

1990 No. 363

WELFARE FOODS

**The Welfare Foods (Amendment No. 3) Regulations
(Northern Ireland) 1990**

Made 10th October 1990

Coming into operation 4th November 1990

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 13(3) and (4) of the Social Security (Northern Ireland) Order 1988(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Welfare Foods (Amendment No. 3) Regulations (Northern Ireland) 1990 and shall come into operation on 4th November 1990.

(2) In these regulations “the principal regulations” means the Welfare Foods Regulations (Northern Ireland) 1988(b).

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation)—

(a) for the definition of “approved price” there shall be substituted the following definition—

“ “approved price” means the lowest price which in the ordinary course of his business a supplier charges any of his retail customers during the week in which a milk token was used for a pint of or, if he supplies milk only in metric measures, for half a litre of milk;”;

(b) in the definition of “milk” for “means only liquid cows’ milk, including” there shall be substituted “means only heat-treated liquid cows’ milk, including heat-treated”;

(c) after the definition of “supplier” there shall be inserted the following definition—

“ “total retail milk supply” means the total of—

(a) the volume of milk a supplier sells to his retail customers; and

(b) his welfare milk supply;”;

(d) after the definition of “voluntary organisation” there shall be added the following definition—

(a) S.I. 1988/594 (N.I. 2)

(b) S.R. 1988 No. 137: relevant amending regulations are S.R. 1988 No. 143 and S.R. 1990 No. 134

“ “welfare milk supply” means the volume of milk which a supplier supplies against milk tokens or for which he has made an allowance in accordance with regulation 12.”.

Amendment of regulation 3 of the principal regulations

3. In regulation 3(6) of the principal regulations (additional milk or dried milk for children in day care) for “3 months”, wherever it occurs, there shall be substituted “4 months”.

Amendment of regulation 11 of the principal regulations

4. In regulation 11 of the principal regulations (suppliers of, and charges for, milk) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Except as provided for in paragraph (2), a supplier shall not accept from a beneficiary in connection with the supply of milk under these regulations any payment of any sort other than a milk token.”.

Substitution of regulation 14 of the principal regulations

5. For regulation 14 of the principal regulations (reimbursement of suppliers) there shall be substituted the following regulation—

“Standard reimbursement of suppliers

14. Subject to regulation 14A(5), the Department shall reimburse a supplier who has submitted a milk token in accordance with Schedule 5(a) with an amount equal to the approved price of the milk which the supplier has supplied against that milk token or for which he has made an allowance in accordance with regulation 12, less 9 per cent.”.

Insertion of regulation 14A in the principal regulations

6. After regulation 14 of the principal regulations there shall be inserted the following regulation—

“Arrangements for special reimbursement of suppliers

14A.—(1) A supplier may apply to the Department for approval to participate in the arrangements for reimbursement under this regulation.

(2) An application for approval under paragraph (1) shall be in accordance with Part I of Schedule 5A(a).

(3) The Department shall give its approval in writing if satisfied that—

(a) the supplier’s welfare milk supply during a period of 52 consecutive weeks in the 60 weeks immediately preceding the date of the application under paragraph (1) was more than 7·5 per cent. of his total retail milk supply for that period; or

(b) the supplier—

(i) at the time of his application under paragraph (1) had not carried on a retail trade in milk for 52 weeks or more but had

carried on such a trade for a period of at least 13 consecutive weeks ending immediately preceding the date of his application, and

- (ii) had a welfare milk supply during that period of at least 13 consecutive weeks which was more than 7.5 per cent. of his total retail milk supply for that period,

and it has not given an approval under this paragraph in respect of the supplier during the period of one year immediately preceding the date of the application.

(4) Where the Department is satisfied under paragraph (3) it shall determine the percentage by which the supplier's approved price will be reduced for the purpose of reimbursement under paragraph (5) and notify the supplier in writing of the percentage so determined.

(5) The Department shall reimburse a supplier approved under paragraph (3) who submits a milk token in accordance with Schedule 5 during the period of one year beginning with the date of the application under paragraph (1) with an amount equal to the approved price of the milk which the supplier has supplied against that milk token or for which he has made an allowance in accordance with regulation 12, less a percentage determined in accordance with Part II of Schedule 5A."

Amendment of regulation 16 of the principal regulations

7. At the end of regulation 16(1) of the principal regulations (powers of an authorised officer) there shall be added "or 14A as the case may be".

Amendment of regulation 17A of the principal regulations

8. In regulation 17A of the principal regulations (offences) after "regulation 11(1);" there shall be inserted "regulation 11(2A)(a);".

Substitution of Schedule 5 to the principal regulations

9. For Schedule 5 to the principal regulations (submission of milk tokens) there shall be substituted Schedules 5 and 5A set out in the Schedule to these regulations.

Revocation

10. The Welfare Foods (Amendment No. 2) Regulations (Northern Ireland) 1990(b) are hereby revoked.

Transitional provision

11.—(1) These regulations shall apply to all milk tokens the period of validity of which begins on or after the date on which these regulations come into operation.

(2) In relation to a milk token the period of validity of which begins before these regulations come into operation, the principal regulations shall continue to have effect as if these regulations had not been made.

(a) Inserted by regulation 4 of these regulations

(b) S.R. 1990 No. 134

No. 363

Welfare Foods

1883

Sealed with the Official Seal of the Department of Health and Social Services on 10th October 1990.

(L.S.)

A. N. Burns

Assistant Secretary

Schedules 5 and 5A to be substituted for Schedule 5 to the principal regulations

“SCHEDULE 5

Regulations 14
and 14A**Submission of milk tokens for reimbursement**

- 1.—(1) In respect of each claim at a particular approved price the supplier shall—
- (a) complete a form containing the information specified in paragraph 2 and a declaration that the information supplied is correct and complete;
 - (b) send the form, the declaration and the relevant milk tokens to the Milk Marketing Board for Northern Ireland.
- (2) The form referred to in sub-paragraph (1)(a) shall be signed by or on behalf of the supplier.
2. The information referred to in paragraph 1(1)(a) is—
- (a) the name and address of the supplier;
 - (b) the number of milk tokens enclosed for reimbursement;
 - (c) the earliest and latest date shown on each of those milk tokens;
 - (d) the approved price of the milk in either pence per pint or pence per half litre supplied in exchange for each of those milk tokens;
 - (e) in relation to any of those milk tokens the period of validity of which begins before 4th November 1990—
 - (i) the number of those milk tokens,
 - (ii) the amount of the payment claimed in respect of each milk token, calculated in accordance with the relevant provisions of these regulations as they applied immediately before 4th November 1990.

Milk supplied against milk tokens — arrangements for special reimbursement of suppliers**PART I****Application to the Department for approval — details to be supplied**

1.—(1) In respect of an application under regulation 14A(1) the supplier shall—

- (a) complete a form containing the information specified in paragraph 2 and a declaration that the information supplied is correct and complete;
- (b) send the form and the declaration to the Department.

(2) The form referred to in sub-paragraph (1)(a) shall be signed by or on behalf of the supplier and the information contained therein shall be certified as correct by a duly qualified accountant.

2. The information referred to in paragraph 1(1)(a) is—

- (a) the name and address of the supplier;
- (b) the dates on which the reference period begins and ends;
- (c) the supplier's welfare milk supply during that reference period;
- (d) the supplier's total retail milk supply during that reference period;
- (e) a description of the supplier's business by reference to whether it is—
 - (i) wholesale and retail or retail only, and
 - (ii) doorstep delivery or from premises.

PART II**Calculation of percentage by which approved price shall be reduced**

3. The percentage by which the approved price shall be reduced under regulation 14A(5) is determined by—

- (a) ascertaining x , where x is the supplier's welfare milk supply during the reference period expressed as a percentage of his total retail milk supply during that reference period;
- (b) determining the discount band specified in column (1) of the Table below by reference to the paragraph of column (2) into which x falls;
- (c) for the band determined under sub-paragraph (b) and each of the preceding bands specified in column (1) of the said Table, multiplying the relevant part of x in column (3) by the corresponding figure in column (4); and
- (d) dividing the sum of the figures calculated under sub-paragraph (c) by x .

TABLE

<i>Discount band</i>	<i>Welfare milk during reference period as a percentage of total retail milk supply (x)</i>	<i>Relevant part of x</i>	<i>Percentage by which approved price reduced</i>
(1)	(2)	(3)	(4)
1	up to and including 7·5 per cent.	the first 7·5 per cent.	9
2	more than 7·5 per cent. but not more than 8·5 per cent.	the next 1 per cent. or if less than 1 per cent. that part thereof	8
3	more than 8·5 per cent. but not more than 9·5 per cent.	the next 1 per cent. or if less than 1 per cent. that part thereof	6
4	more than 9·5 per cent. but not more than 10·5 per cent.	the next 1 per cent. or if less than 1 per cent. that part thereof	5
5	more than 10·5 per cent. but not more than 11·5 per cent.	the next 1 per cent. or if less than 1 per cent. that part thereof	3
6	more than 11·5 per cent.	nil	nil

4. In this Schedule "reference period" means—

- (a) where approval is sought or given under regulation 14A(3)(a), the period of 52 consecutive weeks;
- (b) where approval is sought or given under regulation 14A(3)(b), the period of 13 or more consecutive weeks during which the supplier has carried on a retail trade in milk."

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Welfare Foods Regulations (Northern Ireland) 1988 ("the principal regulations").

Regulation 2 substitutes the definition of "approved price" so as to relate it to the price the supplier charges any of his retail customers, amends the definition of "milk" so as to exclude milk which has not been pasteurised or sterilised and inserts definitions of "total retail milk supply" and "welfare milk supply".

Regulation 3 extends the time in which claims for reimbursement in respect of welfare foods should be made from 3 months to 4 months.

Regulations 4 and 8 make it an offence (subject to an existing exception) for a supplier to accept in payment for welfare milk anything other than a milk token.

Regulation 5 reduces the amount of standard reimbursement which may be claimed from the approved price to the approved price less 9 per cent.

Regulation 6 introduces a provision whereby suppliers may apply to the Department for approval to participate in arrangements for special reimbursement at the approved price less a percentage (based on the supplier's previous welfare milk supply in relation to his total retail milk supply) which will apply to milk tokens submitted for reimbursement within a period of one year following the date of the application for approval.

Regulation 7 makes a consequential amendment to regulation 16 of the principal regulations to reflect the insertion of regulation 14A into those regulations.

Regulation 9 and the Schedule set out the manner in which—

- (a) milk tokens are submitted for reimbursement;
- (b) an application for the special rates of reimbursement is to be made and how the percentage reduction of the approved price will be determined in cases where an approval has been given.

Regulation 10 contains a revocation.

Regulation 11 contains a transitional provision in relation to milk tokens the period of validity of which begins before 4th November 1990.