

2008 No. 3016

EDUCATION, ENGLAND

**The North Yorkshire County Council (School Meals) Order
2008**

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| <i>Made</i> | - - - - | <i>20th November 2008</i> |
| <i>Laid before Parliament</i> | | <i>26th November 2008</i> |
| <i>Coming into force</i> | - - | <i>19th December 2008</i> |

This Order is made in exercise of the powers conferred by sections 2(1) and 210 of the Education Act 2002(a) (“the Act”).

In accordance with section 4(2) of the Act the North Yorkshire County Council (“the authority”) has consulted such persons as appear to them to be appropriate;

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 in England;

Accordingly the Secretary of State for Children, Schools and Families makes the following Order.

Citation, commencement, interpretation, application and effect

1.—(1) This Order may be cited as The North Yorkshire County Council (School Meals) Order 2008 and shall come into effect on 19th December 2008.

(2) In this Order—

“the 1996 Act” means the Education Act 1996(b);

“the authority” means the North Yorkshire County Council;

“the Regulations” means the School Finance (England) Regulations 2008(c).

(3) This Order shall apply only in respect of the authority and primary schools maintained by the authority and shall have effect for a period of three years beginning on the date when it comes into force.

(a) 2002 c.32
(b) 1996 c.56
(c) S.I. 2008/228

Exemptions, relaxations and modifications

2. The authority shall be exempt from the requirement in s.512ZA(2)(a) of the 1996 Act in relation to school meals.

3. In sub-paragraph (a) of paragraph 15 of Schedule 2 to the Regulations the words “where the governing body have elected not to receive funding for meals as part of their school’s budget share” shall be deleted.

4.—(1) The time limit in regulation 7(1) of the Regulations shall not apply in respect of any deduction of expenditure within paragraph 15(a) of Schedule 2 to the Regulations made in consequence of the amendment in article 3.

(2) Regulation 9(1) and (2) of the Regulations shall not have effect to prevent the authority from making changes to their formulae for funding period 1 where the changes are made to take account of such deductions.

(3) Regulation 9(6) of the Regulations shall not have effect to prevent the authority from using their formulae as so amended where changes are made to the formulae in accordance with paragraph (2).

20th November 2008

Delyth Morgan
Parliamentary Under Secretary of State
Department for Children, Schools and Families

(a) Section 512ZA was inserted in the 1996 Act by section 201 of the Education Act 2002 (c.32) and amended by section 87(1) of the Education and Inspections Act 2006 (c.40).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables the North Yorkshire County Council to charge different prices for school meals in primary schools which it maintains.

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

Article 2 exempts the authority from the provision in s.512ZA(2) of the Education Act 1996 which requires local education authorities to charge every person the same price for the same item of food.

Article 3 is necessary to enable the authority rather than individual schools to change the prices for school meals. The Education (Transfer of Functions Concerning School Lunches etc.) (England) Order 1999 (SI 1999/2164) made under s.512A of the Education Act 1996 transfers to governing bodies of maintained schools the duty to provide and the power to charge for school lunches, but only where the delegated budget includes an amount in respect of meals and other refreshments. This article permits the authority to deduct expenditure on school meals from primary schools' delegated budgets, irrespective of whether they have made the election mentioned, so that when the authority does so the 1999 Order has no effect.

Article 4 permits the authority to amend its budget formulae after the beginning of the current financial year.

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

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STATUTORY INSTRUMENTS

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