

**2009 No. 2300**

**EDUCATION, ENGLAND**

**The Education (Free School Lunches) (Child Tax Credit)  
(Wolverhampton City Council) Order 2009**

<i>Made</i>	- - - -	<i>24th August 2009</i>
<i>Laid before Parliament</i>		<i>28th August 2009</i>
<i>Coming into force</i>	- -	<i>1st November 2009</i>

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by sections 512ZB(4)(a)(iv) and 568(5) of the Education Act 1996(a):

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Education (Free School Lunches) (Child Tax Credit) (Wolverhampton City Council) Order 2009 and comes into force on 1st November 2009.

(2) This Order shall cease to have effect after 31st October 2012.

(3) In this Order—

“annual income” means the income for the tax year calculated in accordance with the Tax Credits (Definition and Calculation of Income) Regulations 2002(b);

“child tax credit” has the same meaning as in the Tax Credits Act 2002(c).

**Prescribed tax credit**

2. Child tax credit is prescribed for the purposes of section 512ZB(4)(a)(iv) of the Education Act 1996 in circumstances where—

- (a) a pupil is registered at a school maintained by the Wolverhampton City Council; and
- (b) the parent of that pupil is entitled to child tax credit by virtue of an award which is based on an annual income not exceeding the amount determined for the purposes of section 7(1)(a) of the Tax Credits Act 2002 as the income threshold for child tax credit.

24th August 2009

*Diana Johnson*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

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(a) 1996 c.56. Section 512ZB was inserted by section 201 of the Education Act 2002 (c.32). By virtue of section 211 of that Act the powers conferred by section 512ZB of the 1996 Act are exercised only in relation to England. See section 512ZB(5) for the meaning of “prescribed”.

(b) S.I. 2002/2006; relevant amending instruments are S.I. 2003/732, 2003/2815, 2006/745, 2006/766, 2007/824, 2007/1305.

(c) 2002 c.21.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Parents who receive child tax credit but not working tax credit already qualify for free school lunches for their children under the Education (Free School Lunches) (Prescribed Tax Credits) (England) Order 2003 (S.I. 2003/383). This Order enables Wolverhampton City Council to run a pilot scheme for three years to allow parents who receive child tax credit to qualify for free school lunches for their children, even when they also receive working tax credit. The Order ceases to have effect after 31<sup>st</sup> October 2012.

The Order prescribes, for the purposes of section 512ZB of the Education Act 1996, that where a parent is in receipt of child tax credit in the defined circumstances their child is entitled to free school lunches.

The defined circumstances are firstly that the child must be a registered pupil at a school maintained by Wolverhampton City Council; and secondly that the award of child tax credit must be based on an annual income not exceeding the amount determined for the purposes of section 7(1)(a) of the Tax Credits Act 2002, currently £16,040 per annum.

No impact assessment has been prepared for this Order as it will have no effect on the costs of business.

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