
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 478

The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006

PART III

ENTITLEMENT TO BENEFIT

Entitlement to benefit

4.—(1) A person described in paragraph (3) is entitled to benefit in accordance with the Healthy Start scheme.

(2) The benefits to which a person described in paragraph (3) is entitled are—

- (a) Healthy Start food to the value represented by a voucher as provided in regulation 10(3); and
- (b) Healthy Start vitamins as follows—
 - (i) in the case of a pregnant woman described in paragraph (3)(a) or (b), 56 tablets of Healthy Start vitamins for every 8 weeks of entitlement;
 - (ii) in the case of a mother described in paragraph (3)(c) or (d), 56 tablets of Healthy Start vitamins for every 8 weeks of entitlement; or
 - (iii) in the case of a child described in paragraph (3)(e), 10 millilitres of drops of Healthy Start vitamins for every 8 weeks of entitlement.

(3) For the purposes of paragraph (1), a person so described is a person who is—

- (a) a pregnant woman who is not under the age of 18 and has been pregnant for more than ten weeks and who is, or is a member of the family of a person who is, entitled to—
 - (i) income support; or
 - (ii) an income-based jobseeker's allowance; or
 - (iii) child tax credit, where 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 £14,155 and the person is not entitled to working tax credit;
- (b) a woman under the age of 18 who has been pregnant for more than ten weeks, provided that she is not a person to whom section 115 (exclusion from benefits) of the Immigration and Asylum Act 1999(1) applies;
- (c) a mother who—

(1) 1999 c. 33, as amended by the State Pension Credit Act 2002 (c. 16), Article 2 of and the Schedule to the Regulatory Reform (Carer's Allowance) Order 2002, S.I. 2002/1457 and the Tax Credits Act 2002, section 60. Schedule 6, and section 51, Schedule 4, paragraphs 20 and 21

- (i) before the birth of her child, was entitled to and in receipt of a social security benefit or tax credit mentioned in paragraph (3)(a); and
 - (ii) has parental responsibility for that child whose date of birth has not been notified to the Department and in respect of whom the period of four months from the estimated date of delivery has not yet passed;
- (d) a mother who—
- (i) is not under the age of 18,
 - (ii) has parental responsibility for a child who is under the age of one year, or in respect of whom the first anniversary of the estimated date of delivery has not yet passed, and
 - (iii) is or is a member of the family of a person who is entitled to income support, an income-based jobseeker's allowance, or child tax credit, where 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 £14,155 and the person is not entitled to working tax credit; or
- (e) a child who is under the age of four years, and who is a member of the family of a person who is entitled to income support, or an income-based jobseeker's allowance, or child tax credit, where 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 £14,155 and the person is not entitled to working tax credit.

(4) A mother who satisfies the requirements for entitlement by virtue of having parental responsibility for more than one child who is a child mentioned in paragraph (3)(c) or (d) is entitled to the Healthy Start food benefit in respect of each such child.

(5) If a mother would otherwise be entitled to benefit under paragraph (3)(c) or (d) but does not have parental responsibility for a child who is a child mentioned in either of those paragraphs, then any such child is entitled to the Healthy Start food benefit to which the mother would otherwise be entitled.

(6) The entitlement of a child under paragraph (5) is in addition to any entitlement of the child under paragraph (3)(e).

Claim for benefit

5.—(1) Except as provided in paragraphs (2) to (4), no person described in regulation 4 may become entitled to benefit unless he first submits to the Department a claim in writing that includes the information, and is supported by the written evidence, declaration and signatures, specified in Schedule 1.

(2) Where a person who has parental responsibility for a child described at regulation 4(3)(e) who is under the age of four months notifies by telephone the Department of the date of birth of the child, the child may become entitled to benefit from and including the date of his birth.

(3) A mother described in regulation 4(3)(c) may become entitled to benefit from and including the date of birth of her child provided that she has not submitted a claim as a mother described in regulation 4(3)(d) in respect of that child.

(4) A person described in regulation 4 who ceased to be entitled less than three months previously may have his entitlement renewed if he is able to demonstrate to the reasonable satisfaction of the Department that the circumstances that resulted in him ceasing to be so entitled have reverted to those that prevailed when he was so entitled.

(5) Subject to paragraph (1) a person described—

- (a) in regulation 4(3)(d) who is entitled to child tax credit will be entitled to benefit from and including the date on which she became so entitled in respect of the child described at regulation 4(3)(d)(ii),
- (b) in regulation 4(3)(d) or (e) or (5) who is a member of the family of a person who is entitled to child tax credit will be entitled to benefit from and including the date on which he became a person so described.

(6) Subject to the provisions of this regulation, a person's entitlement under this regulation and regulation 4 shall begin from and including the date on which his claim complying with the requirements of paragraph (1) is received by the Department.

Healthy Start food and payments in lieu

6.—(1) Healthy Start food is the food specified in Column 1 (Category of food) of Schedule 2 as qualified in Column 2 (Qualification) of that Schedule.

(2) If the Department is satisfied that there is no food outlet within a reasonable distance of the home of a beneficiary, it may, instead of benefit, pay the beneficiary an amount equal to the value represented by the voucher he would otherwise receive.

Healthy Start vitamins and payments in lieu

7.—(1) Healthy Start vitamins are tablets or vitamin drops containing vitamins appropriate for the beneficiary who receives them.

(2) If the Department is satisfied that a person entitled to Healthy Start vitamins has not received them for a period as a result of an act or omission on the part of the Department or a health service body ("the missing period") it shall pay the beneficiary an amount equal to the cost of purchasing the prescribed number or amount of Healthy Start vitamins for the missing period.

Advice on health and nutrition

8. The Department may arrange for a person described in regulation 4 to receive advice on health and nutrition when he receives a voucher or at some other time.

Cessation of entitlement to benefit

9.—(1) A person's entitlement to benefit under the Healthy Start scheme shall cease when he ceases to be entitled in accordance with regulation 4 or 5.

(2) A person who is no longer entitled to benefit must inform the Department of the change in his circumstances if he continues to receive vouchers or payments instead of benefit.