
STATUTORY INSTRUMENTS

1996 No. 1434

The Welfare Food Regulations 1996

PART V

CHILDREN IN DAY CARE

Milk or dried milk for children in day care

18.—(1) In addition to any entitlement under regulations 3, 4 and 7, a child who is under the age of five years on each day that he is looked after for two hours or more, or is provided with day care for two hours or more, by any day care provider who is approved as a supplier in accordance with regulation 19, shall be entitled, free of charge—

- (a) if he has attained the age of one year, to 189 millilitres⁽¹⁾ of milk or, where milk is supplied in containers of 200 millilitres only, to 200 millilitres of milk;
 - (b) if he has not attained the age of one year, either to milk as in paragraph (a) or dried milk, made up to provide 189 millilitres.
- (2) For the purposes of paragraph (1) a day care provider is—
- (a) a registered child minder;
 - (b) a registered day care provider;
 - (c) a local authority to the extent it is providing day care under section 18 of the Children Act 1989 or under section 12 of the Social Work (Scotland) Act 1968⁽²⁾;
 - (d) an exempt school; or
 - (e) an exempt establishment to the extent that day care is being provided to children as part of the activities of the establishment only because the children are children of persons carrying on or employed to work at that establishment.

Approval of suppliers

19.—(1) Any day care provider may apply to the Secretary of State, or to a person authorised by him, for approval as a supplier in accordance with paragraph (3).

- (2) An application for approval under paragraph (1) shall be in writing and the application—
- (a) shall include the information specified in paragraph 1(a) to (f) of Schedule 5;
 - (b) in the case of a registered child minder or a registered day care provider, it shall also be accompanied by the document specified in paragraph 1(g) of Schedule 5; and
 - (c) in the case of an exempt school or an exempt establishment, shall also include the relevant declaration specified in paragraph 1(h) or (i) of Schedule 5.

(3) The Secretary of State or a person authorised by him shall give his approval if he is satisfied that the applicant is providing day care, or looking after, children under the age of five.

(1) 189 millilitres is equivalent to a third of a pint.

(2) 1968 c. 49.

(4) Any day care provider approved as a supplier under paragraph (3) shall notify the Secretary of State, or person authorised by him, of any material change to the information in the declaration or otherwise included in his application for approval under paragraph (2).

(5) The Secretary of State or person authorised to give approvals on his behalf may withdraw the approval of a supplier if he ceases to be satisfied—

- (a) that the supplier is a day care provider; or
- (b) that he is making adequate arrangements for the supply of milk or dried milk to children entitled to it under regulation 18(1).

Reimbursement of approved suppliers

20.—(1) Subject to paragraphs (2) to (4), a day care provider approved as a supplier under regulation 19 who supplies or secures the supply of milk or dried milk to children who are entitled under regulation 18(1) and who submits a claim for reimbursement including the information specified in paragraph 2 of Schedule 5, shall be reimbursed by the Secretary of State with an amount equal to the cost to that person of purchasing the milk or dried milk.

(2) Claims for reimbursement shall, so far as reasonably practicable, be made at intervals of four months and in respect of milk supplied in the period of four months immediately preceding the claim.

(3) No amount shall be reimbursed in respect of milk supplied more than two years before the date of the claim for reimbursement.

(4) An exempt school which has purchased and supplied milk to children entitled to it under regulation 18(1) shall not be reimbursed in respect of that part of the cost of the milk for which the school may claim a school milk subsidy.