



# 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.

#### **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,

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

#### **201 LEA functions concerning school lunches, milk etc.**

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

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*Status: This is the original version (as it was originally enacted).*

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**“512 LEA functions concerning provision of meals, etc.**

- (1) A local education 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 local education 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 LEAs to meet nutritional standards), any school lunches provided by a local education authority pursuant to subsection (3) may take such form as the authority think fit.
- (5) A local education 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.
- (6) In this section—
 

“prescribed” means prescribed by the Secretary of State by order;

“relevant funded nursery education”, in relation to a local education 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 LEA to secure sufficient nursery education), and
  - (b) in consideration of financial assistance provided by the authority under those arrangements;

“school lunch”—

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- (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 local education 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 local education authority shall charge for anything provided by them under subsection (1) or (3) of section 512.
- (2) A local education 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 local education 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.
- (3) Where a local education 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

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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 local education 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;”,
- (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 local education authorities,”.