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WELSH STATUTORY INSTRUMENTS

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**1999 No. 2802**

**The Education (School Meals Staff) (Wales) Regulations 1999**

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Education (School Meals Staff) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations apply only in relation to schools in Wales.

(3) In these Regulations —

“the Act” means the School Standards and Framework Act 1998;

“the authority” means the local education authority by which a school is maintained;

“school” means a community, voluntary controlled or community special school being a school having a delegated budget (within the meaning of Part II of the Act<sup>(1)</sup>);

“school meals staff” means persons employed or to be employed by an authority to work at a school solely in connection with the provision of meals.

“section 512A Order” means an order under section 512A(1) of the Education Act 1996<sup>(2)</sup> imposing on the governing body of a school a duty corresponding to a duty of the authority mentioned in section 512A(2)(a) of that Act (duty to provide school lunches) or section 512(2)(b) of that Act (duty to provide school lunches free of charge).

**Appointment, discipline, suspension and dismissal of school meals staff**

2.—(1) Subject to regulations 3 and 4 and paragraph (2), the authority shall be responsible for the appointment, discipline, suspension and dismissal of school meals staff at a school.

(2) Before exercising any function under this regulation the authority shall consult the governing body of the school at which the member of school meals staff in question works to such extent as the authority think fit.

**Appointment etc. of school meals staff at schools where governing body responsible for school meals but meals continue to be provided by local education authority**

3.—(1) Where a section 512A Order is in force, but the governing body of a school to which the order applies have entered into an agreement with the authority that the authority shall supply lunches at the school, then the following paragraphs of this regulation shall apply.

(2) The authority shall, subject to paragraph (4), be responsible for the appointment, discipline, suspension and dismissal of school meals staff at the school.

(3) Before exercising any function under paragraph (2) the authority shall consult the governing body of the school to such extent as the authority think fit.

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<sup>(1)</sup> See section 49(7) of the Act.

<sup>(2)</sup> 1996 c. 56; section 512A was inserted by section 116 of the School Standards and Framework Act 1998. Two Orders have been made under this section – S.I.1999/610 and S.I. 1996/1779.

(4) Where the governing body determine that any member of the school meals staff should cease to work at the school they shall notify the authority in writing of their determination and of the reasons for it and the authority shall thereupon require that person to cease to work at the school.

**Appointment etc. of school meals staff at schools where governing body responsible for school meals**

4.—(1) Where a section 512A Order is in force, but the governing body of a school to which the Order applies have not entered into an agreement with the authority that the authority shall supply lunches at the school, then paragraphs 20 to 22 and 24-29 of Schedule 16 to the Act shall apply to the appointment, discipline, suspension and dismissal of school meals staff.

26th August 1999

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