
STATUTORY INSTRUMENTS

1986 No. 594

The Education and Libraries (Northern Ireland) Order 1986

PART V

RIGHTS AND DUTIES OF PARENTS AND PROVISIONS RELATING TO INDIVIDUAL PUPILS

Provision of food and clothing

Provision of milk, meals and related facilities

58.—(1) A board shall, in accordance with arrangements approved by the Department, provide—

- (a) milk, meals or other refreshment for pupils of such description as the Department may determine in attendance at grant-aided schools, other than voluntary grammar schools^[F1] and grant#maintained integrated schools^[F1]... ;
- (b) such facilities as the Department may determine for the consumption of any meals or other refreshment brought to the school by pupils.

Para. (2) rep. by 1997 NI 15

(3) A board may, with the consent of the proprietor of any independent school ^{F2}..., and on such financial and other terms, if any, as may be agreed between [^{F3}the Authority] and the proprietor of the school, make arrangements for securing the provision of milk, meals or other refreshment for pupils in attendance at the school but any such arrangements shall be such as to secure, so far as is practicable, that the expense incurred by [^{F3}the Authority] in connection with the provision under the arrangements of any service or article shall not exceed the expense which would have been incurred by it in the provision thereof if the pupil had been a pupil at a grant-aided school.

(4) A board may, in accordance with arrangements approved by the Department, provide milk, meals or other refreshment for persons (including pupils) of such description as the Department may determine not being pupils for whom [^{F3}the Authority] is required to make provision under paragraph (1) or may make provision under paragraph ^{F4} ... (3).

(5) The trustees or Board of Governors of a voluntary grammar school [^{F1} and the Board of Governors of a grant-maintained integrated school]^[F1] ... shall, in accordance with arrangements approved by the Department, provide—

- (a) milk, meals or other refreshment for pupils of such description as the Department may determine in attendance at the school;
- (b) such facilities as the Department may determine for the consumption of any meals or other refreshment brought to the school by pupils.

(6) The trustees or Board of Governors of a voluntary grammar school [^{F1} and the Board of Governors of a grant-maintained integrated school]^[F1] ... may, in accordance with arrangements approved by the Department, provide milk, meals or other refreshment for persons (including pupils)

Changes to legislation: *The Education and Libraries (Northern Ireland) Order 1986, Cross Heading: Provision of food and clothing is up to date with all changes known to be in force on or before 16 June 2023. 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*

of such description as the Department may determine, not being pupils for whom they are required to make provision under paragraph (5).

(7) A board may assist the trustees or Board of Governors of a voluntary grammar school [F1 and the Board of Governors of a grant-maintained integrated school]F1 ... in the carrying out of their functions under paragraphs (5) and (6).

[F1(8) Where a school has a delegated budget under [F5Part VII of the Education (Northern Ireland) Order 1998] and an allowance is made for expenditure on, or in connection with, the provision of milk, meals or other refreshment in determining the school's budget share under that Part—

- (a) paragraph (1) shall not apply in relation to pupils in attendance at the school; but
- (b) paragraphs (5), (6) and (7) and Article 59 (except paragraph (4)) shall apply to the school as those provisions apply to a voluntary grammar school.]

F1 1989 NI 20

F2 Words in art. 58(3) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

F3 Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(a)** (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

F4 1997 NI 15

F5 Words in art. 58(8) substituted (31.5.2009) by Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)), arts. 1(3)(g), 91(1), Sch. 5 Pt. II; S.R. 2009/183, **art. 3(d)**

Modifications etc. (not altering text)

C1 Art. 58 power to disapply or modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 17 para. 17** (with ss. 88-90)

C2 Art. 58 expiry of earlier affecting provision 2020 c. 7, Sch. 16 para. 17 (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

Provisions supplementary to Article 58

59.—(1) The approval of the Department to any arrangements under paragraph (1), F6 ... (4), (5) or (6) of Article 58 may be granted subject to such conditions for securing the proper and efficient operation of those arrangements as the Department may determine.

(2) [F7A board, the trustees or Board of Governors of a voluntary grammar school and the Board of Governors of a grant-maintained integrated school]F7 ... shall in connection with the exercise of any functions under Article 58—

- (a) make such charges, if any, or charges calculated on such basis; and
- (b) remit the whole or part of such charges in such cases or such circumstances,

as the Department may determine.

(3) The Department may, in such circumstances as it thinks fit, [F7 direct—

- (a) that paragraph (1) of Article 58 shall not apply to [F3the Authority];
- (b) that paragraph (5) of Article 58 shall not apply to the trustees or Board of Governors of a voluntary grammar school or to the Board of Governors of a grant-maintained integrated school.]

F7 ...

(4) [F7A board, the trustees or Board of Governors of a voluntary grammar school and the Board of Governors of a grant-maintained integrated school]F7 ... shall take such steps and provide such

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premises, equipment, materials and facilities (including transport) as are necessary in connection with the provision of milk, meals or other refreshment in accordance with Article 58.

(5) The trustees and managers of every voluntary school, other than a voluntary grammar school^{F7} ... , shall afford [^{F3}the Authority] all such reasonable facilities at the school, including the use of school buildings and equipment, as are necessary for the proper and efficient operation of any arrangements approved under Article 58.

F3 Words in Order substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), **Sch. 3 para. 1(1)(a)** (with [Sch. 2 para. 4\(3\)](#), [Sch. 3 para. 1\(2\)](#)); S.R. 2015/35, art. 2(b)

F6 1997 NI 15

F7 1989 NI 20

Modifications etc. (not altering text)

C3 [Art. 59](#) power to disapply or modify conferred (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(1), **Sch. 17 para. 17** (with ss. 88-90)

C4 [Art. 59](#) expiry of earlier affecting provision 2020 c. 7, Sch. 16 para. 17 (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

Provision of clothing etc. for pupils attending grant-aided schools or institutions of further education

60^{F8}.—(1) Subject to a scheme which shall be framed by [^{F3}the Authority] and approved by the Department, where it appears to [^{F3}the Authority] that a pupil at a grant-aided school or institution of further education, being a pupil of such description as is specified in the scheme, is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school or institution, [^{F3}the Authority] shall provide such pupil with or contribute towards the cost of the provision of such clothing as is specified in the scheme and is in the opinion of [^{F3}the Authority] necessary to ensure that he is adequately and suitably clad.

(2) A scheme under paragraph (1) shall also, subject to such conditions as are specified in the scheme, authorise [^{F3}the Authority] to defray the expenses of such pupils attending the school or institution as are specified in the scheme being expenses which in the opinion of [^{F3}the Authority] are necessary to enable those pupils to take part in the activities of the school or institution without hardship to themselves or to their parents.

(3) A board may, in accordance with the provisions of the scheme under paragraph (1), recover from the parent of a pupil the whole or part of the expenditure incurred under the scheme in respect of the pupil provided such recovery can be made without causing hardship to the parent.

(4) A parent who is aggrieved by any action taken by [^{F3}the Authority] under a scheme under paragraph (1) may appeal to the Department whose decision shall be final.

(5) A board may lend to pupils without charge articles of clothing suitable for physical education.

F3 Words in Order substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), **Sch. 3 para. 1(1)(a)** (with [Sch. 2 para. 4\(3\)](#), [Sch. 3 para. 1\(2\)](#)); S.R. 2015/35, art. 2(b)

F8 certain functions transf. by SR 1999/481

Changes to legislation:

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

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

- Sch. 18 repealed in part by [S.I. 2003/435 \(N.I.\) art. 49\(2\)Sch. 2](#)
- [art.77\(3\)](#) revoked by [S.I. 1996/2967 reg.11\(7\)](#)