
STATUTORY INSTRUMENTS

2018 No. 145

**The Welfare Reform Act 2012 (Commencement
No. 30 and Transitory Provisions) Order 2018**

Transitory provisions

3.—(1) In the circumstances referred to in paragraphs (2) to (6), C's eligibility for a free school lunch ceases on the cessation day.

(2) Where C—

- (a) does not, on or after 1st April 2018 become eligible for a free school lunch pursuant to paragraphs (a)(ai) or (b)(ai) of subsection (4) of section 512ZB(1) of the 1996 Act, but
- (b) was, on 31st March 2018, eligible, or after that date becomes eligible, for such a lunch pursuant to paragraphs (a)(i) to (ia), (aa), (b)(i) to (ia) or (c)(ii) of that subsection.

(3) Where C was eligible for a free school lunch pursuant to subsection (4)(a)(ai) or (b)(ai) of section 512ZB of the 1996 Act on 31st March 2018 whether or not those provisions subsequently cease to apply in relation to C.

(4) Where C becomes eligible for a free school lunch pursuant to paragraph (a)(ai) or (b)(ai) of subsection (4) of section 512ZB of the 1996 Act on, or after, 1st April 2018 whether or not those provisions subsequently cease to apply in relation to C and regardless of whether C was so eligible before so doing pursuant to paragraphs (a)(i) to (ia), (aa), (b)(i) to (ia) or (c)(ii) of that subsection.

(5) Where C is eligible for a free school lunch by virtue of attending a qualifying institution to pursue a study programme of further education funded by the Education and Skills Funding Agency(2) which C commenced between the ages of 16 to 18 (inclusive).

(6) Where C has attained the age of 19 and is eligible for a free school lunch pursuant to an EHC plan referred to in section 37 of the Children and Families Act 2014(3).

(7) The cessation day is the later of—

- (a) 31st March 2022; and
- (b) the day on which—
 - (i) C completes primary education as defined in section 2 of the 1996 Act(4) (if C were at that stage of education on 31st March 2022);
 - (ii) C completes secondary education as defined in that section (if C were at that stage of education on 31st March 2022);
 - (iii) C completes further education at an institution within the further education sector within the meaning of section 91 of the Further and Higher Education Act 1992(5) (if C were at that stage of education on 31st March 2022);

(1) Section 512ZB was inserted by section 201 of the Education Act 2002 (c. 32) and paragraphs (a)(ai) and (b)(ai) of subsection (4) of that section were inserted by section 31 of, and Schedule 2 to, the Welfare Reform Act 2012.

(2) The Education and Skills Funding Agency is an executive agency sponsored by the Department for Education.

(3) 2014 c. 6. EHC plans (health, education and care plans) under section 37 are a form of special education provision made following an education, health and care assessment of a child or young person under section 36 of the Act.

(4) 1996 c. 56.

(5) 1992 c. 13.

- (iv) C completes, after having attained the age of 19, the study programme of further education referred to in paragraph (5);
- (v) an EHC plan referred to in paragraph (6) ends.