
 STATUTORY INSTRUMENTS

1980 No. 888

EDUCATION, ENGLAND AND WALES

**The Handicapped Pupils and Special Schools
(Amendment) Regulations 1980**

<i>Made</i> - - - -	25th June 1980
<i>Laid before Parliament</i>	8th July 1980
<i>Coming into Operation</i>	1st August 1980

In exercise of the powers conferred by section 33(3) of the Education Act 1944(a) and vested in them(b), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

1. These Regulations may be cited as the Handicapped Pupils and Special Schools (Amendment) Regulations 1980 and shall come into operation on 1st August 1980.

2. For Regulation 23 of the Handicapped Pupils and Special Schools Regulations 1959(c) (provision of milk and meals at non-maintained special schools) there shall be substituted the following Regulation:—

“23.—(1) There shall be available for day pupils—

- (a) milk to drink;
- (b) meals or other refreshment in the middle of the day, and
- (c) such facilities as the managers consider appropriate for the consumption of any meals or refreshment brought to the school by such pupils.

(2) In relation to a day pupil whose parents are in receipt of supplementary benefit or family income supplement, the managers shall ensure that such provision is made for him in the middle of the day, in pursuance of paragraph (1)(a) and (b) above, as appears to them to be requisite.

(3) No charge shall be made—

- (a) for anything provided in accordance with paragraph (2) above for such a pupil as is there mentioned, or

(a) 1944 c.31.

(b) S.I. 1964/490; 1970/1536; 1978/274.

(c) S.I. 1959/365; the amending instruments are not relevant to the subject matter of these Regulations.

- (b) for facilities provided in pursuance of paragraph (1)(c) above for any pupil;

but, subject as aforesaid, the managers may make such charges as they think fit for anything provided in pursuance of paragraph (1) except that they shall remit the whole or part of any charge that would otherwise be made if, having regard to the particular circumstances of any pupil or class or description of pupils, they consider it appropriate to do so.”.

25th June 1980.

Mark Carlisle,
Secretary of State for
Education and Science.

25th June 1980.

Nicholas Edwards,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Handicapped Pupils and Special Schools Regulations 1959 by substituting a new Regulation for Regulation 23, which relates to milk and meals for day pupils at non-maintained special schools.

Paragraph (1) of the new Regulation 23 provides that milk and midday meals or other refreshment shall be available for such pupils, together with appropriate facilities for them to consume meals or refreshment which they bring to school. Paragraph (2) requires that such provision of milk, meals or refreshment as is requisite shall be made in the middle of the day for pupils whose parents are in receipt of supplementary benefit or family income supplement (this requirement is analogous to that contained in section 22(2) of the Education Act 1980 (c.20)). Paragraph (3) (which makes provision analogous to that in section 22(3) of the Act of 1980) provides that no charge shall be made for anything required to be provided by paragraph (2) or for the provision of facilities for a pupil who brings his own food to school but otherwise permits of charges, subject to remission in appropriate cases, for anything provided in pursuance of paragraph (1).