



Education Act 2002

2002 CHAPTER 32

PART 11

MISCELLANEOUS AND GENERAL

Provision of services

199 Transport for persons over compulsory school age

Schedule 19 (transport for persons over compulsory school age) shall have effect.

Commencement Information

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| 11 | S. 199 partly in force; s. 199 not in force at Royal Assent, see s. 216; s. 199 in force for E. at 20.1.2003 by S.I. 2002/2952, art. 2 (with savings and transitional provisions in Sch.) |
| 12 | S. 199 in force at 20.1.2003 except in relation to W. by S.I. 2002/2952, art. 2 |
| 13 | S. 199 in force at 1.9.2003 for W. by S.I. 2003/1718, art. 5, Sch. Pt. II |

200 Remission of charges relating to residential trips

In section 457 of the Education Act 1996 (c. 56) (charges and remissions policies), in subsection (4) (entitlement to complete remission of charges in respect of board and lodging on a residential trip), for paragraph (b) there is substituted—

- “(b) the pupil’s parent is—
- (i) in receipt of income support,
 - (ii) in receipt of an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995), or
 - (iii) in receipt of any other benefit or allowance, or entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, prescribed for the purposes of this paragraph, in such circumstances as may be so prescribed,

Changes to legislation: Education Act 2002, Cross Heading: Provision of services is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

in respect of any period wholly or partly comprised in the time spent on the trip.”

Commencement Information

- I4** S. 200 partly in force; s. 200 not in force at Royal Assent, see s. 216; s. 200 in force for W. at 31.3.2003 by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)
- I5** S. 200 in force at 31.3.2003 for W. by [S.I. 2002/3185, art. 5, Sch. Pt. II](#)
- I6** S. 200 in force at 6.4.2003 except in relation to W. by [S.I. 2003/124, art. 5](#)

201 ^[F1]Local authority] functions concerning school lunches, milk etc.

- (1) For section 512 of the Education Act 1996 (provision of meals etc. at schools maintained by ^[F2]local authorities) there is substituted—

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

- (1) A ^[F1]local authority] may provide—
- (a) registered pupils at any school maintained by the authority,
 - (b) other persons who receive education at such a school, and
 - (c) 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—
- (a) 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
 - (b) in a case within paragraph (c) of that subsection, at any place where education is being provided.
- (3) A ^[F1]local authority] shall exercise their power under subsection (1) to provide school lunches for any person within paragraph (a) or (c) of that subsection if—
- (a) any prescribed requirements are met,
 - (b) a request for the provision of school lunches has been made by or on behalf of that person to the authority, and
 - (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 ^[F2]local authorities] to meet nutritional standards), any school lunches provided by a ^[F1]local authority] pursuant to subsection (3) may take such form as the authority think fit.
- (5) A ^[F1]local 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.

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(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.

512ZB Provision of free school lunches and milk

- (1) Where the [F1local 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.

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- (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
 - (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;”,

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- (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)**
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Commencement Information

- I7** 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**
- I8** 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](#))
- I9** S. 201(1) in force at 31.3.2003 for specified purposes for W. by [S.I. 2002/3185](#), **art. 5, Sch. Pt. II**
- I10** 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](#)