



Education (Milk) Act 1971

1971 CHAPTER 74

An Act to restrict the duty of education authorities to provide milk for pupils at educational establishments maintained by them or under their management and make further provision with respect to their power to do so; to restrict their power to secure provision of milk for pupils at other educational establishments; and for purposes connected therewith. [5th August 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Regulations made under section 49 of the Education Act 1944 as to the provision of milk for pupils shall not require a local education authority to provide milk for a pupil after the summer term ending next after the date on which he attains the age of seven, unless—

(a) he is in attendance at a special school or at a primary school which is a school for providing primary education, or is a junior pupil in attendance at a school which is deemed to be a primary school by virtue only of section 114(3) of the Education Act 1944 or at a school which is deemed to be a primary or a secondary school by virtue of an order under section 1(2) of the Education Act 1964 (a "middle school"); and

(b) (except in the case of a pupil in attendance at a special school) there is for the time being in force in respect of him a certificate given by a medical officer of the authority stating that his health requires that he should be provided with milk at school.

School milk
for pupils in
England and
Wales.

1944 c. 31.

1964 c. 82.

(2) Regulations made under section 49 may also confer power on local education authorities to provide milk for pupils in attendance at schools maintained by them, but any regulations so made by virtue of this subsection shall require the expense of providing milk in the exercise of the power to be defrayed by the pupils for whom it is provided or their parents.

(3) The power under section 78(2)(a) of the Education Act 1944 c. 31. 1944 to make arrangements as to the provision of milk for pupils in attendance at schools not maintained by the local education authority shall not apply to a pupil after the summer term ending next after the date on which he attains the age of seven unless he is in attendance at a special school.

(4) Section 3 of the Public Expenditure and Receipts Act 1968 1968 c. 14. (in so far as it applies to England and Wales) and the Education 1970 c. 14. (School Milk) Act 1970 are hereby repealed; and any regulations or arrangements made before the coming into force of this section shall cease to have effect in so far as they make provision to the contrary of subsection (1) or (3) above.

(5) This section, except subsection (2), shall not have effect until the term following the summer term 1971.

(6) In this section "summer term" means the term ending last before the month of September.

2.—(1) Section 53 of the Education (Scotland) Act 1962, in so far as it imposes a duty on an education authority to provide, or to make arrangements for the provision of, milk for pupils, shall no longer impose such a duty in respect of a pupil after the 1st August first occurring after the date on which he attains the age of seven, unless he—

Provision of milk in Scotland. 1962 c. 47.

(a) is receiving special education, or

(b) is a pupil receiving primary education in respect of whom there is for the time being in force a certificate given by a medical officer of the education authority stating that the pupil's health requires that he should be provided with milk at school.

(2) An education authority shall have power to provide, or to make arrangements for the provision of, milk for pupils in attendance at educational establishments under their management, but the education authority shall require the expense of providing milk in the exercise of that power to be defrayed either by the pupils for whom it is provided or their parents, whichever appears to the education authority to be the more appropriate.

(3) Subject to subsection (2) above, subsections (3) and (4) of the said section 53 shall apply for the purposes of subsections (1) and (2) above as they apply for the purposes of that section.

(4) The power conferred on an education authority by section 55 of the Education (Scotland) Act 1962 to make arrangements as to the provision of milk for pupils in attendance at any school in the area of the education authority which is not a public school shall not apply in respect of a pupil after the 1st August first occurring after the date on which he attains the age of seven, unless he is receiving special education.

1968 c. 14.

(5) Section 3 of the Public Expenditure and Receipts Act 1968 (in so far as it applies to Scotland) is hereby repealed; and any arrangements made for the provision of milk under the said section 53 or 55 before the coming into force of this section in so far as they make provision to the contrary of subsection (1) or (4) above, and on the coming into force of this section the said section 53 in so far as it empowers an education authority to provide milk for pupils, shall cease to have effect.

(6) This section shall come into force on 1st August 1971.

Effect of
sections 1
and 2 on
rate support
grant.
1966 c. 42.

3.—(1) The Secretary of State, in the exercise of his power, under section 3(1) of the Local Government Act 1966, to make an order varying, with respect to any year, a rate support grant order, may take into account any relief obtained or likely to be obtained, during the period covered by the rate support grant order by local authorities—

- (a) which is attributable to the coming into operation of any provision of section 1 of this Act, and
- (b) which was not taken into account in making the rate support grant order the variation of which is in question and has not since been taken into account by virtue of this subsection in making an order under section 3(1) with respect to any other year comprised in that period.

The provisions of this subsection are without prejudice to section 3(4) of the Local Government Act 1966 (under which an order under that section may vary the matters prescribed by a rate support grant order).

1966 c. 51.

(2) In the application of section 4(1) of the Local Government (Scotland) Act 1966 (variation of rate support grant orders) to a rate support grant order made before 1st August 1971 for a grant period ending after that date, the Secretary of State shall have power to take into consideration any relief obtained or likely to be obtained by education authorities—

- (a) which is attributable to the coming into force of any provision of section 2 of this Act, and
- (b) which was not taken into consideration in making the rate support grant order the variation of which is in question.

The provisions of this subsection are without prejudice to section 4(4) of the Local Government (Scotland) Act 1966 (under which an order under that section may vary the matters prescribed by a rate support grant order). 1966 c. 51.

4.—(1) This Act may be cited as the Education (Milk) Act 1971. Citation, construction, repeal and extent.

(2) The Education Acts 1944 to 1968, the Education (Handicapped Children) Act 1970, and this Act (in so far as it applies to England and Wales) may be cited together as the Education Acts 1944 to 1971. 1970 c. 52.

(3) This Act, in its application to England and Wales, shall be construed as one with the Education Acts 1944 to 1968, and, in its application to Scotland, shall be construed as one with the Education (Scotland) Acts 1939 to 1971.

(4) In section 2(1) of the Education (Handicapped Children) Act 1970 the words from “ and ” to the end of the subsection are hereby repealed.

(5) This Act does not extend to Northern Ireland.