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STATUTORY INSTRUMENTS

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**2014 No. 3099**

**NATIONAL HEALTH SERVICE, ENGLAND  
PUBLIC HEALTH, ENGLAND**

**The Healthy Start Vitamins (Charging) Regulations 2014**

*Made* - - - - *18th November 2014*  
*Laid before Parliament* *26th November 2014*  
*Coming into force* - - *5th January 2015*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 187 (1) and 272(7) and (8) of the National Health Service Act 2006 (2).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Healthy Start Vitamins (Charging) Regulations 2014 and shall come into force on 5th January 2015.

(2) In these Regulations—

“the Act” means the National Health Service Act 2006;

“the 2005 Regulations” means the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 (3);

“cost price” means the actual price of the Healthy Start vitamins paid by the body mentioned in regulation 2;

“Healthy Start vitamins” has the meaning given by regulation 2(1) of the 2005 Regulations

**Charging for Healthy Start vitamins**

2.—(1) Where—

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- (1) Section 187 was amended by paragraph 101 of Schedule 4 to the Health and Social Care Act 2012(c.7). By virtue of section 271(1) of the National Health Service Act 2006 (“the Act”), the functions of the Secretary of State being exercised in making these Regulations are exercisable only in relation to England. *See also* section 275(1) of the Act, which contains a definition of “regulations” that is relevant to the powers being exercised.
- (2) 2006 c. 41.
- (3) S.I. 2005/3262; the relevant amending instruments are S.I. 2006/2818, 2007/968, 2008/408, 2008/1879, 2009/295.

- (a) Healthy Start vitamins are provided as part of the services or facilities mentioned in section 3(1)(d) (4) of the Act (provision of services or facilities for the care of pregnant women, women who are breastfeeding and young children); and
  - (b) the person who receives those services is not entitled to benefit in the form of Healthy Start vitamins under the 2005 Regulations,
- a body providing the services or facilities mentioned in sub-paragraph (b) may make a charge for Healthy Start vitamins.

(2) That charge—

- (a) must comprise or include a sum of money equal to the cost price;
- (b) may include an additional sum in respect of a handling charge up to a maximum of 50 per cent of the cost price; and
- (c) must be rounded up to the nearest 5 pence.

### **Disapplication of Regulations**

**3.** The Sale of Goods for Mothers and Children (Designation and Charging) Regulations 1976(5) shall cease to apply in England.

Signed by authority of the Secretary of State for Health.

18th November 2014

*Daniel Poulter*  
Parliamentary Under-Secretary of State  
Department of Health

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(4) Section 3(1)(d) was amended by the Health and Social Care Act 2012, section 13(2)(b).  
(5) [S.I. 1976/516](#), to which there are amendments not relevant to these Regulations.

## **EXPLANATORY NOTE**

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

These Regulations allow for certain health service bodies in England to make a charge for the supply of Healthy Start vitamins in circumstances where the person receiving those vitamins is not entitled to receive the vitamins free of charge under the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005.

This power to charge for Healthy Start vitamins replaces a power to charge for such vitamins contained in the Sale of Goods for Mothers and Children (Designation and Charging) Regulations 1976, which are no longer to apply to England.