

2011 No. 101

FOOD

**The Healthy Start Scheme (Prescribed Description of Food)
(Scotland) Regulations 2011**

Made - - - - *14th February 2011*

Laid before the Scottish Parliament *17th February 2011*

Coming into force - - *6th April 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 13 of the Social Security Act 1988(a) and section 175(3) of the Social Security Contributions and Benefits Act 1992(b) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Healthy Start Scheme (Prescribed Description of Food) (Scotland) Regulations 2011 and come into force on 6th April 2011.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations, “Healthy Start scheme” means the scheme established by the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005(c).

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- (a) 1988 c.7. Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43). The function of prescribing descriptions of food for the purpose of section 13(1) of the 1988 Act was transferred to Scottish Ministers by the Scotland Act 1988 (Transfer of Functions to the Scottish Ministers etc.) (No. 3) Order 2006 (S.I. 2006/3258). Section 13(11) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.
- (b) 1992 c.4. Section 175(3) was applied by section 15A of the Social Security Act 1988 c.7, which was inserted by paragraph 8(10) of Schedule 6 to the Social Security Act 1990 (c.27) and amended by paragraph 96 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c.6) and section 185(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43).
- (c) S.S.I. 2005/3262, to which there are amendments not relevant to these Regulations.

Prescribed description of food

3. The description of food prescribed for the operation of the Healthy Start scheme in Scotland, is the food specified in Column 1 (category of food) of the Schedule to these Regulations as qualified in Column 2 of that Schedule.

St Andrew's House,
Edinburgh
14th February 2011

S ROBISON
Authorised to sign by the Scottish Ministers

SCHEDULE

Category of food	Qualification
Milk	Liquid cow's milk, including long-life, pasteurised or ultra heat treated varieties of milk, but not milk to or from which chemicals, vitamins, flavours or colours have been added or removed.
Infant formula	A food based on cow's milk intended for particular nutritional use from birth by infants in good health, and satisfying by itself the nutritional requirements of such infants.
Fresh or frozen fruit and vegetables	Fresh or frozen fruit and vegetables including loose, pre- packed, whole, sliced, chopped or mixed fruit or vegetables, but not fruit or vegetables to which fat, salt, sugar, flavouring or any other ingredients have been added.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under the Social Security Act 1988 (c.7), prescribe the description of food for the operation of the Healthy Start scheme in Scotland. The Healthy Start scheme is a scheme set up by the Secretary of State in the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 to provide certain foods for the benefit of qualifying pregnant women, mothers and children.

Regulation 3 provides that the prescribed description of food for the operation of the Healthy Start scheme in Scotland is as set out in the Schedule to these Regulations. The categories of foods described in the schedule are milk, infant formula and fresh or frozen fruit and vegetables; these categories are subject to the qualifications set out in the Schedule.

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