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STATUTORY INSTRUMENTS

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**1988 No. 536**

**The Welfare Food Regulations 1988**

**PART III**

**MILK TOKENS AND SUPPLIERS**

**Issue of milk tokens**

7.—(1) Subject to paragraphs (3) to (5), the Secretary of State shall issue, or cause to be issued, milk tokens to each beneficiary to enable him to obtain his entitlement under these regulations.

(2) Milk tokens shall when issued indicate on them a period during which they may be used, and may indicate different periods in respect of milk and dried milk.

(3) In the case of a handicapped child the issue of milk tokens shall be subject to an application being made to the Secretary of State.

(4) An application under paragraph (3) shall—

- (a) be sent to the Secretary of State;
- (b) include, or be accompanied by, the information specified in Schedule 4;
- (c) be accompanied by the handicapped child's birth certificate; and
- (d) include a declaration that the information supplied is correct and complete.

(5) The Secretary of State shall issue a milk token in respect of an application pursuant to paragraph (3) if he is satisfied that the child is a handicapped child.

**Use of milk tokens**

8.—(1) A milk token—

- (a) may be used by a beneficiary to obtain milk as described in paragraph (2) or to obtain dried milk as described in paragraph (3); and
- (b) may not be used by a beneficiary in any other way.

(2) A milk token may be presented within its period of validity to a supplier who has agreed to supply milk in exchange for it, to obtain 7 pints of, or, where the supplier supplies milk only in metric measure, 4 litres of, milk.

(3) A milk token may be presented within its period of validity at a clinic to obtain 900 grammes of dried milk for a child who has not attained the age of 1 year.

**Failure to receive milk tokens**

9.—(1) Any beneficiary who after 11th April 1988 is entitled to receive milk or dried milk on the presentation of a milk token, but who does not receive such entitlement as a result of failure to receive from the Secretary of State the milk token to which he is entitled under these Regulations, and for which he has applied where required, may apply to the Secretary of State in writing for a payment.

(2) If the Secretary of State is satisfied, on an application under paragraph (1), that some act or omission on his part was responsible for the beneficiary's failure to receive the milk tokens he shall pay the beneficiary—

- (a) in the case of milk, an amount equal to the approved price for a supplier in the area where the beneficiary resides multiplied by the number of days for which the beneficiary does not receive any, or sufficient, milk tokens;
- (b) in the case of dried milk, an amount equal to the lowest price charged for 900 grammes of a dried milk suitable for the beneficiary at the nearest clinic multiplied by the number of weeks for which the beneficiary did not receive any, or sufficient, milk tokens.

### **Inability to purchase dried milk at a reduced price**

**10.**—(1) Any person who is unable to purchase a child's entitlement to dried milk pursuant to regulation 5 as a result of failure to receive from the Secretary of State evidence as to his entitlement to family credit may apply to the Secretary of State in writing for a payment.

(2) If the Secretary of State is satisfied, on an application under paragraph (1), that some act or omission on his part was responsible for the failure to receive the evidence of entitlement he shall pay the applicant an amount equal to the difference between—

- (a) the lowest price charged for 900 grammes of dried milk suitable for the child at the nearest clinic; and
- (b) £2.55

multiplied by the number of weeks the applicant was unable to purchase dried milk at a clinic for £2.55 although otherwise entitled to do so.

### **Inability to obtain free vitamins**

**11.**—(1) Any beneficiary unable to obtain free vitamins from a clinic pursuant to regulation 3(3) as a result of failure to receive from the Secretary of State evidence as to his entitlement to income support may apply in writing to the Secretary of State for a payment.

(2) If the Secretary of State is satisfied, on an application under paragraph (1), that some act or omission on his part was responsible for the beneficiary's failure to receive the evidence of entitlement he shall pay the beneficiary an amount equal to the price charged for vitamins at the nearest clinic multiplied by the number of weeks the beneficiary did not have the necessary evidence of entitlement.

### **Suppliers of, and charges for, milk**

**12.**—(1) Subject to paragraphs (2) and (4), a supplier who has accepted from any beneficiary a milk token for milk shall supply milk at the rate specified in regulation 3(4).

(2) A supplier may accept a milk token for milk as part payment of the price of milk supplied to a beneficiary where the price of such milk exceeds the approved price on account of the designation of the milk supplied.

- (3) A supplier—
  - (a) may accept a milk token from a beneficiary before the start of its period of validity; but
  - (b) if he does so, shall on demand return to the beneficiary all milk tokens in respect of which no milk has been supplied.
- (4) The obligation on a supplier imposed by paragraph (1) does not apply where—
  - (a) a milk token is returned before the start of its period of validity; or
  - (b) the supplier is prevented from supplying milk because of circumstances outside his control.

### **Absence of beneficiary for less than a week**

#### **13. Where—**

- (a) a beneficiary is absent from his usual place of residence for more than one day but less than 7 days during the period of validity of any milk token which a supplier has accepted from him; and
- (b) the supplier has supplied against the milk token some, but not all, of the requisite 7 pints or 4 litres,

the supplier shall, if the beneficiary so requests within the period of validity, forthwith pay or allow the beneficiary in respect of each pint, or as the case may be, each half litre not supplied a sum equal to the approved price.

### **Absence of certain beneficiaries for a week**

#### **14. Where—**

- (a) a beneficiary, who is either a child who has not attained the age of 5 years or a handicapped child, is absent from his usual place of residence for any period of 7 consecutive days; and
- (b) the person for the time being in charge of that child has provided him with 7 pints, or as the case may be, 4 litres of milk,

that person shall, notwithstanding anything to the contrary in these Regulations, be entitled to retain a milk token issued in respect of such a child and to use it free from all restrictions as to the use of the milk so obtained.

### **Reimbursement of suppliers**

**15.** The Secretary of State shall reimburse a supplier who has submitted a milk token to him in accordance with Schedule 5 an amount equal to the approved price of the milk which the supplier has supplied against that milk token, or for which he has made an allowance in accordance with regulation 13.

### **Property in, and replacement and cancellation of, milk tokens**

**16.—(1)** Every milk token is and shall remain the property of the Secretary of State.

(2) The Secretary of State may replace milk tokens which have been lost.

(3) Where a supplier or a beneficiary to or in respect of whom replacement milk tokens have been issued subsequently finds the milk tokens supposed to have been lost, he shall deliver the latter forthwith to any office of the Department of Health and Social Security.

(4) The Secretary of State may cancel any milk token which cannot be validly used under these Regulations.

(5) Any beneficiary or supplier holding milk tokens shall, when requested by the Secretary of State, produce or deliver to the Secretary of State all milk tokens in his possession within such time and to such place as the Secretary of State may direct in writing.

(6) A supplier who has accepted a milk token from a beneficiary but loses it before supplying milk against it or returning it to the beneficiary shall notify the Secretary of State of the loss.

(7) Where any beneficiary holding milk tokens ceases to be entitled to them under these Regulations, he shall forthwith deliver them to any office of the Department of Health and Social Security.