

2008 No. 131

FOOD

**The Healthy Start Scheme and Day Care Food Scheme
(Amendment) Regulations (Northern Ireland) 2008**

Made - - - - - *14th March 2008*

Coming into operation *6th April 2008*

The Department of Health, Social Services and Public Safety(a), makes the following Regulations in exercise of the powers conferred by Article 13(1) to (4), (6) and (8) of the Social Security (Northern Ireland) Order 1988(b) and section 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 6th April 2008.

(2) In these Regulations “the principal Regulations” means the Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006(d).

(3) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of Regulation 4 the principal Regulations

2.—(1) Regulation 4 (Entitlement to benefit) of the principal Regulations is amended as follows.

(2) In paragraph (3)(a)(iii) and (d)(iii), for the sum of “£14,495” substitute “£15,575”.

(3) In paragraph (3)(a)(iii) and (d)(iii), after the word “and” but before the words “the person is not entitled to working tax credit” insert “except as provided for under paragraph (7)”.

(4) For paragraph (3)(e) substitute—

“(e) a child who—

(i) is under the age of four years; and

(ii) is a member of the family of a person who—

(aa) 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 Credit Act 2002 is determined at the time of the award not to exceed £15,575; and

(a) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1), Article 3(6)

(b) S.I. 1988/594 (N.I.2) Article 13 is substituted by Article 3 of S.I. 2003/3202 (N.I. 19)

(c) 1992 c. 7, section 171(2) to (5) is applied by Article 15A of the Social Security (Northern Ireland) Order 1988, which Article was inserted by Article 22(1) of and paragraph 6(9) of Schedule 6 to the Social Security (Northern Ireland) Order 1990 (S.I.1990/1511 (N.I. 15)) and amended by section 4 of and paragraph 35(4) and (5) of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), and Article 3(2) of S.I. 2003/3202 (N.I. 19)

(d) S.R. 2006 No. 478 as amended by S.R. 2007 No. 188

(e) 1954 c. 33 (N.I.)

(bb) except as provided for under paragraph (7) is not entitled to working tax credit.”.

(5) After paragraph (6), insert—

“(7) For the purposes of paragraph (3)(a)(iii), (d)(iii) and (e) and paragraph 4(1)(a)(iii) of Schedule 1, a person shall be treated as not entitled to working tax credit where regulation 7D (ceasing to undertake work or working for less than 16 hours per week) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(a) applies”.

Amendment of Regulation 10 of the principal Regulations

3. In Regulation 10 (Issue of voucher) of the principal Regulations—

(a) in paragraph (3), for the sum of “£2.80” substitute “£3.00”; and

(b) after paragraph (3), insert—

“(3A) Where Regulations amend the amount in paragraph (3), the new amount shall only apply in relation to vouchers issued (not re-issued in respect of a period prior to the date on which the new amount takes effect) on or after the date of coming into operation of the amending Regulations.”

Amendment of Schedule 1 to the principal Regulations

4. In paragraph 4(1)(a)(iii) of Schedule 1 to the principal Regulations, substitute—

“(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 Credit Act 2002 is determined at the time of the award not to exceed £15,575, and except as provided under regulation 4(7) the person is not entitled to working tax credit; and”

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 14th March 2008.

(L.S.)

Nigel H. S. Carson

A senior officer of the Department of Health, Social Services and Public Safety

(a) S.I. 2002/2005; the relevant amending instrument is S.I. 2007/968

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Healthy Start Scheme and Day Care Food Scheme Regulations Northern Ireland 2006 (“the principal Regulations”).

Regulation 2(2) and (4) increases the upper income level which determines whether a person receiving child tax credit but not working tax credit (subject to the new exception below), is entitled to benefit under the principal Regulations. Regulation 4 amends Schedule 1 to the principal Regulations to make similar provision.

Regulation 2(5) adds the new paragraph (7) to regulation 4 of the principal Regulations, in order to create an exception that allows entitlement to benefit under the principal Regulations, where a person receives working tax credit (in addition to child tax credit) under regulation 7D (ceasing to undertake work or working for less than 16 hours per week) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002.

Regulation 3(a) increases the value of vouchers available under the principal Regulations from £2.80 to £3.00. Regulation 3(b) inserts a new paragraph (3A) in regulation 10 of the principal Regulations, which provides, that any increase in value of the vouchers made by amending Regulations, applies to vouchers issued on or after the date on which the amending Regulations come into operation. This does not apply in respect of any re-issue of vouchers for any period prior to the date on which the new amount takes effect.