

This Statutory Instrument has been made in consequence of a defect in SI 2020/267 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2020 No. 665

FOOD, ENGLAND

The Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) (Amendment) (England) Regulations 2020

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|-------------------------------|-----------------------|
| <i>Made</i> - - - - | <i>1st July 2020</i> |
| <i>Laid before Parliament</i> | <i>2nd July 2020</i> |
| <i>Coming into force</i> - - | <i>30th July 2020</i> |

The Secretary of State for Health and Social Care makes these Regulations in exercise of the powers conferred by section 13(1) of the Social Security Act 1988(a) and section 175(4) of the Social Security Contribution and Benefits Act 1992(b).

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

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) (Amendment) (England) Regulations 2020 and come into force on 30th July 2020.

(2) These Regulations extend to England and Wales and apply in relation to England only.

(3) In these Regulations, “the Miscellaneous Amendments Regulations” means the Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020(e).

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- (a) 1988, c.7. Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43), subject to savings made by S.I. 2005/2279. Following the commencement of section 27 of the Scotland Act 2016 (c.11) by S.I. 2018/1364, Scottish Ministers have legislative competence in respect of the subject-matter of section 13 in relation to Scotland. *See* section 13(11) for the meaning of “prescribed” and “regulations”.
- (b) 1992, c.4. Section 175(4) was amended by paragraph 29(4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 175(4) is applied by section 15A(1) of the Social Security Act 1988 which itself was inserted by paragraph 8(10) of Schedule 6 to the Social Security Act 1990 (c.27) and amended by paragraph 96 of Schedule 2 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) Section 13(2) was amended by section 27(5) of the Scotland Act 2016 (subject to transitional provisions specified in section 70 of that Act).
- (d) Functions conferred or imposed on the National Assembly for Wales immediately before the first appointment of a First Minister under section 46 of the Government of Wales Act 2006 (c.32) by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2)(c) of Schedule 11 to that Act.
- (e) S.I. 2020/267.

Amendment of regulation 31 of the Miscellaneous Amendments Regulations (transitional provision)

2. Regulation 31 of the Miscellaneous Amendments Regulations (transitional provision) is amended as follows—

- (a) in paragraph (1), for “regulation 9(c)” substitute “regulations 9(c) and 17”; and
- (b) in paragraph (2), after “this regulation” insert “, with the exception of “Healthy Start food”,”; and
- (c) after paragraph (2) insert—

“(3) In this regulation, “Healthy Start food” has the same meaning as in the principal Regulations(a).”.

Signed by authority of the Secretary of State for Health and Social Care

Jo Churchill
Parliamentary Under-Secretary of State,
Department of Health and Social Care

1st July 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/267) (“the Miscellaneous Amendments Regulations”). They rectify a defect in the transitional provisions in the Miscellaneous Amendments Regulations. These Regulations are issued free of charge to all recipients of the Miscellaneous Amendments Regulations.

The Miscellaneous Amendments Regulations amend the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 (S.I. 2005/3262) (“the 2005 Regulations”) which establish a scheme to improve nutrition in pregnant women, mothers and young children by providing for vouchers to be issued to beneficiaries to enable the purchase of certain basic foods and vitamins. The Miscellaneous Amendments Regulations make amendments to the 2005 Regulations to provide for the digitisation of the scheme. This includes the gradual replacement of paper vouchers with vouchers in electronic form or in the form of a pre-paid payment card. The Miscellaneous Amendments Regulations also, in regulation 17, expand the foods included within the description of “healthy start food” to include pulses and canned fruit and vegetables. Regulation 17 of the Miscellaneous Amendments Regulations comes into force on 1st October 2020 and applies in relation to England only.

These Regulations amend the transitional provisions in regulation 31 of the Miscellaneous Amendments Regulations to ensure that during the transitional period, when paper vouchers are gradually being replaced with vouchers in electronic form or in the form of a pre-paid payment card, beneficiaries who continue to receive paper vouchers after 1st October 2020 may be able to use those vouchers to purchase a wider range of foods, as provided for in regulation 17 of the Miscellaneous Amendments Regulations. These Regulations rectify the oversight made in the Miscellaneous Amendments Regulations.

An impact assessment has not been prepared for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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(a) S.I. 2005/3262. See regulation 1(5) of S.I. 2020/267 for the definition of “the principal Regulations”. “Healthy Start food” is defined in regulation 2(1) of S.I. 2005/3262, as amended by S.I. 2006/2818 and S.I. 2020/267.

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