are to a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school or a pupil referral unit maintained by the authority.

512ZA Duty to charge for meals etc.

- (1) A [F¹local authority] shall charge for anything provided by them under subsection (1) or (3) of section 512.
- (2) A [F¹local authority] shall charge every person the same price for the same quantity of the same item.
- (3) This section is subject to section 512ZB.

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512ZB Provision of free school lunches and milk

- (1) Where the [^{F1}local authority] provide a school lunch in accordance with section 512(3) to a person who is eligible for free lunches, the authority shall provide the meal free of charge.
 - (2) For this purpose a person is eligible for free lunches if—
 - (a) he is within subsection (4), and
 - (b) a request that the school lunches be provided free of charge has been made by him or on his behalf to the authority.
 - (3) Where a [^{F1}local authority] exercise their power under subsection (1) of section 512 to provide a person within paragraph (a) or (c) of that subsection with milk, the authority shall provide the milk free of charge if—
 - (a) the person is within subsection (4), and
 - (b) a request that the milk be provided free of charge has been made by him or on his behalf to the authority.
 - (4) A person is within this subsection if—
 - (a) his parent is—
 - (i) in receipt of income support,
 - (ii) in receipt of an income-based jobseeker's allowance (payable under the Jobseekers Act 1995 (c. 18)),
 - (iii) in receipt of support provided under Part 6 of the Immigration and Asylum Act 1999 (c. 33), or
 - (iv) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 (c. 21) or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed, or
 - (b) he, himself, is—
 - (i) in receipt of income support,
 - (ii) in receipt of an income-based jobseeker's allowance, or
 - (iii) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 (c. 21) or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed.
 - (5) In this section “prescribed” and “school lunch” have the same meaning as in section 512.”
- (2) In section 512A of that Act (transfer of functions under section 512 to governing bodies)—
- (a) in subsection (2)—
 - (i) in paragraph (a) for “section 512(1A) and (1B)” there is substituted “ section 512(3) and (4) ”,
 - (ii) in paragraph (b) for “section 512(3)(a)” there is substituted “ section 512ZB(1) ”, and
 - (iii) in paragraph (c) for “section 512(3)(b)” there is substituted “ section 512ZB(3) ”, and

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- (b) in subsection (6) for “section 512(2)(b)” there is substituted “section 512ZA(2)”.
- (3) In section 114 of the School Standards and Framework Act 1998 (c. 31) (nutritional standards for school lunches for pupils at schools maintained by [^{F2}local authorities])
- (a) in subsection (1), after “lunches for” there is inserted “ (a) ” and after “authorities” there is inserted “, or
- (b) other persons who are provided with school lunches free of charge in accordance with section 512ZB of the Education Act 1996;”,
- (b) in subsection (2), after “a school” there is inserted “ or for such other persons who are provided with school lunches free of charge ”, and
- (c) in subsection (3)(b), at the beginning there is inserted “ in the case of lunches provided to registered pupils at schools maintained by [^{F2}local authorities], ”.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(3)**

Commencement Information

- I1** S. 201 partly in force; s. 201 not in force at Royal Assent, see s. 216; s. 201(1) in force for certain purposes and s. 201(2)(3) in force for W. at 31.3.2003 by [S.I. 2002/3185](#), **art. 5, Sch. Pt. II**
- I2** S. 201 in force at 6.4.2003 for specified purposes except in relation to W. by [S.I. 2003/124](#), **art. 5** (with [art. 6](#))
- I3** S. 201(1) in force at 31.3.2003 for specified purposes for W. by [S.I. 2002/3185](#), **art. 5, Sch. Pt. II**
- I4** S. 201(2)(3) in force at 31.3.2003 for W. by [S.I. 2002/3185](#), **art. 5, Sch. Pt. II**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)