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STATUTORY INSTRUMENTS

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**2004 No. 592**

**EDUCATION, ENGLAND**

**The Kingston-upon-Hull City  
Council (School Meals) Order 2004**

<i>Made</i>	- - - -	<i>4th March 2004</i>
<i>Laid before Parliament</i>		<i>9th March 2004</i>
<i>Coming into force</i>	- -	<i>31st March 2004</i>

Whereas the Kingston-upon-Hull City Council acting in its capacity as a local education authority (“the authority”) has, in accordance with section 4(2) of the Education Act 2002<sup>(1)</sup> (“the Act”), consulted such persons as appear to them to be appropriate;

Whereas it is the opinion of the Secretary of State, having regard to the matters set out in section 1(2) of the Act, that the implementation by the authority of the provisions of this Order may contribute to the raising of educational standards achieved by children in England;

Now therefore the Secretary of State for Education and Skills, in exercise of the powers conferred upon him by sections 2(1) and 210 of the Act, and on the application of the authority, hereby makes the following Order:

**Citation, commencement, interpretation, application and effect**

1.—(1) This Order may be cited as The Kingston-upon-Hull City Council (School Meals) Order 2004 and shall come into force on 31st March 2004.

(2) In this Order—

“the 1996 Act” means the Education Act 1996<sup>(2)</sup>;

“the Budget Regulations” means the LEA Budget, Schools Budget and Individual Schools Budget (England) Regulations 2003<sup>(3)</sup>;

“the FMS Regulations” means the Financing of Maintained Schools (England) (No.2) Regulations 2003<sup>(4)</sup>;

“the authority” means the Kingston-upon-Hull City Council acting in its capacity as a local education authority;

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(1) [2002 c. 32](#)  
(2) [1996 c. 56](#)  
(3) [S.I.2003/3170](#)  
(4) [S.I. 2003/3247](#)

“the schools” means the primary schools, the community and foundation special schools, and the pupil referral units providing primary education maintained by the authority.

(3) This Order shall apply only in respect of the authority and the schools and shall have effect for three years from 31st March 2004.

### **Relaxations and modifications**

2. For subsections (1) and (2) of section 512ZA of the 1996 Act there shall be substituted —

“(1) The local education authority may charge persons at one or more schools in its area for anything provided by them under subsection (1) or (3) of section 512.

(2) Where a charge is made the authority shall charge every person the same price for the same quantity of the same item.”

3. In paragraph 3 of Schedule 2 to the Budget Regulations there shall be added after sub-paragraph (a)—

“(ab) sub-paragraph (a) of paragraph 15 of Schedule 3 to these Regulations”.

4.—(1) For paragraph 15(a) of Schedule 3 to the Budget Regulations there shall be substituted—

“(a) expenditure in respect of meals at any primary or special school;”

(2) Paragraph 15(b) of Schedule 3 to the Budget Regulations shall be omitted.

5. At the end of regulation 15(7) of the FMS Regulations there shall be added —

“Any funding received in accordance with paragraph 17 of Schedule 1 to the 2003 Regulations shall be disregarded if the school did not receive funding in accordance with paragraph 17 of Schedule 1 to these Regulations.”.

6. In sub-paragraph (c) of paragraph 1 of Schedule 2 to the FMS Regulations there shall be added after sub-paragraph (iii) —

“(c) in respect of a primary school, any funding received in accordance with paragraph 17 of Schedule 1 to the 2003 Regulations, if the school did not receive funding in accordance with paragraph 17 of Schedule 1 to these Regulations”.

### **Exemption**

7. Regulation 6 of the FMS Regulations shall not apply to the authority in respect of any change consequential on this Order for the financial year beginning on 1st April 2004.

4th March 2004

*David Miliband*  
Minister of State,  
Department for Education and Skills

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order enables the Kingston-upon-Hull City Council to provide meals, milk and other refreshments free of charge to pupils attending primary and special schools and pupil referral units which it maintains.

Under article 1 the Order only has effect in respect of the authority and the schools as defined, and will last for three years.

Article 2 amends section 512ZA of the Education Act 1996 by replacing the duty to charge with a power to charge, while preserving the requirement that where a charge is made it must be the same for identical quantities of the same item. Articles 3 to 6 make consequential amendments to provisions of the Budget Regulations and the FMS Regulations.

Article 3 enables the authority to retain centrally all expenditure on meals without affecting the limit on central expenditure. Article 4 removes the option for schools to have the funding delegated, and omits references to former grant-maintained schools as there are none in the area of the authority. Articles 5 and 6 ensure that the effect of the minimum funding guarantee on schools' delegated budgets is not adversely affected by the retention.

Article 7 grants an exemption from the requirement to consult before 1st April 2004 on changes to the formula consequent on the making of this Order.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.