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STATUTORY INSTRUMENTS

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**2020 No. 267**

**FOOD, ENGLAND AND WALES  
CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND  
NATIONAL HEALTH SERVICE, ENGLAND**

**The Healthy Start Scheme and Welfare Food  
(Miscellaneous Amendments) Regulations 2020**

*Made - - - - 10th March 2020*

*Laid before Parliament 12th March 2020*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State for Health and Social Care makes these Regulations in exercise of the powers conferred by section 13(1), (3), (4)(a), (b), (c), (d), (e), (g) and (h), (9) and (11) of the Social Security Act 1988 <sup>M1</sup>, section 175(3), (4) and (5) of the Social Security Contributions and Benefits Act 1992 <sup>M2</sup> and section 71 of the Scotland Act 2016 <sup>M3</sup>.

In accordance with section 13(2) of the Social Security Act 1988 <sup>M4</sup>, the Secretary of State has consulted the Welsh Ministers <sup>M5</sup>.

**Marginal Citations**

- M1** 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”.
- M2** 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), (4) and (5) 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](#). The ancillary powers in section 175(3), (4) and (5) have also transferred to Scottish Ministers, insofar as is necessary to exercise functions under

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section 13 of the Social Security Act 1988 following the commencement of section 27 of the Scotland Act 2016.

**M3** [2016 c.11.](#)

**M4** Section 13(2) was amended by section 27(5) of the Scotland Act 2016 (subject to transitional provisions specified in section 70 of that Act).

**M5** 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.

## PART 1

### Preliminary

#### Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020.

(2) These Regulations come into force on 6th April 2020, except regulation 17 which comes into force on 1st October 2020.

(3) These Regulations extend to England and Wales, with the exception of regulations 25 to 28 which extend to the United Kingdom.

(4) These Regulations apply as follows—

(a) Parts 2 and 4 apply in relation to England and Wales, with the exception of regulation 17 which applies in relation to England only;

(b) in Part 3—

(i) regulations 25 to 28 apply to the United Kingdom;

(ii) regulations 29 and 30 apply in relation to England only.

(5) In these Regulations—

“the principal Regulations” means the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 <sup>M6</sup>;

“the 1996 Regulations” means the Welfare Food Regulations 1996 <sup>M7</sup>.

#### Commencement Information

**II** Reg. 1 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M6** [S.I. 2005/3262.](#)

**M7** [S.I. 1996/1434.](#)

## PART 2

### Amendment of secondary legislation

#### Amendment of the principal Regulations

2. The principal Regulations are amended in accordance with regulations 3 to 18.

#### Commencement Information

**I2** Reg. 2 in force at 6.4.2020, see reg. 1(2)

#### Amendment of regulation 2 (interpretation)

- 3.—(1) In regulation 2(1)—

- (a) after the definition of “clinical commissioning group” insert—  
““credit” and related expressions (however expressed and except in the expressions “state pension credit”, “tax credit” and “universal credit”) are to be construed in accordance with regulation 8(1)(b);”;
- (b) for the definition of “estimated date of delivery” substitute—  
““estimated date of delivery” means the date included in a claim for benefit pursuant to paragraph 1(e) of Schedule 2;”;
- (c) omit the definition of “food outlet”;
- (d) omit the definition of “Health Board”;
- (e) omit the definition of “health professional”;
- (f) in the definition of “Healthy Start food”, omit sub-paragraph (b) but not the “and” after it;
- (g) in the definition of “Healthy Start vitamins”, omit sub-paragraph (b) but not the “and” after it;
- (h) in the definition of “parental responsibility”, omit from “, and in Scotland” to the end;
- (i) omit the definition of “period of validity”;
- (j) after the definition of “state pension credit” insert—  
“universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012  
M8.”;

- (2) In regulation 2(3), for “regulations 3 to 10, 12, 14 and 15, but not regulation 15(2)” substitute “regulations 3 to 10, but not regulation 8(4) or (5) or 9A(2) ”.

#### Commencement Information

**I3** Reg. 3 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M8** 2012 c.5.

#### Amendment of regulation 3 (entitlement to benefit)

- 4.—(1) For regulation 3(1) <sup>M9</sup> substitute—

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“(1) Subject to paragraph (3A), a person is entitled to benefit in accordance with these Regulations where—

- (a) the person is a person described in paragraph (3) (“the pregnant woman, mother or child”); and
- (b) at least one of the following is ordinarily resident in England or Wales—
  - (i) the pregnant woman, mother or child;
  - (ii) the member of the family of the pregnant woman, mother or child described in paragraph (3)(a), (3)(c), (3)(d) or (3)(e);
  - (iii) the other member of the couple described in paragraph (3)(ab)(ii) or (3)(db)(ii); or
  - (iv) the person responsible for the pregnant woman, mother or child described in paragraph (3)(aa)(ii), (3)(ab)(iii), (3)(da)(ii), (3)(db)(iii) or (3)(f).”.

(2) In regulation 3(2)(a), after “voucher” insert “ or credit ” and for “regulation 8(3)” substitute “ regulation 8 ”.

(3) In regulation 3(3), for “paragraph (1)” substitute “ paragraph (1)(a) ”.

(4) After regulation 3(3) insert—

“(3A) A person is not entitled to benefit under these Regulations in respect of any week in respect of which the person is entitled to benefit in accordance with Part 5 of the Welfare Food (Best Start Foods) (Scotland) Regulations 2019.”.

#### Commencement Information

**I4** Reg. 4 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M9** Regulation 3 was revoked in relation to Scotland by [S.S.I. 2019/193](#) and amended by [S.I. 2006/2818](#), [2008/408](#), [2008/1879](#), [2009/295](#), [2010/434](#), [2016/985](#), [2017/1032](#) and [2019/909](#).

#### Amendment of regulation 4 (claim for benefit)

5.—(1) In regulation 4(1) <sup>M10</sup>, for the words from “submits to the Secretary of State” to the end substitute “ makes a claim to the Secretary of State that includes the information and declaration specified in Schedule 2 ”.

(2) In regulation 4(3) and (3B), for “submitted” substitute “ made ”.

#### Commencement Information

**I5** Reg. 5 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M10** Regulation 4 was revoked in relation to Scotland by [S.S.I. 2019/193](#). There are amendments to regulation 4 which are not relevant to these Regulations.

#### Amendment of regulation 5 (Healthy Start food and payments in lieu)

6. For regulation 5(2) <sup>M11</sup> substitute—

“(2) If the Secretary of State is satisfied that a beneficiary cannot use a voucher within a reasonable distance of beneficiary's home, the Secretary of State may, instead of issuing a voucher or credit, pay the beneficiary an amount equal to the value represented by the voucher or credit the beneficiary would otherwise receive.”.

**Commencement Information**

**I6** Reg. 6 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M11** Regulation 5(2) was revoked in relation to Scotland by [S.S.I 2019/193](#).

**Amendment of regulation 6 (advice on health and nutrition)**

7. In regulation 6 <sup>M12</sup>, after “voucher” insert “ or credit, ”.

**Commencement Information**

**I7** Reg. 7 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M12** Regulation 6 was revoked in relation to Scotland by [S.S.I. 2019/193](#).

**Amendment of regulation 7 (cessation of entitlement to benefit)**

8.—(1) In regulation 7(1) <sup>M13</sup>, for “regulation 3 or 4” substitute “regulation 3, 4, 9(6) or 9A(4).  
(2) In regulation 7(2), after “vouchers” insert “ , credit ”.

**Commencement Information**

**I8** Reg. 8 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M13** Regulation 7 was revoked in relation to Scotland by [S.S.I. 2019/193](#).

**Amendment of regulation 7A (functions of the NHS Business Services Authority)**

9. In regulation 7A(2) <sup>M14</sup>—  
(a) for sub-paragraph (a) substitute—  
    “(a) carrying out administrative functions relating to—  
        (i) the issue or making of payments in lieu of vouchers or credit for the purchase of Healthy Start food;  
        (ii) the supply of Healthy Start vitamins;”;  
(b) in sub-paragraph (b), for “regulation 15” substitute “ regulation 9A ”;  
(c) after sub-paragraph (b) insert—  
    “(c) administering the Healthy Start scheme.”.

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#### Commencement Information

**I9** Reg. 9 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M14** Regulation 7A was inserted by [S.I. 2017/1032](#) and revoked in relation to Scotland by [S.S.I. 2019/193](#).

### Substitution of regulation 8 (issue of voucher)

**10.** For regulation 8 <sup>M15</sup> substitute—

#### “Issue of voucher or credit

**8.—(1)** For each week that a beneficiary is entitled to benefit under regulations 3 and 4 the Secretary of State must—

- (a) issue or cause to be issued to that beneficiary a voucher; or
- (b) credit an amount to a voucher previously issued to that beneficiary,

to enable the beneficiary to purchase Healthy Start food.

(2) A voucher issued under paragraph (1)(a) may be in paper form, electronic form or in the form of a pre-paid payment card.

(3) The value represented by a voucher or credit issued under paragraph (1) (“the voucher or credit value”) must not be less than £3.10.

(4) Subject to paragraph (3), the Secretary of State may increase or decrease the voucher or credit value.

(5) When determining whether to exercise the power in paragraph (4) the Secretary of State must have regard to the following—

- (a) the cost of purchasing Healthy Start food;
- (b) any matters relating to the supply of Healthy Start food; and
- (c) any other relevant factors.

(6) Where the power in paragraph (4) is exercised, the Secretary of State must publish, in such manner as the Secretary of State considers appropriate—

- (a) the revised voucher or credit value; and
- (b) the date from which the revision is to apply.”.

#### Commencement Information

**I10** Reg. 10 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M15** Regulation 8 was revoked in relation to Scotland by [S.S.I. 2019/193](#) and amended by [S.I. 2006/2818](#), [2008/408](#) and [2009/295](#).

### Amendment of regulation 8A (provision of Healthy Start vitamins)

**11.—(1)** In regulation 8A(1) <sup>M16</sup>—

- (a) at the end of sub-paragraph (a) insert “ and ”;

- (b) omit sub-paragraph (b) and the “and” before it.
- (2) In regulation 8A(5), omit the word “documentary”.
- (3) In regulation 8A(6)—
  - (a) for “paragraph (4)” substitute “ paragraph (5) ”;
  - (b) omit the word “documentary” in both places it occurs.

#### **Commencement Information**

**I11** Reg. 11 in force at 6.4.2020, see reg. 1(2)

#### **Marginal Citations**

**M16** Regulation 8A was inserted by [S.I. 2006/2818](#) and amended by [S.I. 2013/235](#); it was revoked in relation to Scotland by [S.S.I. 2019/193](#).

### **Amendment of regulation 9 (use of voucher)**

**12.**—(1) In regulation 9(1) <sup>M17</sup>, for “within the period of its validity exchange a voucher for” substitute “ only use a voucher to purchase ”.

- (2) In regulation 9(3), for “exchanged for” substitute “ used to purchase ”.
- (3) In regulation 9(4)(b), for “supplied in exchange for” substitute “ purchased with ”.
- (4) After regulation 9(4) insert—

“(5) Where a voucher issued to a beneficiary has not been used for a period of 16 consecutive weeks the Secretary of State may cancel the voucher.

(6) Where a voucher has been cancelled under paragraph (5) the beneficiary ceases to be entitled to benefit under these Regulations.”.

#### **Commencement Information**

**I12** Reg. 12 in force at 6.4.2020, see reg. 1(2)

#### **Marginal Citations**

**M17** Regulation 9 was revoked in relation to Scotland by [S.S.I. 2019/193](#) and amended by [S.I. 2006/2818](#).

### **New regulation 9A (requirement to provide information or evidence)**

**13.** After regulation 9 insert—

#### **“Requirement to provide information or evidence**

**9A.**—(1) The Secretary of State may require a person to take reasonable steps to provide such information or evidence as may reasonably be needed in connection with the administration of the Healthy Start scheme.

(2) A person to whom a person is required to provide information or evidence under paragraph (1) must produce to that person evidence of his authority from the Secretary of State, if requested.

(3) Where a person fails to provide the information or evidence required the Secretary of State may suspend the issue of vouchers or credit to the person until—

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- (a) the information or evidence required is provided;
  - (b) the Secretary of State is satisfied of the person's entitlement to benefit pursuant to these Regulations or the person's compliance with the requirements of the Healthy Start scheme; or
  - (c) the person ceases to be entitled to benefit under these Regulations (whether in accordance with paragraph (4) or another provision, as to which see regulation 7).
- (4) Where the issue of vouchers or credit has been suspended under paragraph (3) for a period of 16 consecutive weeks, the person ceases to be entitled to benefit under these Regulations.”.

#### **Commencement Information**

**I13** Reg. 13 in force at 6.4.2020, see reg. 1(2)

#### **Amendment of regulation 10 (failure to receive benefit)**

- 14.**—(1) In the heading to regulation 10<sup>M18</sup>, omit “represented by the voucher”.
- (2) In regulation 10(1), after “voucher” insert “ or credit ”.
- (3) For regulation 10(2) substitute—
- “(2) If a beneficiary who is entitled to benefit under regulations 3 and 4 receives a voucher or a credit to a voucher, and—
- (a) the voucher is lost or stolen or accidentally destroyed; or
  - (b) it is not possible to use the voucher to purchase Healthy Start food within a reasonable distance of the beneficiary's home; or
  - (c) the beneficiary is a child under the age of one year and it is not possible to use the voucher to purchase Healthy Start food consisting of infant formula as described in Schedule 3 within a reasonable distance of the child's home,
- the beneficiary may, in accordance with paragraph (3), so notify in writing the Secretary of State for the purposes of this regulation.”.
- (4) In regulation 10(3)—
- (a) in sub-paragraph (a)—
    - (i) for “submitted” substitute “ made ”;
    - (ii) for “within four weeks of the date of expiry of her last voucher” substitute “ within eight weeks of the date the voucher or credit was due to be received ”;
  - (b) for sub-paragraph (b) substitute—
    - “(b) (i) in paragraph (2)(a), must do so within 16 weeks beginning with the date on which the voucher or credit was received;
    - (ii) in paragraph (2)(b) and (c), must do so within 8 weeks beginning with the date on which the voucher or credit was received.”.
- (5) In regulation 10(4)—
- (a) in sub-paragraph (a), after “voucher” insert “ or credit ”;
  - (b) for sub-paragraph (c) substitute —
    - “(c) on a notification pursuant to paragraph (2)(b) or (c), that it is not possible to use the voucher to purchase Healthy Start food, or Healthy Start food consisting



of infant formula as described in Schedule 3, within a reasonable distance of the beneficiary's home,";

(c) in the full out words—

(i) after “shall” insert “, subject to paragraph (5), ”;

(ii) after the first reference to “voucher” insert “ or credit ” and after the second reference insert “ or, as the case may be, credit ”.

(6) After regulation 10(4) insert—

“(5) Where a voucher is issued or a payment made in a case falling within paragraph (4) (b) or (c), the amount of any credit spent prior to the notification being made may be deducted from the value represented by the voucher or payment.”.

**Commencement Information**

**I14** Reg. 14 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M18** Regulation 10 was revoked in relation to Scotland by [S.S.I. 2019/193](#).

**Revocation of Part 4 (food outlets)**

15. Omit Part 4 <sup>M19</sup>.

**Commencement Information**

**I15** Reg. 15 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M19** Part 4 was amended by [S.I. 2006/2818](#).

**Amendment of Schedule 2 (application for benefit)**

16. In Schedule 2 <sup>M20</sup>—

(a) in paragraph 1—

(i) at the end of sub-paragraph (c) omit “and”;

(ii) in sub-paragraph (d)(i), after “regulation 3(3)(a),” insert “ 3(3)(c), ”;

(iii) at the end of sub-paragraph (d)(iii) insert “ and ”;

(iv) after sub-paragraph (d) insert—

“(e) the estimated date of delivery of the pregnant woman.”;

(b) omit paragraphs 2 and 3;

(c) in paragraph 4—

(i) omit the word “signed” in each place it occurs;

(ii) after sub-paragraph (2) insert—

“(3) A declaration provided under this paragraph must be in the format that the Secretary of State requires.”;

(d) omit paragraph 5.

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#### Commencement Information

**I16** Reg. 16 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M20** Schedule 2 was revoked in relation to Scotland by [S.S.I. 2019/193](#) and amended by [S.I. 2008/1879](#), [2009/295](#), [2010/434](#), [2016/985](#) and [2019/909](#).

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#### Amendment of Schedule 3 (Healthy Start food)

17. In the table in Schedule 3 <sup>M21</sup>—

- (a) in column 1, for the entry relating to fresh or frozen fruit and vegetables substitute “ Fresh, frozen or canned fruit and vegetables ”;
- (b) for the corresponding entry in column 2 substitute “ Fresh, frozen or canned fruit and vegetables including loose, pre-packed, whole, sliced, chopped or mixed fruit or vegetables, fruit in fruit juice, or fruit or vegetables in water, but not those to which fat, salt, sugar or flavouring have been added. ”;
- (c) at the end of the table insert—

“Pulses

Fresh, dried or canned pulses, including but not limited to lentils, beans, peas and chickpeas but not those to which fat, salt, sugar or flavouring have been added.”

#### Commencement Information

**I17** Reg. 17 in force at 1.10.2020, see reg. 1(2)

#### Marginal Citations

**M21** Schedule 3 was amended by [S.I. 2011/426](#).

#### Revocation of Schedules 4 (application for registration as a food outlet) and 5 (information for claim for payment of food outlet)

18. Omit Schedules 4 and 5.

#### Commencement Information

**I18** Reg. 18 in force at 6.4.2020, see reg. 1(2)

#### Amendment of the 1996 Regulations

19. The 1996 Regulations are amended in accordance with regulations 20 to 24.

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**Commencement Information**

**I19** Reg. 19 in force at 6.4.2020, see reg. 1(2)

**Amendment of regulation 2 (interpretation)**

- 20.** In regulation 2(1) <sup>M22</sup>, for the definition of “dried milk” substitute—  
““dried milk” means a food based on cow's milk intended for particular nutritional use from birth by infants in good health, and satisfying by itself the nutritional requirements of such infants, which has been concentrated to the form of powder, granule or solid by the removal of water;”.

**Commencement Information**

**I20** Reg. 20 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M22** The definition was substituted by [S.I. 2015/917](#).

**Amendment of regulation 18 (milk or dried milk for children in day care)**

- 21.** In regulation 18(1)(b) <sup>M23</sup>, for “either to milk as in paragraph (a) or dried milk,” substitute “dried milk”.

**Commencement Information**

**I21** Reg. 21 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M23** Regulation 18 was amended by [S.I. 2005/3262](#) and [2006/2818](#).

**Amendment of regulation 21A (functions of the NHS Business Services Authority)**

- 22.** In regulation 21A <sup>M24</sup>—  
(a) after paragraph (1)(b) insert—  
    “(c) carrying out administrative functions relating to the approval of suppliers under Part V;  
    (d) administering the Nursery Milk Scheme.”;  
(b) in paragraph (2), after “paragraph (1)” insert “—(a)” and after “Order 2005” insert;  
    “(b) the “Nursery Milk Scheme” means the scheme set out in these Regulations.”.

**Commencement Information**

**I22** Reg. 22 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M24** Regulation 21A was inserted by [S.I. 2017/1032](#).

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### Amendment of regulation 22 (application of enactments)

23. In regulation 22(2) <sup>M25</sup>, omit “regulation 13(1);” and “regulation 13(3);”.

#### Commencement Information

**I23** Reg. 23 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M25** Regulation 22 was amended by [S.I. 2005/3262](#) and [2006/2818](#).

### Revocation of Schedule 1 (dried milk specified for the purpose of the Regulations)

24. Omit Schedule 1 <sup>M26</sup>.

#### Commencement Information

**I24** Reg. 24 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M26** Schedule 1 was substituted by [S.I. 2015/917](#).

## PART 3

### Consequential amendments to secondary legislation

### Amendment of the Scotland Act 1998 (Agency Arrangements) (Specification) Order 1999

25. In the Scotland Act 1998 (Agency Arrangements) (Specification) Order 1999 <sup>M27</sup>—

- for article 1(3) (interpretation) substitute—
 

“(3) In this Order “the 1998 Act” means the Scotland Act 1998.”;
- omit article 2(3) (specification of functions);
- in Schedule 2 (functions exercisable by the Scottish Ministers), omit paragraphs 10 and 11;
- omit Schedule 3 (functions of the Scottish Ministers).

#### Commencement Information

**I25** Reg. 25 in force at 6.4.2020, see reg. 1(2)

#### Marginal Citations

**M27** [S.I. 1999/1512](#), as amended by [S.I. 2006/3248](#); there are other amending instruments but none is relevant.

### Amendment of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999

26. In the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 <sup>M28</sup>—

- (a) in Schedule 1 (enactments conferring functions transferred to the Scottish Ministers), in column 1, under the heading “Subordinate Legislation”, omit the entry relating to the 1996 Regulations;
- (b) in Schedule 4 (non-statutory functions transferred to the Scottish Ministers), omit paragraph 3.

**Commencement Information**

**I26** Reg. 26 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M28** [S.I. 1999/1750](#), as amended by [S.I. 2006/3258](#); there are other amending instruments but none is relevant.

**Revocation of the Scotland Act 1998 (Agency Arrangements) (Specification) (No.2) Order 2006**

27. The Scotland Act 1998 (Agency Arrangements) (Specification) (No.2) Order 2006 <sup>M29</sup> is revoked.

**Commencement Information**

**I27** Reg. 27 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M29** [S.I. 2006/3248](#).

**Amendment of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 3) Order 2006**

28. In the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No.3) Order 2006 <sup>M30</sup>—

- (a) omit article 3(2) (modification of enactments);
- (b) in the Schedule (enactments conferring functions transferred to the Scottish Ministers)—
  - (i) in column 1, omit the entries relating to the Social Security Act 1988 and the corresponding entries in column 2; and
  - (ii) in column 1, omit the entry relating to the principal Regulations.

**Commencement Information**

**I28** Reg. 28 in force at 6.4.2020, see reg. 1(2)

**Marginal Citations**

**M30** [S.I. 2006/3258](#).

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## **Amendment of the National Health Service (General Medical Services Contracts) Regulations 2015**

**29.** In Schedule 2 (list of prescribed medical certificates) to the National Health Service (General Medical Services Contracts) 2015 <sup>M31</sup>—

- (a) in column 1, omit the second entry;
- (b) in column 2, omit the entry relating to section 13 of the Social Security Act 1988.

### **Commencement Information**

**I29** Reg. 29 in force at 6.4.2020, see reg. 1(2)

### **Marginal Citations**

**M31** [S.I. 2015/1862](#), to which there are amendments not relevant to these Regulations.

## **Amendment of the National Health Service (Personal Medical Services Agreements) Regulations 2015**

**30.** In Schedule 1 (list of prescribed medical certificates) to the National Health Service (Personal Medical Services Agreements) Regulations 2015 <sup>M32</sup>—

- (a) in column 1, omit the second entry;
- (b) in column 2, omit the entry relating to section 13 of the Social Security Act 1988.

### **Commencement Information**

**I30** Reg. 30 in force at 6.4.2020, see reg. 1(2)

### **Marginal Citations**

**M32** [S.I. 2015/1879](#), to which there are amendments not relevant to these Regulations.

## **PART 4**

### **Transitional Provision**

**31.—(1)** The principal Regulations, as they applied immediately before the coming into force of these Regulations, continue to apply as if the amendments made by regulations 3 to 18, with the exception of [<sup>F1</sup>regulations 9(c) and 17], had not been made in relation to a case where—

- (a) (i) a beneficiary seeks to exchange a voucher for Healthy Start food at a food outlet;
- (ii) a beneficiary has—
  - (aa) prior to the coming into force of these Regulations, failed to receive a benefit as set out in regulation 10(1) of the principal Regulations; or
  - (bb) failed to receive a benefit represented by a voucher in the circumstances set out in regulation 10(2) of the principal Regulations;
- (iii) a food outlet has accepted a voucher from a beneficiary and failed on that occasion to supply Healthy Start food to the beneficiary as provided for in regulation 13(3) of the principal Regulations; or

- (iv) a food outlet makes a claim for payment in relation to a voucher in accordance with the principal Regulations;
- (b) the voucher referred to in sub-paragraph (a)(i), (ii)(bb) and (iv) is in paper form; and
- (c) the food outlet referred to in sub-paragraph (a)(i), (iii) and (iv) was registered as a food outlet under regulation 12 of the principal Regulations prior to the coming into force of these Regulations.

(2) The terms used in this regulation [<sup>F2</sup>, with the exception of “Healthy Start food”,] have the same meaning as in the principal Regulations as they applied immediately before the coming into force of these Regulations.

[<sup>F3</sup>(3) In this regulation, “Healthy Start food” has the same meaning as in the principal Regulations.]

#### **Textual Amendments**

- F1** Words in reg. 31(1) substituted (E.) (30.7.2020) by [The Healthy Start Scheme and Welfare Food \(Miscellaneous Amendments\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/665\)](#), regs. 1(1), **2(a)**
- F2** Words in reg. 31(2) inserted (E.) (30.7.2020) by [The Healthy Start Scheme and Welfare Food \(Miscellaneous Amendments\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/665\)](#), regs. 1(1), **2(b)**
- F3** Reg. 31(3) inserted (E.) (30.7.2020) by [The Healthy Start Scheme and Welfare Food \(Miscellaneous Amendments\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/665\)](#), regs. 1(1), **2(c)**

#### **Commencement Information**

- I31** Reg. 31 in force at 6.4.2020, see reg. 1(2)

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

Department for Health and Social Care

*Jo Churchill*  
Parliamentary Under Secretary of State,

**Status:** Point in time view as at 30/07/2020. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the The Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020. (See end of Document for details)

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## EXPLANATORY NOTE

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

These Regulations amend the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 (S.I. 2005/3262) (“the principal Regulations”) and the Welfare Food Regulations 1996 (S.I. 1996/1434) (“the 1996 Regulations”). These Regulations also make amendments to other secondary legislation in consequence of the amendments made to the 2005 Regulations and following the commencement of section 27 of the Scotland Act 2016 on 8 February 2019 which devolved powers over functions in relation to welfare foods to the Scottish Ministers.

Part 2 makes amendments to the principal Regulations and the 1996 Regulations.

Regulations 3 to 18 amend the principal Regulations. The 2005 Regulations establish a scheme to improve nutrition in pregnant women, mothers and young children by providing for vouchers to be issued to beneficiaries to enable the purchase of certain basic foods and vitamins (“the scheme”). These Regulations make amendments to the 2005 Regulations to provide for the digitisation of the scheme. This includes the gradual replacement of paper vouchers with vouchers in electronic form or in the form of a pre-paid payment card and removal of the requirement to provide evidence in writing, signed by a health professional, of the estimated date of delivery of the pregnant woman. In addition, regulation 17 expands the definition of ‘Healthy Start food’ (which may be purchased with vouchers) to include pulses and canned fruit and vegetables.

Regulations 20 to 24 amend the 1996 Regulations. The 1996 Regulations provide for a scheme (the “nursery milk scheme”) which entitles children under the age of five years to free milk where they are looked after, or provided with day care, by an approved day care provider, for two hours or more. Regulation 20 substitutes the definition of ‘dried milk’ in the 1996 Regulations so that a greater variety of dried milk, which is not limited to particular brands, may be provided to children under the nursery milk scheme. Regulation 22 confers additional administrative functions on the NHS Business Services Authority in relation to the nursery milk scheme.

Part 3 makes consequential amendments to secondary legislation.

Regulations 25 to 28 make consequential amendments to Scottish Agency Arrangements and Transfer of Functions Orders under the Scotland Act 1998 (c.46). These Orders made provision for Ministers of the Crown to exercise functions on behalf of Scottish Ministers in relation to welfare foods and for certain functions relating to welfare foods to be transferred to Scottish Ministers. The amendments are consequential on amendments made to the Scotland Act 1998 by section 27 of the Scotland Act 2016 (c.11), providing for the Scottish Ministers to have legislative and executive competence in the subject-matter of section 13 of the Social Security Act 1988 (benefits under schemes for improving nutrition: pregnant women, mothers and children).

Regulations 29 and 30 make consequential amendments to regulations on NHS General Medical Services and NHS Personal Medical Services contracts to remove references to a certificate confirming pregnancy for the purposes of obtaining welfare foods as such certificates will no longer be required from Healthy Start beneficiaries.

Part 4 makes transitional provision.

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



**Status:**

Point in time view as at 30/07/2020. This version of this Instrument contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the The Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020.