

2019 No. 232

FOOD

**The Welfare Foods (Best Start Foods) (Scotland) Amendment
Regulations 2019**

Made - - - - at 10.15 a.m. on 27th June 2019

*Laid before the Scottish Parliament at 2.15 p.m. on 27th June
2019*

Coming into force - - 11th August 2019

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

In accordance with section 13(2) of the Social Security Act 1988, the Scottish Ministers have consulted the National Assembly for Wales.

Citation and commencement

1. These Regulations may be cited as the Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2019 and come into force on 11 August 2019.

Amendments to the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019

2. The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019(b) are amended in accordance with regulations 3 to 5.

3. In regulation 2 (general interpretation), before the definition of “assessment period” insert—
““the 1992 Act” means the Social Security Administration Act 1992(c)”.

4. In regulation 17 (application of enactments – offences)—

- (a) in paragraph (1), for “the Social Security Administration Act 1992 (“the 1992 Act”)” substitute “the 1992 Act”,
- (b) in paragraph (2)(b) after “1988” insert “or subordinate legislation made, or having effect as if made, under it”.

(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) and amended by section 27(5) of the Scotland Act 2016 (c.11) (“the 2016 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) as read with section 32 of the 2016 Act.

(b) S.S.I. 2019/193.

(c) 1992 c.5.

5. For regulation 18 (further offences) substitute—

“**18.**—(1) For the purposes of section 13(9) of the Social Security Act 1988, it is directed that section 113 of the 1992 Act has effect as if paragraph (2) had been made under it, subject to the modification in paragraph (3).

(2) A person who fails to comply with regulation 12 or regulation 16(2) is guilty of an offence under these Regulations.

(3) Section 113(3) of the 1992 Act has effect as if paragraph (b) were omitted.”.

JOE FITZPATRICK

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
At 10.15 a.m. on 27th June 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (“the principal regulations”).

Regulation 3 inserts a definition of “the 1992 Act” into the principal regulations. This definition is used in regulations 17 and 18 of the principal regulations.

Regulation 4(b) alters the modification to section 113(1A) of the Social Security Administration Act 1992 as it is applied by regulation 17(2)(b) of the principal regulations.

Regulation 5 inserts a new regulation 18 into the principal Regulations. Regulation 18 relates to offences under the principal regulations.

No Business and Regulatory Impact Assessment has been prepared in relation to these Regulations, as no impact upon business, charities or voluntary bodies is foreseen.

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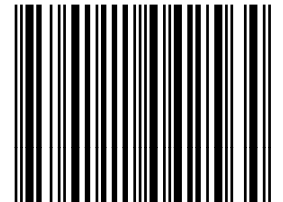
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