

2003 No. 202

WELFARE FOODS

**The Welfare Foods (Amendment) Regulations
(Northern Ireland) 2003**

Made - - - - - *28th March 2003*

Coming into operation *6th April 2003*

The Department of Health, Social Services and Public Safety(a), in exercise of the powers conferred on it by Article 13(3) and (4) of the Social Security (Northern Ireland) Order 1988(b), and 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare Foods (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 6th April 2003.

(2) In these Regulations “the principal Regulations” means the Welfare Foods Regulations (Northern Ireland) 1988(d).

Amendment of regulation 1 of the principal Regulations

2. In regulation 1(2) of the principal Regulations (Citation, commencement and interpretation) –

- (a) after the definition of “Income Support” there is inserted ““an income-based jobseeker’s allowance” has the same meaning as in Article 3(4) of the Jobseeker’s (Northern Ireland) Order 1995”(e);
- (b) after the definition of “period of validity” there is inserted ““relevant income” has the same meaning as in section 7(3) of Part I of the Tax Credits Act 2002(f)”; and
- (c) the definition of “working families’ tax credit”(g) shall be deleted.

(a) See S.I. 1999/283 (N.I. 1); Article 3(6)

(b) S.I. 1988/594 (N.I. 2): Article 13(4) was amended by section 4 of, and paragraph 35(1) of Schedule 2 to, the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(c) 1992 c. 7; section 171(2) to (5) is applied by Article 15A of the Social Security (Northern Ireland) Order 1988, which Article was inserted by Article 22(1) of and paragraph 6(a) of Schedule 6 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)), and amended by Section 4 of and paragraph 35(4) and (5) of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(d) S.R. 1988 No. 137, the relevant amending Regulations are S.R. 1999 No. 397, S.R. 2001 No. 139 and S.R. 2002 No. 83

(e) S.I. 1995/2705 (N.I. 15) as amended by paragraph 3(4)(a) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(f) 2002 c. 21

(g) Definition inserted by Regulation 2 of S.R. 1999 No. 397

Amendment of regulation 2 of the principal Regulations

3. In regulation 2(1)(b), (2)(b) and (3) of the principal Regulations (Free milk, dried milk and vitamins), after “support” there shall be inserted “an income-based jobseeker’s allowance, or child tax credit(a) where the relevant income of the person to whom the award of the tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,230”.

Amendment of regulation 4 of the principal Regulations

4.—(1) Regulation 4 of the principal Regulations (Purchase of dried milk at a reduced price) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (1)(b) there shall be substituted the following paragraph –

“(1) Any person who is entitled, or is a member of a family of a person who is entitled to working tax credit and child tax credit, shall if –

- (a) the relevant income of the person to whom the award of tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,200, and
- (b) that person is responsible for a child who –
 - (i) is not entitled to dried milk or milk under regulation 2,
 - (ii) is under the age of one year, and
 - (iii) is a member of the family of that person,

be entitled to purchase at any clinic, on behalf of that child, at a price of £4.15, 900 grammes of dried milk per week for personal consumption by that child”.

(3) For paragraph (1A)(c) there shall be substituted the following paragraph –

“(1A) A person who is entitled to child tax credit (but is not entitled to working tax credit) shall if –

- (a) the relevant income of the person to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award to be more than £13,230 but not more than £14,200, and
- (b) that person is responsible for a child who –
 - (i) is not entitled to dried milk or milk under regulation 2;
 - (ii) is under the age of one year; and
 - (iii) is a member of a family of that person,

be entitled to purchase at any clinic, on behalf of that child, at a price of £4.15, 900 grammes of dried milk per week for personal consumption by that child”.

(4) In paragraph (2), “to working families’ tax credit(d)” is deleted.

(5) Paragraph (3) shall be deleted, and for paragraph (4) there is substituted –

“(3) A person may purchase dried milk for a period of up to four weeks from the date of the claim provided that she satisfies the person responsible for the distribution of welfare food at the clinic –

- (a) as to entitlement for the weeks for which the dried milk is purchased, and
- (b) if requested by the person to whom the claim is made, as to the age of the child on whose behalf the dried milk is purchased during the weeks for which it is purchased”.

Amendment of Regulation 9 of the principal Regulations

5. Regulation 9(1) of the principal Regulations (inability to purchase dried milk at a reduced price) is amended as follows –

(a) See sections 1 and 8 of the Tax Credits Act 2002 (c. 21)
(b) Paragraph (1) was substituted by Regulation 3(2) of S.R. 1999 No. 397
(c) Paragraph (1A) was inserted by Regulation 3(2) of S.R. 1999 No. 397
(d) Paragraph (2) was amended by Regulation 3(4) of S.R. 2001 No. 139

- (a) for “child’s” there is substituted “person’s”;
- (b) “to working families’ tax credit”(a) is deleted.

Amendment of Regulation 14 of the principal Regulations

6. In Regulation 14 of the principal Regulations (reimbursement of suppliers) –

- (a) at the beginning there shall be inserted “Subject to paragraph (2)”;
- (b) the regulation shall then be renumbered as Regulation 14(1); and
- (c) after that paragraph the following paragraph shall be inserted –

“(2) No amount shall be reimbursed in respect of milk supplied in exchange for a milk token more than two years before the date of the claim for reimbursement.”.

Amendment of Schedule 1 to the principal Regulation

7. In Schedule 1 of the principal Regulations (dried milk specified for the purposes of these Regulations) –

- (a) in column (1), after the entry to “Farley’s Second Milk(b)”, there shall be inserted “Hipp Organic”; and
- (b) in column (2), after “H J Heinz Company Ltd(c)”, the second time it appears, there is inserted “Hipp UK Ltd”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 28th March 2003.

(L.S.)

Leslie Frew

Senior Officer of the Department of Health, Social Services and Public Safety

(a) Regulation 9 was amended by Regulation 5 of S.R. 1999 No. 397 and Regulation 4 of S.R. 2001 No. 139
(b) Inserted by Regulation 2(3)(b) of S.R. 1994 No. 326
(c) Inserted by Regulation 2(3)(c) of S.R. 1995 No. 211

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Welfare Foods Regulations (Northern Ireland) 1988.

Regulation 2 inserts a definition of “relevant income” that is used in relation to tax credits and removes the definition of “working families’ tax credit”. Working families’ tax credit ceases on 5th April 2003.

Regulation 3 amends regulation 2 of the principal Regulations. It alters the basis of entitlement to free milk, dried milk and vitamins of certain children. A child who meets certain conditions and who is a member of the family of a person who is entitled to child tax credit in certain circumstances is entitled to receive milk, dried milk and vitamins for personal consumption. For the child to be entitled, the relevant income of the person to whom the award of the child tax credit is made must not exceed £13,230.

Regulation 4 amends regulation 4 of the principal Regulations. It removes entitlement to purchase dried milk at a reduced price based on entitlement to working families’ tax credit and satisfaction of other conditions. It replaces this with entitlement based on entitlement to working tax credit and child tax credit if the relevant income of the person to whom the award of tax credit is made does not exceed £14,200, and other conditions are satisfied. It also extends entitlement to a person who is entitled to child tax credit (but not entitled to working tax credit) if the relevant income of the person to whom the award of child tax credit is made is more than £13,230 but not more than £14,200 and that person meets other conditions. It makes other consequential amendments.

Regulation 6 amends regulation 14 of the principal Regulations to provide a time limit of 2 years for a claim for reimbursement in respect of milk supplied in exchange for a milk token.

Regulation 7 adds reference in Schedule 1 to dried milk of another manufacturer.

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