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STATUTORY INSTRUMENTS

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**2009 No. 295**

**FOOD**

**The Healthy Start Scheme and Welfare  
Food (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>13th February 2009</i>
<i>Laid before Parliament</i>		<i>18th February 2009</i>
<i>Coming into force</i>	- -	<i>6th April 2009</i>

The Secretary of State for Health makes the following Regulations, in exercise of the powers conferred by section 13 of the Social Security Act 1988<sup>(1)</sup> as substituted by the Health and Social Care (Community Health and Standards) Act 2003<sup>(2)</sup>, and section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992<sup>(3)</sup>.

In accordance with section 13(2) of the Social Security Act 1988 the Secretary of State has consulted with Scottish Ministers and the Welsh Ministers.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2009 and shall come into force on the 6th April 2009.

(2) In these Regulations “the principal Regulations” means the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005<sup>(4)</sup>.

**Amendment of regulation 3 of the principal Regulations**

2.—(1) Regulation 3 (entitlement to benefit) of the principal Regulations is amended as follows.

(2) In paragraph (3)(a)(iii), (d)(iii) and (e)(ii)(aa), for the sum of “£15,575” substitute “£16,040”.

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(1) 1988 c. 7. Section 13 was amended by section 21(1) and (2) of, and Schedule 6, paragraph 8(11)(a) and Schedule 7 to, the Social Security Act 1990 (c. 27), and section 4 of, and Schedule 2, paragraph 94 to, the Social Security (Consequential Provisions) Act 1992(c. 6). Section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) substituted new provisions for the existing provisions of section 13. However, old section 13 was saved for limited purposes notwithstanding the commencement of section 185. See the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 7) Order 2005, 2005/2278 (c. 95) (“The Order”).

(2) 2003 c. 43.

(3) 1992 c. 4. Section 175(2) to (5) applied by section 15A of the Social Security Act 1988 (c. 7) which section was inserted by section 21(1) of, and Schedule 6, paragraph 8(10) to, the Social Security Act 1990 (c. 27) and amended by section 4 of, and Schedule 2, paragraph 96 to, the Social Security (Consequential Provisions) Act 1992 (c. 6) and section 185(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (see the Order).

(4) S.I. 2005/3262, as amended by S.I. 2006/589 and 2818, 2007/505, and 2008/408.

(3) In paragraph (3)(a)(iii) and (d)(iii), for “except as provided for under paragraph (7) the person is not entitled to working tax credit ” substitute “the person is not entitled to working tax credit or is treated as not being so entitled by virtue of paragraph (7)”.

(4) For paragraph (3)(e)(ii)(bb) substitute—

“(bb) either is not entitled to working tax credit or is treated as not being so entitled by virtue of paragraph (7).”.

#### **Amendment of regulation 8 of the principal Regulations**

3. In regulation 8(3) (issue of voucher) of the principal Regulations, for the sum of “£3.00” substitute “£3.10”.

#### **Amendment to Schedule 2 to the principal Regulations**

4. For paragraph 4(1)(a)(iii) of Schedule 2 of the principal Regulations, substitute—

“(iii) child tax credit, where the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credit Act 2002 is determined at the time of the award not to exceed £16,040, and the person is either not entitled to working tax credit or is treated as not being so entitled by virtue of regulation 3(7); or”.

Signed by authority of the Secretary of State for Health.

13th February 2009

*Dawn Primarolo*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

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

These Regulations make amendments to the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005<sup>(5)</sup> (“the principal Regulations”).

Regulation 2 amends regulation 3 of the principal Regulations.

Regulation 2(2) increases the upper income level which determines whether a person receiving child tax credit but not working tax credit is entitled to benefit under the principal Regulations.

Regulation 2(3) and (4) clarify the words at the end of regulation 3(3)(a)(iii), (d)(iii) and (e)(ii)(bb) of the principal Regulations.

Regulation 3 increases the value of vouchers available under the principal Regulations from £3.00 to £3.10.

Regulation 4 amends Schedule 2 of the principal Regulations to mirror the increase to the upper income level and the clarification of regulation 3 of the principal Regulations.

A full impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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(5) S.I. 2005/3262, as amended by S.I. 2006/589 and 2818, 2007/505, and 2008/408.