
WELSH STATUTORY INSTRUMENTS

2005 No. 1208 (W.80)

EDUCATION, WALES

The School Lunches (Prescribed Requirement) (Wales) Order 2005

Made - - - - 19 April 2005

Coming into force - - 30 April 2005

The National Assembly for Wales makes the following Order in exercise of the powers conferred on the Secretary of State by sections 512(3) and 568 of the Education Act 1996⁽¹⁾ and now vested in the National Assembly for Wales⁽²⁾.

Name, commencement and application

1.—(1) This Order is called the School Lunches (Prescribed Requirement) (Wales) Order 2005 and shall come into force on 30 April 2005.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order —

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996;

“nursery education” (“*addysg feithrin*”) means education suitable for children who have not attained compulsory school age; and

the reference to a maintained school is a reference to a school maintained by a local education authority within the meaning of section 512(6) of the 1996 Act.

Prescribed requirement for school lunches

3.—(1) The following requirement is prescribed for the purpose of section 512(3)(a) of the 1996 Act.

(2) A registered pupil who is receiving nursery education must be present for two full sessions on any day on which he or she attends school for there to be a duty to provide lunch on that day.

(1) 1996 c. 56; section 512 is substituted by section 201 of the Education Act 2002 (c. 32). For the meaning of “prescribed”, see section 512(6).

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and section 211(1) and (2) of the Education Act 2002.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Transitional provision

4. A pupil receiving nursery education at a maintained school for whom school lunches are being provided immediately before 1 April 2003 must, until that pupil ceases to receive nursery education, be treated as if there were no prescribed requirements applying to that pupil under section 512(3)(a) of the 1996 Act.

Revocation

5. The Education (School Lunches) (Prescribed Requirement) (Wales) Order 2003⁽³⁾ is hereby revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁴⁾.

19 April 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

⁽³⁾ S.I. 2003/880 (W.111).

⁽⁴⁾ 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 512(3) of the Education Act 1996, as amended by section 201 of the Education Act 2002 places a duty on Local Education Authorities to provide school lunches to pupils eligible for free school lunches and others, provided any prescribed requirements are met. This Order prescribes such a requirement.

The requirement is set out in article 3. It only applies to registered pupils receiving nursery education; they must be present for two full sessions on any day on which they attend school for there to be a duty to provide lunch on that day.

Article 4 contains a transitional provision, to prevent pupils receiving part-time nursery education at maintained schools for whom school lunches are already being provided immediately before 1 April 2003, from losing their entitlement to such lunches.

Article 5 revokes the Education (School Lunches) (Prescribed Requirement) (Wales) Order 2003.