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STATUTORY INSTRUMENTS

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**1999 No. 1779**

**EDUCATION, ENGLAND AND WALES**

**WALES**

**The Education (Transfer of Functions Concerning  
School Lunches) (Wales) (No. 2) Order 1999**

<i>Made</i>	- - - -	<i>20th June 1999</i>
<i>Laid before Parliament</i>		<i>28th June 1999</i>
<i>Coming into force</i>		
<i>Except for article 3(2)</i>		<i>1st September 1999</i>
<i>For article 3(2)</i>		<i>1st April 2000</i>

In exercise of the powers conferred on the Secretary of State by sections 512A and 568(5) and (6) of the Education Act 1996<sup>(1)</sup> the Secretary of State for Wales hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Education (Transfer of Functions Concerning School Lunches) (Wales) (No. 2) Order 1999; and this article and articles 2, 3(1) and (3) and 4 shall come into force on 1st September 1999, and article 3(2) shall come into force on 1st April 2000.

(2) In this Order “the 1996 Act” means the Education Act 1996.

**Duties imposed on governing bodies**

2.—(1) Subject to paragraph (3) duties corresponding to the duties of the local education authority specified in paragraph (2) are hereby imposed on the governing body of each school to which this article applies.

(2) The duties referred to in paragraph (1) are—

- (a) the duty to provide school lunches in accordance with section 512(1A) and (1B) of the 1996 Act<sup>(2)</sup>; and

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(1) 1996 c. 56; section 512A was inserted by section 116 of the School Standards and Framework Act 1998 (c. 31).

(2) Section 512(1A) and (1B) were inserted by section 115 of the School Standards and Framework Act 1998.

(b) the duty to provide school lunches free of charge in accordance with section 512(3)(a) of the 1996 Act<sup>(3)</sup>.

(3) The duty referred to in paragraph 2(a) shall not however be imposed on the governing body of any school until section 512(1A) and (1B) of the 1996 Act is in force.

#### **Schools to which article 2 applies**

3.—(1) Article 2 applies, on and after 1st September 1999, to every former grant-maintained school maintained by a local education authority in Wales whose budget share, within the meaning of section 47(1) of the School Standards and Framework Act 1998, includes an amount in respect of meals and other refreshment.

(2) Article 2 also applies, on and after 1st April 2000, to every secondary school maintained by a local education authority in Wales unless either—

- (a) article 2 already applies to the school by virtue of paragraph (1) above; or
- (b) article 2 of the Education (Transfer of Functions Concerning School Lunches) (Wales) Order 1999<sup>(4)</sup> applies to the school.

(3) In this article, “former grant-maintained school” means a school which was a grant-maintained school immediately before 1st September 1999.

#### **Modification of section 512(2)(b) of the 1996 Act where school does not have a delegated budget**

4.—(1) In relation to any local education authority in Wales which maintains a school to which article 2 applies which does not have a delegated budget by reason of it having been suspended under section 17 of, or Schedule 15 to, the School Standards and Framework Act 1998, section 512(2)(b) of the 1996 Act shall have effect during the period of a year from the date on which the suspension of the delegated budget in question took effect with the modifications specified in paragraph (2).

(2) The modifications referred to in paragraph (1) are that the duty imposed on the local education authority under section 512(2)(b) of the 1996 Act shall be a duty—

- (a) to charge every pupil registered at any school maintained by the authority other than the school which does not have the delegated budget the same price for the same quantity of the same item; and
- (b) to charge every pupil registered at the school which does not have a delegated budget the same price for the same quantity of the same item.

Signed by authority of the Secretary of State for Wales

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

20th June 1999

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(3) Section 512(3) is amended by section 115 of the School Standards and Framework Act 1998.

(4) S.I.1999/610, Article 2 of that Order applies to certain secondary schools maintained by Conwy County Borough Council.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order imposes duties with respect to the provision of free school meals and paid school meals as described in article 2 on the governing bodies of schools maintained by local education authorities in Wales. Those duties are imposed on the governing bodies of former grant-maintained schools whose delegated budgets include an amount in respect of meals and other refreshment with effect from 1st September 1999, and on the governing bodies of *all* secondary schools (on which those duties have not already been imposed) on 1st April 2000 (article 3). The effect of section 512A(4) of the Education Act 1996 is that where such duties are imposed on the governing body of a maintained school the local education authority is not subject to the corresponding duty in relation to the school. This Order also modifies section 512(2)(b) of the Education Act 1996 in certain circumstances where a school's delegated budget has been suspended (article 4).