
STATUTORY INSTRUMENTS

1996 No. 1434

The Welfare Food Regulations 1996

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Welfare Food Regulations 1996 and shall come into force on 27th June 1996.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires—

“approved price” in relation to milk supplied against a milk token means the lowest price which in the ordinary course of business a supplier charges, during the week in which that milk token was used, any of his retail customers for a 568 millilitre measure of milk or, if he supplies milk in multiples of 500 millilitres only, for a 500 millilitre measure of milk⁽¹⁾;

“beneficiary” means a person entitled to milk, dried milk or vitamins by virtue of regulation 3, 4 or 5;

“clinic” means—

(a) in relation to England and Wales—

- (i) any maternity or child health clinic provided by a Health Authority or by an NHS trust on behalf of the Secretary of State; or
- (ii) any premises approved by a Health Authority or by an NHS trust as a welfare food distribution centre; and

(b) in relation to Scotland—

- (i) any maternity or child health clinic provided by a Health Board or by an NHS trust on behalf of the Secretary of State; or
- (ii) any premises approved by a Health Board or by an NHS trust as a welfare food distribution centre;

“day care” in relation to England and Wales has the same meaning as in section 18(4) of the Children Act 1989⁽²⁾ and in relation to Scotland has the same meaning as in section 79(b) of that Act;

“day care provider” means a day care provider specified in regulation 18(2);

“dried milk” means any infant formula specified in Column 1 of Schedule 1 and manufactured by or on behalf of the person specified in relation to it in Column 2 of Schedule 1;

⁽¹⁾ A 568 millilitre measure is equivalent to one pint and a 500 millilitre measure is half a litre.

⁽²⁾ 1989 c. 41.

“exempt establishment” means a home or other establishment which, though providing day care, is exempt from registration with a local authority under section 71(1)(b) of the Children Act 1989 by virtue of paragraph 4 of Schedule 9 to that Act;

“exempt school” means a school or play centre which, though providing day care, is exempt from registration with a local authority under section 71(1)(b) of the Children Act 1989 by virtue of paragraph 3 of Schedule 9 to that Act;

“family” has the meaning given by section 137(1) of the Social Security Contributions and Benefits Act 1992 for the purposes of Part VII of the Act (income-related benefits);

“family credit” means family credit under Part VII of the Social Security Contributions and Benefits Act 1992;

“Health Authority” has the same meaning as in the National Health Service Act 1977(3);

“Health Board” means a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978(4);

“income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995(5); and any reference to a person entitled to an income-based jobseeker’s allowance in these Regulations has effect as from 7th October 1996;

“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992;

“local authority” has the same meaning as in section 105(1) of the Children Act 1989;

“milk” means whole or semi-skimmed liquid cow’s milk which is heat treated but does not include milk to or from which chemicals, vitamins, flavours or colours have been added or removed otherwise than as a consequence of the process of heat treatment or as a consequence of the process of producing semi-skimmed milk from whole milk;

“milk token” means a token for milk or dried milk issued by or on behalf of the Secretary of State under regulation 10;

“NHS trust” in relation to England and Wales has the same meaning as in the National Health Service and Community Care Act 1990(6) and in relation to Scotland has the same meaning as in the National Health Service (Scotland) Act 1978(7);

“period of validity” in relation to a milk token means the period indicated on it in accordance with regulation 10(3) as that during which it may be used;

“registered child minder” means a person who is registered with a local authority under section 71(1)(a) of the Children Act 1989;

“registered day care provider” means a person who is registered with a local authority under section 71(1)(b) of the Children Act 1989;

“school milk subsidy” means a European Community school milk subsidy under Council Regulation (EEC) no. 1842/83 (supply of milk and certain milk products at reduced prices to school children);

“special reimbursement” means reimbursement in respect of which a special percentage applies under regulation 17;

“supplier” means a person who supplies milk, dried milk or vitamins under these Regulations;

“total retail milk supply” means the total of—

(3) 1977 c. 49; see section 8 which was amended by section 1(1) of the Health Authorities Act 1995 (c. 17).

(4) 1978 c. 29.

(5) 1995 c. 18.

(6) 1990 c. 19.

(7) See section 12A which was inserted by section 31 of the National Health Service and Community Care Act 1990.

- (a) the volume of milk a supplier sells his retail customers; and
- (b) his welfare milk supply;

“vitamins” means vitamin tablets or vitamin drops containing vitamins A, C and D; and

“welfare milk supply” means the volume of milk which the supplier supplies against milk tokens or for which he has made an allowance in accordance with regulation 14(2).

(2) Where any provision of these Regulations requires or enables anything to be done by or in respect of a beneficiary and that beneficiary is a child, the provision shall, unless the context otherwise requires, be deemed to refer to one of his parents or his guardian or the person having care of him.

(3) In these Regulations, unless the context otherwise requires, a reference:—

- (a) to a numbered regulation, Part or Schedule is a reference to the regulation or the Part in, or the Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph of that regulation or Schedule having that number; and
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.