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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 161**

**The Welfare Foods (Amendment)  
Regulations (Northern Ireland) 2004**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Welfare Foods (Amendment) Regulations (Northern Ireland) 2004.

(2) Regulations 1 and 2 shall come into operation on 6th April 2004 and regulations 3, 4, 5, 6 and 7 on 1st October 2004.

(3) In these Regulations “the principal Regulations” means the Welfare Foods Regulations (Northern Ireland) 1988(1).

**Amendment of the principal Regulations**

2.—(1) The principal Regulations are amended as follows:

(2) In regulations 2(1)(b)(iii), 2(2)(aa), 2(2)(b)(iii), 2(3)(iv), 4(1A)(a) and 10(1)(iv), for the sum of “£13,230” whenever it appears, there is substituted “£13,480”.

(3) In Schedule 5A(2) Part I, paragraph 1 (milk supplied against milk tokens – arrangements for special reimbursement of suppliers), after “accountant” there is inserted “, or by a person who has direct knowledge of the financial records of the business,”.

**Amendment of regulation 2 of the principal Regulations**

3.—(1) For regulation 2(1)(a) of the principal Regulations (Free milk, dried milk and vitamins), after sub-paragraph (iii) there is inserted –

“(iv) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002(3) is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit.”

(2) For regulation 2(2)(a), 2(2)(aa), 2(2)(b) there is substituted –

“(a) an expectant mother who is, or is a member of the family of a person who is, entitled to –

- (i) income support;
- (ii) an income based jobseeker’s allowance;
- (iii) a guarantee credit; or
- (iv) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002

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(1) S.R. 1988 No. 137, the relevant amending regulations are S.R. 2002 No. 83, S.R. 2003 No. 202 and S.R. 2003 No. 393  
(2) Schedule 5A inserted by S.R. 1990 No. 363  
(3) 2002 (c. 21)

- is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit;
- (b) a mother who is breast-feeding her child under the age of one year who is, or is a member of the family of a person who is entitled to –
- (i) income support;
  - (ii) an income based jobseeker’s allowance;
  - (iii) a guarantee credit; or
  - (iv) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit;
- (c) a child who is under the age of five years and who is a member of the family of a person who is entitled to –
- (i) income support;
  - (ii) an income based jobseeker’s allowance; or
  - (iii) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit.”.
- (3) After regulation 2(4) the following is inserted –
- “(4A) No expectant mother shall be entitled to milk or vitamins unless she first submits to the Department a claim in writing that includes the information, and is supported by the written evidence and declaration, specified in Schedule 3A;
- (4B) An expectant mother’s entitlement under paragraph (2)(a) shall begin from the date that her claim complying with the requirements of paragraph (4A) is received by the Department.”.

#### **Amendment of regulation 4 of the principal Regulations**

4. In regulation 4 of the principal Regulations (Purchase of dried milk at a reduced price) –
- (a) in paragraphs (1)(a) and (1A), for “£14,200”, there is substituted “£14,600”;
  - (b) in paragraphs (1) and (1A), for “£4·15”, there is substituted “£4·25”.

#### **Schedule 3A**

5. After Schedule 3 to the principal Regulations there is added the following Schedule.

“SCHEDULE 3A

Regulation 2

APPLICATION FOR FREE MILK AND VITAMINS FOR  
PERSONAL CONSUMPTION – EXPECTANT MOTHER

#### **Information needed for application for free milk and vitamins**

1. A claim by an expectant mother for free milk and vitamins for personal consumption pursuant to regulation 2 shall contain the following information –
- (a) the name and address of the expectant mother;

- (b) the name and address of the person of whose family the expectant mother is a member and who is entitled to a benefit or tax credit mentioned in regulations 2(2)(a)(i) to (iv), unless the person entitled is the expectant mother;
- (c) the national insurance number of the expectant mother, or, if she is aged under 18, her date of birth.

#### **Evidence in writing needed for application for free milk and vitamins**

2. A claim by the expectant mother shall be accompanied by evidence in writing of her expected date of delivery.

#### **Declaration needed for application for free milk and vitamins**

3. A claim by the expectant mother shall include a declaration that she or a member of her family is entitled to –

- (a) income support;
- (b) an income based jobseeker’s allowance;
- (c) a guarantee credit; or
- (d) child tax credit, provided that the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002<sup>(4)</sup> is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit.”.

#### **Revocations**

6. The following Regulations are revoked –

The Welfare Foods (Amendment) Regulations (Northern Ireland) 2002<sup>(5)</sup>;

The Welfare Foods (Amendment) Regulations (Northern Ireland) 2003<sup>(6)</sup>;

The Welfare Foods (Amendment No. 2) Regulations (Northern Ireland) 2003<sup>(7)</sup>.

#### **Transitional Provisions**

7. An expectant mother who on 30th September 2004, was entitled to and in receipt of milk, or, as the case may be, vitamins for personal consumption free of charge shall continue to have any entitlement determined in accordance with the provisions of the principal Regulations as if the amendments made by these Regulations had not been made until her entitlement as an expectant mother ceases.

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(4) 2002 (c. 21)  
(5) S.R. 2002 No. 83  
(6) S.R. 2003 No. 202  
(7) S.R. 2003 No. 393

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 2nd April 2004.

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Senior Officer of the  
Department of Health, Social Services and  
Public Safety