
Changes to legislation: Education Act 1996, Cross Heading: Children entitled to free school meals etc is up to date with all changes known to be in force on or before 24 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

SCHEDULES

[^{F1}SCHEDULE 35B

MEANING OF “ELIGIBLE CHILD” FOR PURPOSES OF SECTION 508B

Textual Amendments

- F1** Sch. 35B inserted (1.9.2007 for the insertion of Sch. 35B para. 1 for specified purposes and paras. 2-10, 14, 15 for all purposes, 1.9.2008 in so far as not already in force) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), [Sch. 8](#); S.I. 2007/1801, art. 4(k); S.I. 2008/1971, art. 2(b)

Children entitled to free school meals etc

- 9 A child falls within this paragraph if—
- (a) he has attained the age of 8 but not the age of 11,
 - (b) he is a registered pupil at a qualifying school which is more than two miles from his home,
 - (c) no suitable arrangements have been made by the [^{F2}local authority] for enabling him to become a registered pupil at a qualifying school nearer to his home, and
 - (d) the appropriate condition is met in relation to him.

Textual Amendments

- 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), [Sch. 2 para. 7\(2\)](#) (with [Sch. 2 para. 7\(4\)\(5\)](#))

- 10 A child falls within this paragraph if—
- (a) he has attained the age of 8 but not the age of 11,
 - (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
 - (c) that place is more than two miles from his home, and
 - (d) the appropriate condition is met in relation to him.
- 11 A child falls within this paragraph if—
- (a) he has attained the age of 11,
 - (b) he is a registered pupil at a qualifying school which is more than two miles, but not more than six miles, from his home,
 - (c) there are not three or more suitable qualifying schools which are nearer to his home, and
 - (d) the appropriate condition is met in relation to him.
- 12 A child falls within this paragraph if—

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- (a) he has attained the age of 11,
 - (b) he is a registered pupil at a qualifying school which is more than two miles, but not more than fifteen miles, from his home,
 - (c) his parent has expressed a wish, based on the parent's religion or belief, for him to be provided with education at that school,
 - (d) having regard to the religion or belief on which the parent's wish is based, there is no suitable qualifying school which is nearer to the child's home, and
 - (e) the appropriate condition is met in relation to him.
- 13 A child falls within this paragraph if—
- (a) he has attained the age of 11,
 - (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
 - (c) that place is more than two miles, but not more than six miles, from his home, and
 - (d) the appropriate condition is met in relation to him.
- 14 (1) For the purposes of paragraphs 9 to 13, the appropriate condition is met in relation to a child if condition A or condition B is met.
- (2) Condition A is met if the child is within section 512ZB(4) (provision of free school lunches and milk).
- (3) Condition B is met if—
- (a) a parent of the child, with whom the child is ordinarily resident, is a person to whom working tax credit is awarded, and
 - (b) the award is at the rate which is the maximum rate for the parent's case or, in the case of an award to him jointly with another, at the rate which is the maximum rate for their case.]

Changes to legislation:

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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. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)