

**EXPLANATORY MEMORANDUM TO
THE WELFARE FOOD (AMENDMENT) REGULATIONS 2015**

2015 No. 917

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This purpose of this instrument is to amend Schedule 1 of the Welfare Food Regulations 1996. This Schedule contains a list of infant formula milks for which reimbursement can be made under the Nursery Milk Scheme and the formula milks in the current Schedule need to be replaced with an up-to-date list of formula milks.
3. **Matters of special interest to the Select Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 These are minor amendments to the Welfare Food Regulations 1996 and do not form part of a wider package of legislative changes.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to Great Britain.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The Nursery Milk Scheme allows for the provision of a free drink of one-third of a pint of milk for children under the age of five who attend eligible daycare settings for at least two hours each day. As cow's milk is not suitable for children under the age of one the Scheme allows for the provision of infant formula for these children instead.
 - 7.2 The Welfare Food Regulations 1996 set out in Schedule 1 the specific brands of infant formula for which reimbursement can be made. Schedule 1 has not been substantially changed since the regulations were made in 1996. A number of brands mentioned in the regulations are no longer sold, and some new variations of existing brands are now available for purchase.
 - 7.3 This instrument therefore amends the Welfare Foods Regulations 1996 to insert an up-to-date list of brands and variants which are currently available.

It is necessary to legislate to make this change and to ensure that the Department's policy intention can continue to be fulfilled.

8. Consultation outcome

8.1 No consultation was conducted on the amendments concerning infant formula, as this is a "like-for-like" set of amendments which ensures that the list of formula milks in Schedule 1 is updated. It does not change policy, for example to allow or disallow other and different types of formulae, and neither will it increase or decrease the numbers or costs of claims being made under the Scheme.

9. Guidance

9.1 The Nursery Milk Reimbursement Unit registers childcare settings and make reimbursements in respect of milk and infant formula purchased in line with the legislation governing the Scheme. The Nursery Milk Reimbursement Unit will be communicating with all individuals and organisations involved with the Scheme to advise them of these changes.

10. Impact

10.1 The impact on business, charities or voluntary bodies is minimal. It will not affect the amount of types of milk or infant formula provided under the scheme, and it will not affect the amount which can be reimbursed. All interested parties will be notified in sufficient time to make whatever changes they may need to make to their current purchasing and claiming practices.

10.2 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The legislation will be kept under regular review to ensure that the list of formula milks remains up to date.

13. Contact

Judith Hind at the Department of Health email: Judith.hind@dh.gsi.gov.uk can answer any queries regarding the instrument.