
STATUTORY INSTRUMENTS

1996 No. 1434

The Welfare Food Regulations 1996

PART IV

SUPPLIERS OF MILK

Exchange of milk tokens for milk

14.—(1) Subject to paragraphs (2) to (4), a supplier who accepts from a beneficiary a milk token which indicates that it is to be used for milk shall, in accordance with the provisions of these Regulations, supply her with seven 568 millilitre measures of milk or, where he supplies milk in 500 millilitre measures only, eight 500 millilitre measures of milk.

(2) If a beneficiary is absent from her usual place of residence for a day or more during the period of validity of any milk token which a supplier has accepted from her and the supplier does not supply against that milk token the amount of milk specified in paragraph (1) the supplier shall, within the period of validity or immediately after that period, redress the shortfall—

- (a) by paying or allowing her an amount equal to the approved price for the measures of milk not supplied; or
- (b) by giving her an equivalent supply of milk after her return to her usual place of residence.

(3) Where a supplier, at the request of a beneficiary, supplies milk against a milk token for milk and the price of the milk exceeds the approved price on account of its designation the supplier may charge the beneficiary the difference in cost between the price of the milk supplied and the approved price.

(4) Except as provided for in paragraph (3), a supplier shall not accept from a beneficiary in connection with the supply of milk under these Regulations any payment of any sort other than a milk token.

Inability to exchange milk tokens for milk

15.—(1) A beneficiary who is unable to find a supplier willing to supply milk in exchange for a milk token for milk in accordance with regulation 14(1) may present the milk token within its period of validity to an office of the Department of Social Security in the area in which she usually resides.

(2) If the Secretary of State is satisfied that a beneficiary who has presented a milk token in accordance with paragraph (1) has made reasonable efforts to find such a supplier he shall pay her an amount equal to the reasonable cost to her of purchasing the milk.

Reimbursement of suppliers

16.—(1) Subject to regulation 17, the Secretary of State shall reimburse a supplier who has submitted to him a milk token together with a claim in writing which includes the information set out in Schedule 3 with an amount equal to the approved price of the milk which the supplier has supplied against that milk token or for which he has made an allowance in accordance with regulation 14(2), less nine per cent.

(2) No amount shall be reimbursed in respect of milk supplied in exchange for a milk token more than two years before the date of the claim for reimbursement.

(3) Where a supplier sends milk tokens to the Secretary of State by post for the purpose of claiming reimbursement under paragraph (1) and the Secretary of State does not receive them, if the supplier applies to the Secretary of State for reimbursement in respect of the milk tokens, he may reimburse him in accordance with these Regulations provided that he is satisfied that the supplier exchanged them for milk in accordance with regulation 14(1) or made an allowance in accordance with regulation 14(2) and that he posted them to him for the purpose of claiming reimbursement.

Special reimbursement

17.—(1) A supplier may apply to the Secretary of State for a determination of a special percentage by which the supplier's approved price will be reduced in accordance with this regulation.

(2) A supplier who applies to the Secretary of State for a special percentage under paragraph (1) shall submit to him an application in writing which shall include the information and declaration specified in Part I of Schedule 4.

(3) Where the Secretary of State is satisfied that—

(a) the supplier's welfare milk supply during a period of 52 consecutive weeks in the 60 weeks immediately preceding the date of the application was more than 7.5 per cent. of his total retail milk supply for that period; or

(b) the supplier—

(i) at the time of his application had not carried on a retail trade in milk for 52 weeks or more but had carried on such trade for a period of at least 13 consecutive weeks ending immediately preceding the date of his application, and

(ii) had a welfare milk supply during that period of at least 13 consecutive weeks which was more than 7.5 per cent. of his total retail milk supply for that period,

he shall determine the special percentage by which the supplier's approved price will be reduced for the purpose of reimbursement under paragraph (6) in accordance with Part II of Schedule 4, and shall notify him of it in writing.

(4) A determination made under paragraph (3) shall have effect for a period of one year from the date specified in the determination.

(5) A supplier may not apply to vary a special percentage given in a determination under paragraph (3).

(6) Where the Secretary of State has determined a special percentage for a supplier under paragraph (3) and during the year specified in the determination the supplier submits to him a milk token together with a claim in writing which includes the information and declaration specified in Schedule 4, the Secretary of State shall reimburse the supplier with an amount equal to the approved price of the milk which the supplier has supplied against the milk token or for which he has made an allowance in accordance with regulation 14(2), less the special percentage.