

2003 No. 3202 (N.I. 19)

NORTHERN IRELAND

The Food Benefit Schemes (Northern Ireland) Order 2003

Made - - - - - 10th December 2003

Laid before Parliament 8th January 2004

*Coming into operation in accordance with Article
1(2) and (3)*

ARRANGEMENT OF ORDER

1. Title and commencement
2. Interpretation
3. Replacement of the Welfare Food Schemes

At the Court at Buckingham Palace, the 10th day of December 2003

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of section 185 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c.1) (as modified by section 186 of the said Act of 2003) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Food Benefit Schemes (Northern Ireland) Order 2003.

(2) This Article and Article 2 shall come into operation on the expiration of one month from the day on which this Order is made.

(3) Article 3 shall come into operation on such day as the Department of Health, Social Services and Public Safety may by order appoint.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

Replacement of the Welfare Food Schemes

3.—(1) In the Social Security (Northern Ireland) Order 1988 (NI 2), for Article 13 (schemes for the distribution, etc., of welfare foods), there shall be substituted—

“Benefits under schemes for improving nutrition: pregnant women, mothers and children

13.—(1) Regulations may establish one or more schemes to provide benefits for prescribed descriptions of—

- (a) pregnant women,
- (b) mothers, and

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(c) children,

with a view to helping and encouraging them to have access to, and to incorporate in their diets, food of a prescribed description.

- (2) A scheme may, in particular, specify requirements that must be satisfied—
 - (a) before a person may become entitled to a benefit;
 - (b) for a beneficiary to remain entitled to a continuing benefit.
- (3) A scheme may also include provision—
 - (d) for a benefit to consist of food of a prescribed description being provided by—
 - (i) a person who supplies, or arranges for the supply of, food of that description for beneficiaries under the scheme;
 - (ii) a person providing a service (such as day care) for the recipient of the benefit; or
 - (iii) a health service body;
 - (e) for the use of vouchers, or similar arrangements, in connection with the provision of benefits;
 - (f) that a person taking part in the scheme, otherwise than as a beneficiary, must be registered under the scheme;
 - (g) for the payment by the Department of sums to persons registered in accordance with a provision of a kind mentioned in sub-paragraph (c), in respect of things provided or done by them in accordance with the scheme;
 - (h) for the making of payments to such persons entitled to receive benefits as may be determined by or under the scheme;
 - (i) for the delegation, in accordance with provisions of the scheme, of prescribed functions under the scheme;
 - (j) for the scheme, or prescribed provisions of the scheme, to be administered on behalf of the Department by such health service body, or other description of body, as may be prescribed;
 - (k) requiring prescribed categories of persons to take reasonable steps to provide—
 - (i) to a person authorised for the purpose in accordance with the scheme,
 - (ii) on production, if required, of evidence of his authority, such information or evidence as may be reasonably needed in connection with administering the scheme.
- (4) Provision of a kind mentioned in paragraph (3)(h) may, in particular—
 - (a) require information or evidence to be provided in a legible form;
 - (b) authorise the taking of copies or making of extracts;
 - (c) require an explanation by the information provider of anything which he has provided;

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(d) require an information provider to state, to the best of his knowledge and belief, where information or evidence that he has failed to provide is held.

(5) The Department may give such directions—

(a) to a body administering a scheme (or part of a scheme),

(b) in relation to matters relating to the operation of the scheme (or that part of the scheme),

as the Department considers appropriate.

(6) A scheme may direct that prescribed statutory provisions relating to the administration of benefit under the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (including provisions relating to offences and criminal proceedings) are to have effect for the purpose of administering the scheme subject to such modifications (if any) as may be prescribed.

(7) Section 166(1) of the Social Security Administration (Northern Ireland) Act 1992 (confirmatory procedure) shall apply to the first set of regulations made under paragraph (1).

(8) In this Article—

“benefit”, in relation to a scheme, means a benefit under that scheme;

“children” has such meaning as may be prescribed;

“food” includes vitamins, minerals and other dietary supplements;

“health service body” has such meaning as may be prescribed;

“information provider” means the person who is required to provide information or, where that person is a body corporate, any person who is, or at any time has been, an officer or employee of the body corporate;

“pregnant” includes recently pregnant;

“scheme” means a scheme made under this Article;

“women” includes persons under the age of 18.”.

(2) In Article 15A of that Order (regulations and orders) in paragraph (2) for “and 13” there shall be substituted “and the regulations which Article 13(7) applies”.

A. K. Galloway

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to those of section 185 of the Health and Social Care (Community Health and Standards) Act 2003. The Order provides for the replacement of welfare food schemes under Article 13 of the Social Security (Northern Ireland) Order 1988.

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