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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 478**

**The Healthy Start Scheme and Day Care Food  
Scheme Regulations (Northern Ireland) 2006**

**PART VII**

**CHILDREN IN DAY CARE**

**Day Care Food Scheme Interpretation**

**22.**—(1) In the Day Care food scheme—

“Education and Library Board” means a Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(1);

“Day Care food” means milk or infant formula;

“handicapped child” means a child who has attained the age of 5 years but has not attained the age of 16 years and for whom an Education and Library Board is maintaining a statement of special educational needs within the meaning of Article 16 of the Education (Northern Ireland) Order 1996(2), and who is not a registered pupil at a school.

“infant formula” means a food based on cow’s milk intended for particular nutritional use from birth by infants in good health, and satisfying by itself the nutritional requirements of such infants;

“milk” means liquid cow’s milk including long-life, pasteurised or ultra heat treated varieties of milk, but not milk to or from which chemicals, vitamins, flavours or colours have been added or removed;

“the 1988 Regulations” means the Welfare Foods Regulations (Northern Ireland) 1988(3);

“the 1995 Order” means the Children (Northern Ireland) Order 1995(4);

“voluntary organisation” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members thereof.

(2) Where any provision of the Day Care Food scheme requires or enables anything to be done by, or in respect of, a beneficiary and that beneficiary is either a child who has not attained the age of 5 years or a handicapped child, the provision shall be deemed to refer to a parent with parental responsibilities for the child, or the child’s guardian or the person having care of him.

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(1) S.I. 1986/594 (N.I. 3)

(2) S.I. 1996/274 (N.I. 1)

(3) S.R. 1988 No. 137, the relevant amendments are S.R. 1990 No. 363, S.R. 1993 No. 219 and S.R. 1997 No. 461

(4) S.I. 1995/755 (N.I. 2)

### Commencement Information

**II** Reg. 22 in operation at 27.11.2006, see [reg. 1](#)

### Milk or Infant Formula for children in day care

**23.**—(1) Each child who has not attained the age of 5 years and who is cared for by a person registered by the Department under paragraph (4) shall be entitled to receive, for each day on which he is so cared for, free of charge—

- (a) except where the child has not attained the age of 1 year up to 189 millilitres of milk;
- (b) where the child has not attained the age of 1 year, either up to 189 millilitres of milk or infant formula, made up to provide 189 millilitres.

(2) Any of the following may apply to the Department to be registered to participate in the arrangements to provide Day Care food under the Day Care food scheme—

- (a) a person who receives a child into premises which are registered pursuant to Article 118 of the 1995 Order;
- (b) a voluntary organisation which provides a play-bus for the use of children; or
- (c) a person who receives a child into a nursery school under the management of or assisted by an Education and Library Board.

(3) An application to be registered under paragraph (2) shall—

- (a) be in writing;
- (b) be sent to the Department;
- (c) be accompanied by the information specified in paragraph 1 of Schedule 6;
- (d) include a declaration that the information supplied is correct and complete; and
- (e) in the case of an application pursuant to paragraph (2)(a) also be accompanied by the certificate of registration issued under Article 127 of the 1995 Order.

(4) The Department shall confirm in writing the registration if it is satisfied that the applicant will make adequate arrangements for the provision of Day Care food for the purposes of the Day Care Food scheme, and may cancel the registration if it ceases to be so satisfied.

(5) A person registered under paragraph (4) who supplies Day Care food under the Day Care Food scheme shall, subject to paragraphs (6) to (8), be reimbursed by the Department in accordance with paragraph (9).

(6) Claims for reimbursement shall be made to the Department and shall, so far as reasonably practicable, be made at intervals of 4 months and in respect of supplies in the period of 4 months immediately preceding the claim.

(7) Claims for reimbursement shall—

- (a) contain the information specified in paragraph 2 of Schedule 6 and a declaration that the information is correct and complete;
- (b) if so required by the Department, be supported by an invoice, a receipt or other documentary evidence of the price paid for the Day Care food supplied.

(8) The Department shall not be obliged to reimburse a person in respect of the supply of Day Care food which occurred more than 2 years before the date of the claim.

(9) The amount reimbursed to a person for Day Care food under this regulation shall be the cost to that person of purchasing it.

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**Commencement Information**

**I2** Reg. 23 in operation at 27.11.2006, see [reg. 1](#)

**Application of Statutory Provisions**

**24.** The provisions relating to the administration of benefit made under the Social Security Administration (Northern Ireland) Act 1992 specified in column (1) of Schedule 5 shall have effect for the purpose of the administration of the Day Care Food scheme, subject to the modifications set out in column (2) of that Schedule.

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**Commencement Information**

**I3** Reg. 24 in operation at 27.11.2006, see [reg. 1](#)

**Transitional Provisions**

**25.** Any person who, at the date of coming into operation of these Regulations is approved by the Department under regulation 3(4) of the 1988 Regulations shall be treated as a person registered under Part VII of these Regulations.

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**Commencement Information**

**I4** Reg. 25 in operation at 27.11.2006, see [reg. 1](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1 para. 4(1A)-(1F) inserted by S.R. 2017/200 reg. 4(3)
- Sch. 1 para. 1(d) inserted by S.R. 2019/117 reg. 5(2)(c)
- Sch. 1 para. 4(1AA)-(1AD) inserted by S.R. 2019/117 reg. 5(3)(a)
- Sch. 1 para. 4(1BA) inserted by S.R. 2019/117 reg. 5(3)(b)
- Sch. 1 para. 4(1CA) inserted by S.R. 2019/117 reg. 5(3)(c)
- Sch. 1 para. 4(1D)(c) inserted by S.R. 2019/117 reg. 5(3)(d)(iv)
- Sch. 1 para. 1(e) inserted by S.R. 2021/26 reg. 16(a)(iv)
- Sch. 1 para. 4(3) inserted by S.R. 2021/26 reg. 16(c)(ii)
- Sch. 1 para. 1(d)(i) word inserted by S.R. 2021/26 reg. 16(a)(ii)
- Sch. 1 para. 1(d)(iii) word inserted by S.R. 2021/26 reg. 16(a)(iii)
- Sch. 1 para. 4(1D)(a)(iii) word omitted by S.R. 2019/117 reg. 5(3)(d)(ii)
- Sch. 1 para. 4(1D)(b) word substituted by S.R. 2019/117 reg. 5(3)(d)(iii)
- Sch. 1 para. 4(1F) words inserted by S.R. 2019/117 reg. 5(3)(e)(i)
- Sch. 1 para. 4(1F) words inserted by S.R. 2019/117 reg. 5(3)(e)(ii)
- Sch. 1 para. 4(1F) words inserted by S.R. 2019/117 reg. 5(3)(e)(iii)
- Sch. 1 para. 4(1D) words substituted by S.R. 2019/117 reg. 5(3)(d)(i)
- reg. 013(5) inserted by S.R. 2021/26 reg. 13(6)
- reg. 2A inserted by S.R. 2013/178 reg. 3(1)
- reg. 4(3)(a)(iv) and word inserted by S.R. 2008/412 reg. 12(3)
- reg. 4(3)(e)(ii)(bb) substituted by S.R. 2009/87 reg. 2(4)
- reg. 4(3)(e)(ii)(aa) sum substituted by S.R. 2009/87 reg. 2(2)
- reg. 4(3)(e)(ii)(aa) sum substituted by S.R. 2010/98 reg. 2(a)
- reg. 4(3)(f) inserted and preceding words by S.R. 2017/200 reg. 2(3)(e)
- reg. 4(3)(f)(i) word omitted by S.R. 2019/117 reg. 3(2)(d)(i)
- reg. 4(3)(f)(iii) reg. 4(3)(f)(ii) renumbered to reg. 4(3)(f)(iii) by S.R. 2019/117 reg. 3(2)(d)(ii)
- reg. 4(3)(f)(ii) inserted by S.R. 2019/117 reg. 3(2)(d)(iii)
- reg. 4(3)(aa) inserted by S.R. 2017/200 reg. 2(3)(a)
- reg. 4(3)(ab) inserted by S.R. 2019/117 reg. 3(2)(a)
- reg. 4(3)(da) inserted by S.R. 2017/200 reg. 2(3)(d)
- reg. 4(3)(db) inserted by S.R. 2019/117 reg. 3(2)(c)
- reg. 4(7) inserted by S.R. 2008/131 reg. 2(5)
- reg. 4(7) words inserted by S.R. 2017/200 reg. 2(7)
- reg. 4(8)-(11) inserted by S.R. 2017/200 reg. 2(8)
- reg. 4(11) word inserted by S.R. 2019/117 reg. 3(5)(b)(ii)
- reg. 4(11) word inserted by S.R. 2019/117 reg. 3(5)(b)(iii)
- reg. 4(11) word omitted by S.R. 2019/117 reg. 3(5)(b)(i)
- reg. 4(11) words inserted by S.R. 2019/117 reg. 3(5)(a)
- reg. 4(11) words inserted by S.R. 2019/117 reg. 3(5)(b)(iv)
- reg. 5(3A) inserted by S.R. 2017/200 reg. 3(b)
- reg. 5(3B) inserted by S.R. 2019/117 reg. 4(2)
- reg. 5(3B) word substituted by S.R. 2021/26 reg. 5(2)
- reg. 10(3A) inserted by S.R. 2008/131 reg. 3(b)
- reg. 12(5)(6) inserted by S.R. 2021/26 reg. 11(4)

- reg. 12A inserted by [S.R. 2021/26](#) reg. 12