

1990 No. 3

FOOD

The Welfare Food Amendment Regulations 1990

<i>Made</i> - - - -	<i>3rd January 1990</i>
<i>Laid before Parliament</i>	<i>5th January 1990</i>
<i>Coming into force</i> -	<i>28th January 1990</i>

In exercise of the powers conferred by section 13(3), (4) and (8) of the Social Security Act 1988(a) and of all other powers enabling me in that behalf, I hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare Food Amendment Regulations 1990 and shall come into force on 28th January 1990.

(2) In these Regulations “the principal Regulations” means the Welfare Food Regulations 1988(b).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation)—

(a) for the definition of “approved price” there shall be substituted—

““approved price” means the lowest price which in the ordinary course of his business a supplier charges any of his customers during the week in which a milk token was used for a pint of or, if he supplies milk only in metric measures, for half a litre of milk”;

(b) after the definition of “local social services authority” there shall be inserted—

““metropolitan police district” means the district consisting of the areas specified in section 76 of the London Government Act 1963(c)”;

(c) in the definition of “milk” for the words “means only liquid cows’ milk including” there shall be substituted the words, “except in the definition of “processor” below, means only heat treated liquid cows’ milk including heat treated”;

(d) after the definition of “period of validity” there shall be inserted—

““processor” means a person who subjects milk to a process of heat treatment and bottles or otherwise packages it or a person who imports such heat treated and bottled or packaged milk”;

(e) after the definition of “registered day nursery” there shall be inserted—

““standard reimbursement price” means—

(a) £1.89 in respect of each milk token received from a beneficiary in

(a) 1988 c.7.

(b) S.I. 1988/536; the relevant amending instrument is S.I. 1988/555.

(c) 1963 c.33; paragraphs (b) to (d) of section 76(1) were substituted by the Local Authorities etc. (Miscellaneous Provision) Order 1974 (S.I. 1974/482), article 11.

exchange for milk supplied outside the metropolitan police district,

- (b) £1.96 in respect of each milk token received from a beneficiary in exchange for milk supplied in the metropolitan police district;";
- (f) in the definition of "supplier" after "milk" there shall be inserted, "or a person, other than a beneficiary or the Secretary of State, who receives a milk token".

Amendment of regulation 4(6) of the principal Regulations

3. In regulation 4(6) of the principal Regulations (reimbursement to suppliers of milk or dried milk for children in day care) for "3 months" (in both places) there shall be substituted "4 months".

Insertion of regulation 9A into the principal Regulations

4. After regulation 9 of the principal Regulations there shall be inserted—
"Inability to exchange milk tokens for milk

9A.—(1) A beneficiary who is unable to use a milk token to obtain milk pursuant to regulation 8(2) as a result of failure to find a supplier who agrees to supply milk in exchange for it pursuant to these Regulations may present it within its period of validity to an office of the Department of Social Security in the area in which he usually resides.

(2) If the Secretary of State is satisfied that a beneficiary who has presented a milk token in accordance with paragraph (1) has made reasonable efforts to find a supplier who agrees to supply milk in exchange for a token pursuant to regulation 8(2) he shall pay the beneficiary an amount equal to seven times the approved price for a supplier in the area where the beneficiary resides."

Amendment of regulation 12 of the principal Regulations

5. After paragraph (2) of regulation 12 of the principal Regulations (suppliers of, and charges for, milk) there shall be inserted the following paragraph—

"(2A) Except as provided for in paragraph (2), a supplier shall not accept from a beneficiary in connection with the supply of milk under these Regulations any payment of any sort other than a milk token."

Substitution of regulation 15 of the principal Regulations

6. For regulation 15 of the principal Regulations (reimbursement of suppliers) there shall be substituted the following regulation—

"Return of milk tokens to the Secretary of State

15.—(1) This regulation applies to milk supplied against a milk token or for which an allowance has been made in accordance with regulation 13.

(2) A supplier not being a processor who receives a milk token shall deliver it either to the person from whom he obtained the milk to which this regulation applies or to the Secretary of State in accordance with Schedule 5.

(3) A processor who receives a milk token shall deliver it to the Secretary of State in accordance with Schedule 5.

(4) Where a person other than the Secretary of State receives a milk token under paragraph (2) he shall pay the person delivering it to him not less than—

- (a) a sum equal to seven times what was the approved price of the supplier delivering the token at the beginning of the token's period of validity; or
- (b) a sum equal to what was the standard reimbursement price at the beginning of the token's period of validity,

whichever sum is the lower.

(5) Subject to paragraph (6), where the Secretary of State receives a milk token under paragraph (2) or (3) he shall pay the person delivering it to him a sum equal to—

- (a) seven times what was the approved price of the supplier delivering the token at the beginning of the token's period of validity; or
 - (b) what was the standard reimbursement price at the beginning of the token's period of validity,
- whichever sum is the lower.

(6) Where the Secretary of State receives a milk token under paragraph (2) from a supplier who received the token direct from a beneficiary and whose approved price at the beginning of the token's period of validity was 33 pence or more he shall pay the supplier a sum equal to seven times that approved price less ten per cent."

Amendment of regulation 18A of the principal Regulations

7. In regulation 18A of the principal Regulations (offences)(a) after "regulation 12(1)" there shall be inserted "regulation 12(2A)".

Amendment of Schedule 5 to the principal Regulations

8. In Schedule 5 to the principal Regulations (submission of tokens to Secretary of State for reimbursement)-

- (a) in paragraph 1(1) for the words "at a particular approved price" there shall be substituted the words "at a particular price";
- (b) for paragraph 2(4) there shall be substituted the following-
 - "(4) the amount of the payment calculated in accordance with the relevant paragraphs of regulation 15, claimed in respect of each token."

Transitional provision

9.—(1) Subject to paragraph (2) of this regulation these Regulations shall apply to all milk tokens issued on or after the date on which these Regulations come into force.

(2) In relation to a milk token the period of validity of which begins before these Regulations come into force, the principal Regulations shall continue to have effect as if these Regulations had not been made.

3rd January 1990

K. Clarke
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare Food Regulations 1988.

Regulation 2 amends the definition of "milk" so as to exclude milk which has not been pasteurised or sterilised; introduces standard reimbursement prices for milk tokens dependent on whether milk was supplied to a beneficiary within or outside the metropolitan police district; and amends the definition of "supplier" so as to include all persons who may receive milk tokens under the Regulations.

Regulation 3 extends the time in which claims for reimbursement in respect of welfare foods should be made from 3 months to 4 months.

(a) Regulation 18A of the principal Regulations was inserted by S.I. 1988/555.

Regulation 4 enables beneficiaries to cash their milk tokens at a local Department of Social Security Office where they are unable to exchange them for milk in the normal way.

Regulations 5 and 7 make it an offence (subject to an existing exception) for a supplier to accept in payment for welfare milk anything other than a milk token.

Regulation 6 provides new arrangements for the return of milk tokens by those involved in the supply of milk for milk tokens and by which they may obtain reimbursement: either direct from the Secretary of State or from the person from whom they obtained the milk to which the Regulations apply. It also amends the amounts of reimbursement which may be claimed.

Regulation 8 makes consequential amendments to Schedule 5 to the principal Regulations.

Regulation 9 contains a transitional provision in relation to milk tokens issued before these Regulations come into force.

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