

1978 No. 969 (S. 89)

EDUCATION, SCOTLAND

**Milk and Meals (Education) (Scotland) Amendment (No. 2)  
Regulations 1978**

<i>Made</i>	- - -	10th July 1978
<i>Laid before Parliament</i>		24th July 1978
<i>Coming into Operation</i>		16th August 1978

In exercise of the powers conferred on me by sections 53(3) and 144(5) of the Education (Scotland) Act 1962(a), as section 53(3) is read with section 2 of the Education (Milk) Act 1971(b) as amended by sections 3 and 6(2) of and Schedule 2 to the Education (Scotland) Act 1976(c) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Milk and Meals (Education) (Scotland) Amendment (No. 2) Regulations 1978 and these Regulations and the Milk and Meals (Education) (Scotland) Regulations 1971 to 1978 shall be cited as the Milk and Meals (Education) (Scotland) Regulations 1971 to 1978.

(2) These regulations shall come into operation on 16th August 1978.

2. For regulation 7(1) of the Milk and Meals (Education) (Scotland) Regulations 1971(d) there shall be substituted the following provisions—

“(1) Subject to the provisions of this Regulation the expense incurred by an education authority in providing milk, meals and other refreshments under section 53 of the Act or section 2 of the Act of 1971 shall be defrayed by the authority.

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(a) 1962 c. 47.

(b) 1971 c. 74.

(c) 1976 c. 20.

(d) S.I. 1971/1537.

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(1A) Where an education authority provide milk under section 2(2) of the Act of 1971 for any pupil, the authority shall make arrangements for the payment by the pupil or his parents of the cost of milk so provided for him. Provided that this paragraph shall not apply as respects the cost of milk, not exceeding one-third of a pint per day, so provided for a pupil receiving primary education unless he is also a pupil for whom milk is required to be provided under Regulation 3(1)(a)".

*Bruce Millan,*

One of Her Majesty's Principal  
Secretaries of State.

New St. Andrew's House  
Edinburgh  
10th July 1978.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Milk and Meals (Education) (Scotland) Regulations 1971 under which an education authority is required to defray the expense of providing milk which is provided to certain categories of pupils (specified in Regulation 3 of the 1971 Regulations) in compliance with the duty imposed on it.

Education authorities are empowered by section 2 of the Education (Milk) Act 1971 in the case of any pupils (including those within the specified categories) to provide milk.

Regulation 2 continues the requirement on an education authority to defray the expense of providing milk in compliance with its duty and, subject to making a charge in certain cases, requires an authority to defray the expense of providing milk in exercise of the power referred to above.

An authority is required to charge the cost of milk provided (disregarding overhead expenses of provision) for any pupil in exercise of that power but may not make a charge in respect of cost of milk provided (not exceeding one-third of a pint a day) for any pupil at primary school and not in the categories previously specified.



SI 1978/969  
ISBN 0-11-083969-2



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