

2019 No. 909

FOOD, ENGLAND AND WALES

**The Healthy Start Scheme and Welfare Food (Amendment)
(England and Wales) Regulations 2019**

<i>Made</i> - - - -	<i>1st May 2019</i>
<i>Laid before Parliament</i>	<i>7th May 2019</i>
<i>Coming into force</i> - -	<i>4th June 2019</i>

The Secretary of State for Health and Social Care, in exercise of the powers conferred by section 13(1), (3), (4)(h) and (11) of the Social Security Act 1988(a) and section 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(b), makes the following Regulations.

In accordance with section 13(2) of the Social Security Act 1988(c), the Secretary of State has consulted with the Welsh Ministers(d).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Healthy Start Scheme and Welfare Food (Amendment) (England and Wales) Regulations 2019 and come into force on 4th June 2019.

(2) These Regulations extend to England and Wales.

(3) In these regulations “the principal Regulations” means the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005(e).

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended as follows.

(2) In paragraph (1)—

-
- (a) 1988 c.7; section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43), subject to savings made by S.I. 2005/2279. Following the commencement of section 27 of the Scotland Act 2016 (c.11) by S.I. 2018/1364, Scottish Ministers have legislative competence in respect of the subject-matter of section 13 in relation to Scotland. Section 13(11) is an interpretation provision and is cited for the meaning of “prescribed” and “regulations”.
- (b) 1992 c.4; section 175(4) was amended by paragraph 29(4) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 175(3) and (4) are applied by section 15A(1) of the Social Security Act 1988 (c.7) which itself was inserted by paragraph 8(10) of Schedule 6 to the Social Security Act 1990 (c.27) and amended by paragraph 96 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c.6) and section 185(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43). The ancillary powers in section 175(3) and (4) have also transferred to Scottish Ministers, insofar as is necessary to exercise functions under section 13 of the Social Security Act 1988 (c.7) following the commencement of section 27 of the Scotland Act 2016 (c.11).
- (c) Section 13(2) was amended by section 27(5) of the Scotland Act 2016 (c.11) (subject to transitional provisions specified in section 70 of that Act).
- (d) Functions conferred or imposed on the National Assembly for Wales immediately before the first appointment of a First Minister under section 46 of the Government of Wales Act 2006 (c.32) by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2)(c) of Schedule 11 to that Act.
- (e) S.I. 2005/3262.

- (a) after the definition of “the 1977 Act” insert—
 - ““additional amount for a child or qualifying young person” means the additional amount of state pension credit applicable for claimants responsible for a child or a qualifying young person pursuant to regulation 6(6)(d) of, and Schedule 2A to, the State Pension Credit Regulations 2002(a);”;
- (b) after the definition of “relevant income” omit the definition of “the 1996 Regulations” and re-insert it after the definition of “pharmacist”;
- (c) after the definition of “relevant income” insert—
 - ““state pension credit” means state pension credit under the State Pension Credit Act 2002(b);”.

Amendment of regulation 3 of the principal Regulations

3.—(1) Regulation 3 of the principal Regulations (entitlement to benefit)(c) is amended as follows.

(2) In paragraph (3)—

- (a) after sub-paragraph (aa) insert—
 - “(ab) a pregnant woman who is not under the age of 18, has been pregnant for more than 10 weeks and who—
 - (i) is entitled to state pension credit;
 - (ii) is a member of a couple where the other member of that couple is entitled to state pension credit; or
 - (iii) is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations 2002) of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;”;
- (b) in sub-paragraph (c)(i)—
 - (i) before “before the” insert “immediately”;
 - (ii) after “receipt of” insert “, or is a member of the family of a person who was entitled to and in receipt of,”;
- (c) after sub-paragraph (da) insert—
 - “(db) a mother who is not under the age of 16 who has parental responsibility for a child under the age of 1 year and who—
 - (i) is entitled to state pension credit which includes the additional amount for a child or qualifying young person;
 - (ii) is a member of a couple where the other member of that couple is entitled to state pension credit which includes the additional amount for a child or qualifying young person; or
 - (iii) is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations 2002) of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;”;
- (d) in sub-paragraph (f)—
 - (i) at the end of paragraph (i) omit “or”;
 - (ii) paragraph (ii) is renumbered as paragraph (iii);
 - (iii) after paragraph (i), insert—

(a) S.I. 2002/1792, amended by S.I. 2018/676.

(b) 2002 c.16.

(c) Regulation 3 was amended by S.I. 2006/2818 and 2016/985; there are other amending instruments but none is relevant.

- “(ii) who is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations 2002) of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person; or”.
- (3) In paragraph (4), for “or (da)” substitute “, (da) or (db)”.
- (4) In paragraph (5), for “or (da)” substitute “, (da) or (db)”.
- (5) In paragraph (11)—
 - (a) after the definition of “assessment period” insert—
 - ““couple” has the meaning given in regulation 1 of the State Pension Credit Regulations 2002(a);”;
 - (b) in the definition of “relevant child”—
 - (i) at the end of sub-paragraph (a)(ii) omit “or”;
 - (ii) in sub-paragraph (b), before “is the responsibility” insert “who”;
 - (iii) at the end of sub-paragraph (b) insert “or”;
 - (iv) after sub-paragraph (b) insert—
 - “(c) who is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations 2002) of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;”.

Amendment of regulation 4 of the principal Regulations

- 4.—(1) Regulation 4 of the principal Regulations (claim for benefit)(b) is amended as follows.
 - (2) After paragraph (3A) insert—
 - “(3B) A mother who—
 - (a) immediately before the birth of her child was—
 - (i) entitled to state pension credit;
 - (ii) a member of a couple where the other member of that couple was entitled to state pension credit; or
 - (iii) the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations 2002) of a person who was entitled to state pension credit which included the additional amount for a child or qualifying young person; and
 - (b) has parental responsibility for the child whose date of birth has not been notified to the Secretary of State and in respect of whom the period of 4 months from the estimated date of delivery has not yet passed,
- may become entitled to benefit from the date of birth of the child, provided that she has not submitted a claim as a mother described in regulation 3(3)(db).”.

Amendment of Schedule 2 to the principal Regulations

- 5.—(1) Schedule 2 to the principal Regulations (application for benefit)(c) is amended as follows.
- (2) In paragraph 1—
 - (a) omit sub-paragraph (b);
 - (b) at the end of sub-paragraph (c) for “.” substitute “; and”;

(a) The definition of ‘couple’ in regulation 1 was substituted by S.I. 2014/3229.
 (b) Regulation 4 was amended by S.I. 2016/985.
 (c) Schedule 2 was amended by S.I. 2009/295 and 2016/985; there are other amending instruments but none is relevant.

(c) after sub-paragraph (c) insert—

“(d) where the pregnant woman or mother is not entitled to a social security benefit or tax credit mentioned in regulation 3, the name, address, and national insurance number of—

(i) the member of the family of the pregnant woman, mother or child described in regulation 3(3)(a), 3(3)(d) or 3(3)(e);

(ii) the other member of the couple described in regulation 3(3)(ab)(ii) or 3(3)(db)(ii); or

(iii) the person responsible for the pregnant woman, mother or child described in regulation 3(3)(aa)(ii), 3(3)(ab)(iii), 3(3)(da)(ii), 3(3)(db)(iii) or 3(3)(f).”.

(3) In paragraph 4—

(a) after sub-paragraph (1A) insert—

“(1AA) A claim in respect of a pregnant woman described in regulation 3(3)(ab)(i) must include a declaration signed by the claimant that the pregnant woman is entitled to state pension credit.

(1AB) A claim in respect of a pregnant woman who is a member of a couple described in regulation 3(3)(ab)(ii) must include a declaration signed by the claimant that the other member of that couple is entitled to state pension credit.

(1AC) A claim in respect of a mother described in regulation 3(3)(db)(i) must include a declaration signed by the claimant that the mother is entitled to state pension credit which includes the additional amount for a child or qualifying young person.

(1AD) A claim in respect of a mother who is a member of a couple described in regulation 3(3)(db)(ii) must include a declaration signed by the claimant that the other member of that couple is entitled to state pension credit which includes the additional amount for a child or qualifying young person.”.

(b) After sub-paragraph (1B) insert—

“(1BA) A claim in respect of a pregnant woman described in regulation 3(3)(ab)(iii), or a mother described in regulation 3(3)(db)(iii), must include a declaration signed by the claimant that the pregnant woman, or mother, as the case may be, is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations 2002) of a person entitled to state pension credit which includes the additional amount for a child or qualifying young person.”.

(c) After sub-paragraph (1C) insert—

“(1CA) A claim in respect of a child described in regulation 3(3)(f)(ii) must include a declaration signed by the claimant that the child is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations 2002) of a person entitled to state pension credit which includes the additional amount for a child or qualifying young person.”.

(d) In sub-paragraph (1D)—

(i) for “regulation 3(3)(f)(ii)” substitute “regulation 3(3)(f)(iii)”;

(ii) at the end of paragraph (a)(iii) omit “or”;

(iii) at the end of paragraph (b) for “.” substitute “; or”;

(iv) after paragraph (b) insert—

“(c) is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations 2002) of a person entitled to state pension credit which includes the additional amount for a child or qualifying young person.”.

(e) In sub-paragraph (1F)—

(i) after “(1A)” insert “, (1AA), (1AB), (1AC), (1AD)”;

(ii) after “(1B)” insert “, (1BA)”;

(iii) after “(1C)” insert “, (1CA)”.

Signed by the authority of the Secretary of State for Health and Social Care.

1st May 2019

Jackie Doyle-Price
Parliamentary Under-Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Heathy Start Scheme and Welfare Food (Amendment) Regulations 2005 (S.I. 2005/3262) (“the principal Regulations”) which establish a scheme to improve nutrition in pregnant women, mothers and young children by providing vouchers for certain basic foods and vitamins. These Regulations apply in England and Wales.

Regulation 3 amends regulation 3 of the principal Regulations to introduce the following new categories of claimant:

- a pregnant woman who is aged 18 or over and entitled to state pension credit;
- a pregnant woman who is aged 18 or over and is a member of a couple where the other member of that couple is entitled to state pension credit;
- a pregnant woman who is aged 18 or over and is the responsibility of a person who is entitled to state pension credit which includes the additional amount that those who have responsibility for a child or a qualifying young person may be entitled to as part of their state pension credit award (‘the additional amount for a child or qualifying young person’);
- a mother who is aged 16 and over and has a child under the age of 1 and who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;
- a mother who is aged 16 and over and has a child under the age of 1 and who is a member of a couple where the other member of that couple is entitled to state pension credit which includes the additional amount for a child or qualifying young person;
- a mother who is aged 16 and over and has a child under the age of 1 and who is the responsibility of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;
- a child who is under the age of 4 who is the responsibility of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;
- a child who is under the age of 4 for whom a relevant child (defined to include a child who is the responsibility of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person) has parental responsibility.

Regulation 4 amends the provisions on making a claim for benefit in respect of the categories of claimant being introduced by these Regulations.

Regulation 5 provides further clarification on the information needed for an application for benefit and also provides for the inclusion of a signed declaration in a claim for benefit under the principal Regulations by the categories of claimant being introduced by these Regulations.

An impact assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.

© Crown copyright 2019

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

UK201905021003 05/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/909>

ISBN 978-0-11-118679-4



9 780111 186794