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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 161**

**WELFARE FOODS**

**The Welfare Foods (Amendment)  
Regulations (Northern Ireland) 2004**

<i>Made - - - -</i>	<i>2nd April 2004</i>
<i>Coming into operation –</i>	
<i>Regulations 1 and 2</i>	<i>6th April 2004</i>
<i>Regulations 3 to 7</i>	<i>1st October 2004</i>

The Department of Health, Social Services and Public Safety(1), in exercise of the powers conferred on it by Article 13(3) and (4) of the Social Security (Northern Ireland) Order 1988(2) and section 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(3) and all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Welfare Foods (Amendment) Regulations (Northern Ireland) 2004.

(2) Regulations 1 and 2 shall come into operation on 6th April 2004 and regulations 3, 4, 5, 6 and 7 on 1st October 2004.

(3) In these Regulations “the principal Regulations” means the Welfare Foods Regulations (Northern Ireland) 1988(4).

**Amendment of the principal Regulations**

2.—(1) The principal Regulations are amended as follows:

(2) In regulations 2(1)(b)(iii), 2(2)(aa), 2(2)(b)(iii), 2(3)(iv), 4(1A)(a) and 10(1)(iv), for the sum of “£13,230” whenever it appears, there is substituted “£13,480”.

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(1) See S.I. 1999/283 (N.I.1); Article 3(6)

(2) S.I. 1988/594 (N.I. 2); Article 13(2) was amended by section 4 of, and paragraph 35(1) of Schedule 2 to, the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(3) 1992 c. 7; section 171(2) to (5) is applied by Article 15A of the Social Security (Northern Ireland) Order 1988, which Article was inserted by Article 22(1) of and paragraph 6(a) of Schedule 6 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I.15)), and amended by section 4 and paragraph 35(4) and (5) of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)

(4) S.R. 1988 No. 137, the relevant amending regulations are S.R. 2002 No. 83, S.R. 2003 No. 202 and S.R. 2003 No. 393

(3) In Schedule 5A(5) Part I, paragraph 1 (milk supplied against milk tokens – arrangements for special reimbursement of suppliers), after “accountant” there is inserted “, or by a person who has direct knowledge of the financial records of the business,”.

### **Amendment of regulation 2 of the principal Regulations**

3.—(1) For regulation 2(1)(a) of the principal Regulations (Free milk, dried milk and vitamins), after sub-paragraph (iii) there is inserted –

“(iv) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002(6) is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit;”

(2) For regulation 2(2)(a), 2(2)(aa), 2(2)(b) there is substituted –

“(a) an expectant mother who is, or is a member of the family of a person who is, entitled to –

(i) income support;

(ii) an income based jobseeker’s allowance;

(iii) a guarantee credit; or

(iv) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit;

(b) a mother who is breast-feeding her child under the age of one year who is, or is a member of the family of a person who is entitled to –

(i) income support;

(ii) an income based jobseeker’s allowance;

(iii) a guarantee credit; or

(iv) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit;

(c) a child who is under the age of five years and who is a member of the family of a person who is entitled to –

(i) income support;

(ii) an income based jobseeker’s allowance; or

(iii) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit.”.

(3) After regulation 2(4) the following is inserted –

“(4A) No expectant mother shall be entitled to milk or vitamins unless she first submits to the Department a claim in writing that includes the information, and is supported by the written evidence and declaration, specified in Schedule 3A;

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(5) Schedule 5A inserted by S.R. 1990 No. 363

(6) 2002 (c. 21)

(4B) An expectant mother's entitlement under paragraph (2)(a) shall begin from the date that her claim complying with the requirements of paragraph (4A) is received by the Department.”.

#### **Amendment of regulation 4 of the principal Regulations**

4. In regulation 4 of the principal Regulations (Purchase of dried milk at a reduced price) –
- (a) in paragraphs (1)(a) and (1A), for “£14,200”, there is substituted “£14,600”;
  - (b) in paragraphs (1) and (1A), for “£4·15”, there is substituted “£4·25”.

#### **Schedule 3A**

5. After Schedule 3 to the principal Regulations there is added the following Schedule.

“SCHEDULE 3A

Regulation 2

#### **APPLICATION FOR FREE MILK AND VITAMINS FOR PERSONAL CONSUMPTION – EXPECTANT MOTHER**

##### **Information needed for application for free milk and vitamins**

1. A claim by an expectant mother for free milk and vitamins for personal consumption pursuant to regulation 2 shall contain the following information –
- (a) the name and address of the expectant mother;
  - (b) the name and address of the person of whose family the expectant mother is a member and who is entitled to a benefit or tax credit mentioned in regulations 2(2)(a)(i) to (iv), unless the person entitled is the expectant mother;
  - (c) the national insurance number of the expectant mother, or, if she is aged under 18, her date of birth.

##### **Evidence in writing needed for application for free milk and vitamins**

2. A claim by the expectant mother shall be accompanied by evidence in writing of her expected date of delivery.

##### **Declaration needed for application for free milk and vitamins**

3. A claim by the expectant mother shall include a declaration that she or a member of her family is entitled to –
- (a) income support;
  - (b) an income based jobseeker's allowance;
  - (c) a guarantee credit; or
  - (d) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002(7) is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit.”.

## Revocations

6. The following Regulations are revoked –

The Welfare Foods (Amendment) Regulations (Northern Ireland) 2002(8);

The Welfare Foods (Amendment) Regulations (Northern Ireland) 2003(9);

The Welfare Foods (Amendment No. 2) Regulations (Northern Ireland) 2003(10).

## Transitional Provisions

7. An expectant mother who on 30th September 2004, was entitled to and in receipt of milk, or, as the case may be, vitamins for personal consumption free of charge shall continue to have any entitlement determined in accordance with the provisions of the principal Regulations as if the amendments made by these Regulations had not been made until her entitlement as an expectant mother ceases.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 2nd April 2004.

L.S.

*Deirdre Kenny*  
Senior Officer of the  
Department of Health, Social Services and  
Public Safety

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(8) S.R. 2002 No. 83  
(9) S.R. 2003 No. 202  
(10) S.R. 2003 No. 393

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## EXPLANATORY NOTE

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

These Regulations further amend the Welfare Foods Regulations (Northern Ireland) 1988 (“the principal Regulations”).

Regulation 2(2) amends regulations 2(1)(b)(iii), 2(2)(aa), 2(2)(b)(iii), 2(3)(iv) (Free milk, dried milk and vitamins), 4(1A)(a) (Purchase of dried milk at a reduced price) and 10(1)(iv) (Inability to obtain free vitamins) of the principal Regulations. It raises the income level that determines whether persons receiving child tax credit but not working tax credit and who meet other conditions are entitled to milk or dried milk and vitamins, to £13,480.

Regulation 2(3) amends Schedule 5A to enable the declaration included in an application for special reimbursement to be signed by a person who has direct knowledge of the financial records of the business carried on by the supplier who applies.

Regulation 3 extends entitlement to milk and vitamins from 1st October 2004 to an expectant mother who is, or is a member of a family of a person who is entitled to child tax credit, but not working tax credit, and whose income is £13,480 or less. From that date, the entitlement of an expectant mother who is not in receipt of an award on 30th September 2004 is dependent on her first having made a claim in writing to the Department.

Regulation 4 further amends regulation 4 to raise the maximum income level that determines whether a person entitled to working tax credit and child tax credit, or to child tax credit based on an income of more than £13,480 but not to working tax credit, and who meet other conditions, is entitled to purchase dried milk at a reduced price, to £14,600. Regulation 4 also amends regulation 4(1) and (1A) of the principal Regulations to increase the purchase price of 900 grammes of dried milk by 10 pence to £4.25.

Regulation 5 adds a new Schedule 3A to the principal Regulations from 1st October 2004. It sets out the information, evidence and declaration needed for an application for free milk and vitamins for personal consumption by an expectant mother from 1st October.

Regulation 6 revokes previous amending Regulations.

Regulation 7 makes transitional provision.