1973. No. 292 [C]

EDUCATION

Milk and Meals

REGULATIONS, DATED 31ST AUGUST 1973, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972 (AS AMENDED).

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 46, 47 and 125 of the Education and Libraries (Northren Ireland) Order 1972(a) as amended by the Local Government (Postponement of Elections and Reorganisation) (Northern Ireland) Order 1972(b) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Milk and Meals Regulations (Northern Ireland) 1973.

(2) These Regulations shall come into operation on 1st October 1973.

Regulations revoked

2. The following Regulations are hereby revoked:—

the Milk and Meals Regulations (Northern Ireland) 1955(c);

the Milk and Meals Amending Regulations (Northern Ireland) No. 2 1956(d);

the Milk and Meals Amending Regulations (Northern Ireland) 1969(e);

the Milk and Meals Amending Regulations No. 2 (Northern Ireland) 1969(f);

the Milk and Meals Amending Regulations (Northern Ireland) 1971(g).

Definitions

3. In these Regulations

"approved" means approved by the Ministry;

"board" means an education and library board established under Article 3 of the Order;

"dinner" means a substantial mid-day meal;

"equipment" includes furniture, apparatus and articles of whatever kind (other than food or drink) required in connection with a school meals service;

(a) S.I. 1972, No. 1263 (N.I. 12).
(b) S.I. 1972, No. 1998 (N.I. 21).
(c) S.R. & O. (N.I.) 1955, No. 52.
(d) S.R. & O. (N.I.) 1956, No. 194.
(e) S.R. & O. (N.I.) 1969, No. 19.
(f) S.R. & O. (N.I.) 1969, No. 173.
(g) S.R. & O. (N.I.) 1971, No. 236.

"inspector" means an inspector of the Ministry or any person authorised by the Ministry to carry out inspection for the purpose of these Regulations;

"responsible authority" means, in the case of a voluntary grammar school, the managers of the school, and in the case of any other school or institution of further education to which these Regulations apply the board for the area in which the school or institution of further education is situated or such other board as the Ministry may determine;

"school meals service" means a service for the provision of milk or meals or other refreshment or of any combination thereof;

"trustees" includes any persons in whom the school premises are vested;

"voluntary home" has the meaning assigned to it by section 126 of the Children and Young Persons Act (Northern Ireland) 1968(**h**).

Duties of responsible authorities

4.—(1) Each board shall provide a school meals service for day pupils in attendance at all primary, intermediate and special schools and at all controlled grammar schools in its area.

(2) The managers of each voluntary grammar school shall provide or secure the provision of a school meals service for day pupils in attendance at the school.

(3) A board may in accordance with approved arrangements provide a school meals service for pupils (being pupils who have not attained the age of eighteen years) in attendance at full-time day courses in institutions of further education, and where such approved arrangements are made at or in connection with any such institution these Regulations shall, except to such extent as the Ministry may from time to time in any particular case otherwise direct, apply to the institution as they apply to a school under the management of the board. For the purpose of this paragraph a pupil shall be deemed not to have attained the age of eighteen years until the 31st July next following the date upon which he attained that age.

(4) A board may, with the consent of the proprietor of any independent school in its area, and on such financial and other terms, if any, as may be agreed between the board and the proprietor of the school, make arrangements for securing the provision of a school meals service for pupils in attendance at the school but any such arrangements shall be such as to secure, so far as is practicable, that the expense incurred by the board in connection with the provision under the arrangements of any service or article shall not exceed the expense which would have been incurred by it in the provision thereof if the pupil had been a pupil at a grant-aided school.

Provision of milk

5.—(1) Subject to the provisions of these Regulations the responsible authority shall, in accordance with approved arrangements and on every day on which any school referred to in this paragraph is open for instruction, except Saturday and Sunday, provide milk of such amount as may be approved by the Ministry for such day pupils and boarding pupils in attendance at the school as are hereinafter specified:—

(*a*) every pupil in attendance at a primary school or a part of a secondary school which is used for providing primary education, either—

(**h**) 1968. c. 34 (N.I.).

(i) who has not attained the age of seven years (and, for the purposes of this sub-paragraph, a pupil who attains or has attained the age of seven years on a date other than 30th June shall be deemed not to have attained that age until 30th June next succeeding the date on which he attained that age); or

(ii) in respect of whom there is in force a certificate in writing given to the board in whose area his school is situated by a medical officer of the appropriate Health and Social Services Board, stating that it is necessary in the interests of the pupil's health that he should be provided with milk; or

(iii) who is in attendance at a school where a substantial mid-day meal is not provided by the board or the managers of the school, or where because such a meal cannot be provided for all the pupils, it is not available for him;

(*b*) every pupil in attendance at a special school:

Provided that the managers of a voluntary grammar school may arrange that the board shall provide milk in accordance with this Regulation for pupils in attendance at the school and in respect of any period during which milk is so supplied the board shall, for that purpose, be the responsible authority.

(2) Responsible authorities may, in acordance with approved arrangements, provide milk for pupils in respect of whom they are not under a duty to provide milk under paragraph (1).

6.—(1) The milk supplied for pupils shall be such as conforms with the standards laid down under the provisions of the Milk Acts (Northern Ireland) 1950 and 1963(i) and the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1967(j).

(2) If, in the case of the pupils of any school liquid milk which satisfies the requirements of pargraph (1) is not available, the Ministry may, for such period as it considers necessary in the circumstances, approve the provision of a suitable substitute therefor.

Provision of meals

7.—(1) Subject to the provisions of these Regulations the responsible authority shall, in accordance with approved arrangements and on every day on which any school to which Regulation 4 applies is open for instruction, except Saturday and Sunday, provide dinners for day pupils in attendance.

(2) The responsible authority may also if it thinks fit provide:—

(*a*) on such days as specified in paragraph (1) other meals or refreshment for day pupils; and

(*b*) on any other days dinners, other meals or refreshment for day pupils.

8. For the purpose of paragraph (1) of Regulation 5 and paragraph (1) of Regulation 7, organised school parties of pupils who are attending a camp during term time may be deemed to be in attendance at a school which is open for instruction.

(i) 1950. c. 31 and 1963. c. 11 (N.I.). (j) 1967. c. 15 (N.I.).