
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.

Changes to legislation:

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