Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 5

MISCELLANEOUS

Welfare Food Schemes

185 Replacement of the Welfare Food Schemes: Great Britain

(1) In the Social Security Act 1988 (c. 7), for section 13 (schemes for the distribution etc of welfare foods), substitute—

"**13 Benefits under schemes for improving nutrition: pregnant women, mothers and children**

(1) Regulations may establish one or more schemes to provide benefits for prescribed descriptions of—
   (a) pregnant women,
   (b) mothers, and
   (c) children,

   with a view to helping and encouraging them to have access to, and to incorporate in their diets, food of a prescribed description.

(2) Before establishing, or varying, a scheme the Secretary of State must consult the Scottish Ministers and the National Assembly for Wales ("the Assembly").

(3) A scheme may, in particular, specify requirements that must be satisfied—
   (a) before a person may become entitled to a benefit;
   (b) for a beneficiary to remain entitled to a continuing benefit.

(4) A scheme may also include provision—

Changes to legislation: *There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Welfare Food Schemes. (See end of Document for details)*

(a) for a benefit to consist of food of a prescribed description being provided by—
  (i) a person who supplies, or arranges for the supply of, food of that description for beneficiaries under the scheme;
  (ii) a person providing a service (such as day care) for the recipient of the benefit; or
  (iii) a health service body;
(b) for the use of vouchers, or similar arrangements, in connection with the provision of benefits;
(c) that a person taking part in the scheme, otherwise than as a beneficiary, must be registered under the scheme;
(d) for the payment by the Secretary of State of sums to persons registered in accordance with a provision of a kind mentioned in paragraph (c), in respect of things provided or done by them in accordance with the scheme;
(e) for the making of payments to such persons entitled to receive benefits as may be determined by or under the scheme;
(f) for the delegation, in accordance with provisions of the scheme, of prescribed functions under the scheme;
(g) for the scheme, or prescribed provisions of the scheme, to be administered on behalf of the Secretary of State by such health service body, or other description of body, as may be prescribed;
(h) requiring prescribed categories of persons to take reasonable steps to provide—
  (i) to a person authorised for the purpose in accordance with the scheme,
  (ii) on production, if required, of evidence of his authority,

such information or evidence as may be reasonably needed in connection with administering the scheme.

(5) Provision of a kind mentioned in subsection (4)(h) may, in particular—
(a) require information or evidence to be provided in a legible form;
(b) authorise the taking of copies or making of extracts;
(c) require an explanation by the information provider of anything which he has provided;
(d) require an information provider to state, to the best of his knowledge and belief, where information or evidence that he has failed to provide is held.

(6) The power to prescribe descriptions of food (conferred by subsection (1)) is to be exercised, in relation to the operation of a scheme in Wales, by regulations made by the Assembly.

(7) The Secretary of State may give such directions—
(a) to a body administering a scheme (or part of a scheme),
(b) in relation to matters relating to the operation of the scheme (or that part of the scheme),

as he considers appropriate.

(8) The Assembly may, with the agreement of the Secretary of State, give such directions—

(a) to a body administering a scheme (or part of a scheme),

(b) in relation to matters relating to the operation of the scheme (or that part of the scheme) in Wales,

as it considers appropriate.

(9) A scheme may direct that prescribed enactments relating to the administration of benefit under the Social Security Administration Act 1992 (c. 5) (including enactments relating to offences and criminal proceedings) are to have effect for the purpose of administering the scheme subject to such modifications (if any) as may be prescribed.

(10) The Secretary of State may not make a statutory instrument containing the first set of regulations made under subsection (1) unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.

(11) In this section—

"benefit", in relation to a scheme, means a benefit under the scheme;

"children" has such meaning as may be prescribed;

"enactment" includes an Act of the Scottish Parliament and a provision made under an enactment;

"food" includes vitamins, minerals and other dietary supplements;

"health service body" has such meaning as may be prescribed;

"information provider" means the person who is required to provide information or, where that person is a body corporate, any person who is, or at any time has been, an officer or employee of the body corporate;

"pregnant" includes recently pregnant;

"prescribed" means prescribed by regulations;

"regulations", except in subsection (6), means regulations made by the Secretary of State;

"scheme" means a scheme made under this section;

"women" includes persons under the age of 18."

(2) In section 15A of that Act—

(a) in subsection (2), after the first "instrument" insert " made by the Secretary of State "; and

(b) omit subsection (3).

Commencement Information

I1 S. 185 partly in force; s. 185 in force at Royal Assent for certain purposes, see s. 199(1)(4)

I2 S. 185 in force at 7.10.2005 for specified purposes by S.I. 2005/2278, **art. 2(2)(a)**

I3 S. 185 in force at 27.10.2006 in so far as not already in force by S.I. 2006/2817, **art. 2(a)**

I4 S. 185(1) in force at 12.8.2005 for specified purposes by S.I. 2005/2278, **art. 2(1)**

Changes to legislation: *There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Welfare Food Schemes. (See end of Document for details)*

186 Replacement of the Welfare Food Schemes: Northern Ireland

An Order in Council under paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (legislation for Northern Ireland during suspension of devolved government) which contains a statement that it is made only for purposes corresponding to those of section 185 above—

(a) is not subject to paragraph 2 of that Schedule (affirmative resolution of both Houses of Parliament), but

(b) is subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation:
There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Cross Heading: Welfare Food Schemes.