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STATUTORY INSTRUMENTS

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**2005 No. 3262**

**The Healthy Start Scheme and Welfare  
Food (Amendment) Regulations 2005**

**Part IV**

**Food outlets**

**Application for registration of food outlet**

**12.**—(1) A person carrying on a business of the supply of food who wishes to supply Healthy Start food in exchange for a voucher and to receive payment from the Secretary of State for such supply shall apply in writing to the Secretary of State to be registered as a food outlet.

(2) A person who applies under paragraph (1) shall provide the information, supported by the declaration specified in Schedule 4.

(3) The Secretary of State shall register an applicant as a food outlet if she is satisfied that the information and declaration provided by the applicant are accurate and complete.

(4) A food outlet shall notify the Secretary of State of any material change that may affect the information provided pursuant to this regulation or his ability to supply Healthy Start food.

(5) A person shall cease to be a food outlet if the Secretary of State determines that the person—

- (a) has failed to provide any information or evidence required under these Regulations;
- (b) is in persistent breach of his duties under the Healthy Start scheme; or
- (c) has not submitted a claim for payment pursuant to regulation 14 for a period of one year.

(6) The Secretary of State may determine that a person who has been convicted of an offence punishable by at least six months' imprisonment shall cease to be a food outlet.

**Duties of food outlet**

**13.**—(1) A food outlet who accepts a voucher from a beneficiary shall supply the beneficiary with Healthy Start food to the value indicated on the face of the voucher and in accordance with these Regulations.

(2) Where a food outlet supplies Healthy Start food pursuant to paragraph (1) and the value of the Healthy Start food supplied is less than the value indicated on the face of the voucher, the food outlet shall not provide the beneficiary with anything to recompense the beneficiary for the outstanding value.

(3) If a food outlet accepts a voucher and fails on that occasion to supply Healthy Start food to a beneficiary, the food outlet shall, within the period of validity of the voucher or as soon as practicable after that period—

- (a) supply the beneficiary with the Healthy Start food; or

- (b) credit the beneficiary with an amount equal to the value indicated on the face of the voucher towards the next purchase by the beneficiary of food of a description similar to that of Healthy Start food.

#### **Payment of food outlet**

**14.**—(1) A food outlet who wishes to receive payment shall submit to the Secretary of State a claim in writing that includes the information set out in Schedule 5 together with the vouchers to which the claim relates.

(2) If the Secretary of State is satisfied that the information provided by the food outlet pursuant to paragraph (1) is accurate and complete, she shall pay the food outlet an amount equal to the value indicated on the face of each voucher submitted.

(3) The Secretary of State may pay a food outlet in respect of a greater or lesser number of vouchers than are indicated as included with a claim made pursuant to paragraph (1) where it is clear on the face of the documents that an error has been made.

(4) The Secretary of State shall not be obliged to make a payment in respect of a voucher included with a claim pursuant to paragraph (1) if the claim is received by the Secretary of State more than six months after the period of validity on the face of the voucher.

(5) If the Secretary of State is satisfied that—

- (a) a food outlet submitted a claim in writing together with a voucher pursuant to paragraph (1); and
- (b) the food outlet received the voucher in exchange for Healthy Start food provided to a beneficiary in accordance with these Regulations,

the Secretary of State may pay the food outlet an amount equal to the value indicated on the face of the voucher, notwithstanding that the claim has not been received.

#### **Requirement to furnish information**

**15.**—(1) The Secretary of State may require a food outlet to furnish her with such information or evidence as may reasonably be needed in connection with the administration of the Healthy Start scheme.

(2) A person to whom a person is required to furnish information or evidence shall produce to that person evidence of his authority from the Secretary of State, if requested.

(3) Any document produced pursuant to paragraph (1)—

- (a) shall be provided in a legible form;
- (b) may be copied or extracts may be taken from it, and
- (c) shall be explained by the person producing it, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by the body corporate, if so requested by the Secretary of State.

(4) A person who has failed to produce information or evidence required pursuant to paragraph (1) shall state, to the best of his knowledge and belief, where it is held.