

1980 No. 418

WELFARE FOODS

Welfare Foods (Amendment) Regulations (Northern Ireland) 1980

Made 18th November 1980

Coming into operation 24th November 1980

The Department(a) of Health and Social Services, in exercise of the powers conferred on it by section 1(3)(a) of the Welfare Foods Act (Northern Ireland) 1968(b) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Welfare Foods (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

(2) In these regulations “the principal regulations” means the Welfare Foods Regulations (Northern Ireland) 1977(c).

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation) for the definition of “beneficiary” there shall be substituted the following definition:

“‘beneficiary’ means any of the following persons, namely:

- (a) an expectant or nursing mother who is in a family in special circumstances within the meaning assigned to that expression in regulation 3;
- (b) all young children in such a family in special circumstances; and
- (c) a handicapped child;”.

Substitution of new regulation 3 of the principal regulations

3. For regulation 3 of the principal regulations (meaning of a family in special circumstances) there shall be substituted the following regulation:

“Meaning of a family in special circumstances

3.—(1) For the purposes of these regulations, a beneficiary shall be deemed to belong to a family in special circumstances—

- (a) if and for as long as he, or some other person in the same household is entitled to receive supplementary benefit in accordance with the provisions of Part II of the Supplementary Benefits (Northern Ireland) Order 1977(d); or
- (b) in respect of any period during which his requirements exceed his resources when determined by the Department in accordance with the provisions of Schedule 1 to that Order and—

(a) Formerly Ministry: see 1973 c. 36 Sch. 5 para. 8(1)

(b) 1968 c. 26 (N.I.)

(c) S.R. 1977 No. 7 (I, p. 11); the relevant amending regulations are S.R. 1977 No. 276 (II, p. 1521), and S.R. 1979 No. 430 (II, p. 1820)

(d) S.I. 1977/2156 (N.I. 27); the Order as amended (other than Articles 1, 42 and Schedules 4 to 7) is set out in Part II of Sch. 2 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

- (i) as if Articles 7 (power to require registration for employment), 8 (exclusion from supplementary benefit of persons not resident in the United Kingdom for a qualifying period), 9 (exclusion from supplementary benefit of certain employed persons and pupils), 12 (persons affected by trade disputes) and 14 (modification of right to supplementary allowance in certain cases) of, and paragraphs 2(5) and 3(2)(b) of Schedule 1 to, that Order did not apply, and
- (ii) as if his requirements included—
- (aa) the standard price of milk at the rate of one pint per day and the cost of other welfare foods as set out in Schedule 1 to these regulations plus the sum of £2.50;
- (bb) such amount in respect of repayment of mortgage capital as is reasonable in the circumstances;
- (cc) such amount in respect of life insurance premiums payable by and in respect of a policy on his life as is reasonable in the circumstances; and
- (dd) such amount in respect of hire purchase payments under a hire purchase agreement for such essential items as would be provided pursuant to the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1980(e) as if he were in receipt of a supplementary pension or allowance under the Supplementary Benefits (Northern Ireland) Order 1977 and as if paragraph 15(d) of Schedule 3 to the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980(f) did not apply.

(2) Where by virtue of paragraph 3 of Schedule 1 to the Supplementary Benefits (Northern Ireland) Order 1977 the resources of the beneficiary would be aggregated with those of some other person, the requirements and resources of that other person when calculated as aforesaid shall be deemed to be the requirements and resources of the beneficiary.

(3) A beneficiary deemed to belong to a family in special circumstances by virtue of sub-paragraph (b) of paragraph (1) shall continue to belong to such a family for such period not exceeding 12 months as the Department may allow or, where the beneficiary is a child, until he attains the age of 5 years and 1 month, whichever is the earlier.

(4) For the purposes of paragraph (3) where a mother in a family in special circumstances becomes an expectant mother during such period as is mentioned in that paragraph, she shall be deemed to be a beneficiary in that family during that period without making a further application under these regulations.

(5) A beneficiary shall be deemed to belong to a family in special circumstances if and for as long as family income supplement is payable for that family in accordance with the provisions of the Family Income Supplements Act (Northern Ireland) 1971(g).''.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 18th November 1980.

(L.S.)

T. S. Martin

Assistant Secretary

(e) S.R. 1980 No. 363

(f) S.R. 1980 No. 347

(g) 1971 c. 8 (N.I.)

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations amend the Welfare Foods Regulations (Northern Ireland) 1977 to take account of amendments made by the Social Security (Northern Ireland) Order 1980 to provisions of the Supplementary Benefits (Northern Ireland) Order 1977 referred to in regulation 3 of these regulations.