

2005 No. 3262

FOOD

**The Healthy Start Scheme and Welfare Food (Amendment)
Regulations 2005**

Made - - - - *27th November 2005*

Coming into force in accordance with regulation 1

Whereas a draft of this instrument was laid before Parliament in accordance with section 13(10) of the Social Security Act 1988(a) and approved by resolution of each House of Parliament:

Now therefore the Secretary of State for Health, in exercise of the powers conferred on her by section 13 of the Social Security Act 1988, and section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992(b), and all other powers enabling her in that behalf, and after having consulted the Scottish Ministers and the National Assembly for Wales(c), hereby makes the following Regulations:—

PART I

Preliminary

Citation and commencement

1. These Regulations may be cited as the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 and shall come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“beneficiary” means a person entitled to benefit pursuant to regulations 3 and 4;

“child” means a person under the age of 16;

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- (a) 1988 c. 7. Section 13 was amended by section 21(1) and (2) of, and Schedule 6, paragraph 8(11)(a), and Schedule 7 to, the Social Security Act 1990 (c. 27), section 4 of, and Schedule 2 to, paragraph 94 of, the Social Security (Consequential Provisions) Act 1992 (c. 6). Section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) substituted new provisions for the existing provisions of section 13 (see the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 7) Order 2005, 2005 No. 2278 (C.95)). Savings were made by the Health and Social Care (Community Health and Standards) Act 2003 (Savings) Order 2005, S.I. 2005/2279.
- (b) 1992 c. 4. Section 175(2) to (5) is applied by section 15A of the Social Security Act 1988 (c. 7) which section was inserted by section 21(1) of, and Schedule 6, paragraph 8(10) to, the Social Security Act 1990 (c. 27) and amended by section 4 of, and Schedule 2, paragraph 96 of, 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). (See the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 7) Order 2005, 2005 No. 2278 (C.95)).
- (c) See the requirement to consult in section 13(2) of the Social Security Act 1988 (c. 7).

“estimated date of delivery” means the date evidenced in writing and signed by a health professional pursuant to paragraph 2 of Schedule 2;

“family” has the meaning given by section 137(1) of the Social Security Contributions and Benefits Act 1992 for the purposes of Part VII of the Act (income-related benefits);

“food outlet” means a person registered in accordance with regulation 12 to supply Healthy Start food;

“health professional” means a registered medical practitioner, registered nurse or registered midwife, as the case may be(a);

“Healthy Start food” means the food prescribed at regulation 5;

“Healthy Start scheme” means the scheme established by these Regulations;

“income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995(b);

“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992;

“parental responsibility” in England and Wales has the same meaning as in section 3(1) of the Children Act 1989(c), and in Scotland has the same meaning as in section 1(1) of the Children (Scotland) Act 1995(d);

“period of validity” in relation to a voucher means the period indicated on it in accordance with regulation 8 as that during which it may be exchanged for Healthy Start food in accordance with these Regulations;

“relevant income” has the same meaning as in section 7(3) of Part 1 of the Tax Credits Act 2002(e);

“the 1996 Regulations” means the Welfare Food Regulations 1996(f);

“voucher” is to be construed in accordance with regulation 8.

(2) Where any provision of these Regulations requires or enables anything to be done by or in respect of a beneficiary and that beneficiary is a child, the provision shall, unless the context otherwise requires, be deemed to refer to a parent with parental responsibility for the child or the child’s guardian or the person having care of her.

(3) A reference to the Secretary of State in regulations 3 to 10, 12, 14 and 15, but not regulation 15(2), shall include a reference to a person authorised by her for the purposes of the Regulations or that regulation.

PART II

Entitlement to benefit

Entitlement to benefit

3.—(1) A person described in paragraph (3) is entitled to benefit in accordance with these Regulations.

(2) The benefit to which a person described in paragraph (3) is entitled is Healthy Start food to the value represented by a voucher as provided in regulation 8(3).

(a) “Registered” in relation to nurses and midwives is defined in Schedule 1 to the Interpretation Act 1978 (c. 30), and has been amended by the Nursing and Midwifery Order 2001, S.I. 2002/253, Schedule 5 (consequential amendments to primary legislation), paragraph 7, and further amended by the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004, S.I. 2004/1771.

(b) 1995 c. 18.

(c) 1989 c. 41.

(d) 1995 c. 36.

(e) 2002 c. 21.

(f) S.I. 1996/1434, as amended by the Welfare Food (Amendment) Regulations 2005, S.I. 2005/688. Previous amending instruments were revoked by regulation 3 of S.I. 2005/688, and earlier amending instruments.

(3) For the purposes of paragraph (1), a person so described is a person resident in an area described in Schedule 1 and who is—

- (a) a pregnant woman who is not under the age of 18 and has been pregnant for more than ten weeks and who is, or is a member of the family of a person who is, entitled to—
 - (i) income support; or
 - (ii) an income-based jobseeker's allowance; or
 - (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 Credits Act 2002(a) is determined at the time of the award not to exceed £13,910, and the person is not entitled to working tax credit;
- (b) a woman under the age of 18 who has been pregnant for more than ten weeks, provided that she is not a person to whom section 115 (exclusion from benefits) of the Immigration and Asylum Act 1999(b) applies;
- (c) a mother who—
 - (i) before the birth of her child, was entitled to and in receipt of a social security benefit or tax credit mentioned in paragraph (3)(a); and
 - (ii) has parental responsibility for that child whose date of birth has not been notified to the Secretary of State and in respect of whom the period of four months from the estimated date of delivery has not yet passed;
- (d) a mother who—
 - (i) is not under the age of 18,
 - (ii) has parental responsibility for a child who is under the age of one year, or in respect of whom the first anniversary of the estimated date of delivery has not yet passed, and
 - (iii) is or is a member of the family of a person who is entitled to income support, 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 Credits Act 2002 is determined at the time of the award not to exceed £13,910, and the person is not entitled to working tax credit; or
- (e) a child who is under the age of five years, and who is a member of the family of a person who 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 Credits Act 2002 is determined at the time of the award not to exceed £13,910, and the person is not entitled to working tax credit.

(4) A mother who satisfies the requirements for entitlement by virtue of having parental responsibility for more than one child who is a child mentioned in paragraph (3)(c) or (d) is entitled to benefit in respect of each such child.

(5) If a mother would otherwise be entitled to benefit under paragraph (3)(c) or (d) but does not have parental responsibility for a child who is a child mentioned in either of those paragraphs, then any such child is entitled to benefit instead of the mother.

(6) The entitlement of a child under paragraph (5) is in addition to any entitlement of the child under paragraph (3)(e).

Claim for benefit

4.—(1) Except as provided in paragraphs (2) to (4), no person described in regulation 3 may become entitled to benefit unless she first submits to the Secretary of State a claim in writing that

(a) 2002 c. 21.

(b) 1999 c.33, as amended by the State Pension Credit Act 2002 (c. 16), section 4(2), regulation 2 of the Regulatory Reform (Carer's Allowance) Order 2002, S.I. 2002/1457 and the Tax Credits Act 2002, section 60, Schedule 6, and section 51, Schedule 4, paragraphs 20 and 21.

includes the information, and is supported by the written evidence, declaration and signatures, specified in Schedule 2.

(2) Where a person who has parental responsibility for a child described at regulation 3(3)(e) who is under the age of four months notifies by telephone the Secretary of State of the date of birth of the child, the child may become entitled to benefit from the date of her birth.

(3) A mother described in regulation 3(3)(c) may become entitled to benefit from the date of birth of her child provided that she has not submitted a claim as a mother described in regulation 3(3)(d) in respect of that child.

(4) A person described in regulation 3 who ceased to be entitled less than three months previously may have her entitlement renewed if she is able to demonstrate to the reasonable satisfaction of the Secretary of State that the circumstances that resulted in her ceasing to be so entitled have reverted to those that prevailed when she was so entitled.

(5) Subject to paragraph (1) a person described:—

(a) in regulation 3(3)(d) who is entitled to child tax credit will be entitled to benefit from the date on which she became so entitled in respect of the child described at regulation 3(3)(d)(ii),

(b) in regulation 3(3)(d) or (e) or (5) who is a member of the family of a person who is entitled to child tax credit will be entitled to benefit from the date on which she became a person so described.

(6) Subject to the provisions of this regulation, a person's entitlement under this regulation and regulation 3 shall begin from the date on which her claim complying with the requirements of paragraph (1) is received by the Secretary of State.

Healthy Start food and payments in lieu

5.—(1) Healthy Start food is the food specified in Column 1 (category of food) of Schedule 3 as qualified in Column 2 (qualification) of that Schedule.

(2) If the Secretary of State is satisfied that there is no food outlet within a reasonable distance of the home of a beneficiary, she may, instead of benefit, pay the beneficiary an amount equal to the value represented by the voucher she would otherwise receive.

Advice on health and nutrition

6. The Secretary of State may arrange for a person described in regulation 3 to receive advice on health and nutrition when she receives a voucher or at some other time.

Cessation of entitlement to benefit

7.—(1) A person's entitlement to benefit under these Regulations shall cease when she ceases to be entitled in accordance with regulation 3 or 4.

(2) A person who is no longer entitled to benefit must inform the Secretary of State of the change in her circumstances if she continues to receive vouchers or payments instead of benefit.

PART III

Vouchers

Issue of voucher

8.—(1) For each week that a beneficiary is entitled to benefit under regulations 3 and 4 the Secretary of State shall issue or cause to be issued to that beneficiary a voucher to enable the beneficiary to obtain the benefit to which she is entitled.

(2) The period of validity of the voucher shall be not less than four weeks and not more than six months from the date of issue of the voucher.

(3) The value represented by the voucher in respect of which the voucher may be exchanged under regulation 9 for Healthy Start food is £2.80.

(4) The Secretary of State shall ensure that the following are indicated on the face of the voucher:

- (a) the value represented by the voucher;
- (b) a description of Healthy Start food; and
- (c) the period of validity of the voucher.

Use of voucher

9.—(1) A beneficiary may within the period of its validity exchange a voucher for Healthy Start food.

(2) Subject to paragraph (3), a voucher issued to a beneficiary may be used only by the beneficiary for whom it was issued.

(3) A voucher issued to a beneficiary who is a child who is breast-fed by her mother may be exchanged for Healthy Start food for consumption by the mother.

(4) No person shall buy or sell or otherwise use—

- (a) a voucher; or
- (b) Healthy Start food supplied in exchange for a voucher;

except in accordance with these Regulations.

Failure to receive benefit represented by the voucher

10.—(1) If a beneficiary fails to receive benefit as a result of a failure to receive a voucher, she may, in accordance with paragraph (3), so notify in writing the Secretary of State for the purposes of paragraph (4) of this regulation.

(2) If a beneficiary who is entitled to benefit under regulations 3 and 4 receives a voucher in accordance with regulation 8, and

- (a) the voucher is lost or stolen or accidentally destroyed before it is exchanged for Healthy Start food; or
- (b) there is no food outlet within a reasonable distance of the beneficiary's home; or
- (c) the beneficiary is a child under the age of one year and there is no food outlet within a reasonable distance of the child's home at which a voucher can be exchanged for Healthy Start food consisting of infant formula as described in Schedule 3;

the beneficiary may, in accordance with paragraph (3), so notify in writing the Secretary of State for the purposes of this regulation.

(3) A beneficiary who so notifies in the circumstances described—

- (a) in paragraph (1) must, in the case of the first voucher pursuant to a claim, do so within twelve weeks of the date she submitted her claim to the Secretary of State or, in any other case, within four weeks of the date of expiry of her last voucher;
- (b) in paragraph (2) must do so before expiry of the period of validity of the voucher.

(4) If the Secretary of State is satisfied—

- (a) on a notification pursuant to paragraph (1) or otherwise, that a beneficiary did not receive a voucher because of some act or omission on the part of the Secretary of State or Her Majesty's Revenue and Customs^(a),

(a) See section 4(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11).

- (b) on a notification pursuant to paragraph (2)(a), that the voucher has been lost or stolen or accidentally destroyed, or
- (c) on a notification pursuant to paragraph (2)(b) or (c), that there is no food outlet within a reasonable distance of the beneficiary's home or no such food outlet at which a voucher can be exchanged for Healthy Start food consisting of infant formula as described in Schedule 3,

she shall either, as she considers appropriate, issue or cause to be issued to that beneficiary a voucher or pay the beneficiary an amount equal to the value represented by the voucher.

Property in voucher

11.—(1) Every voucher is and shall remain the property of the Secretary of State.

(2) Any person in possession of a voucher shall, if so requested by the Secretary of State, produce or deliver it to the Secretary of State within such time and to such place as the Secretary of State may direct in writing.

Part IV

Food outlets

Application for registration of food outlet

12.—(1) A person carrying on a business of the supply of food who wishes to supply Healthy Start food in exchange for a voucher and to receive payment from the Secretary of State for such supply shall apply in writing to the Secretary of State to be registered as a food outlet.

(2) A person who applies under paragraph (1) shall provide the information, supported by the declaration specified in Schedule 4.

(3) The Secretary of State shall register an applicant as a food outlet if she is satisfied that the information and declaration provided by the applicant are accurate and complete.

(4) A food outlet shall notify the Secretary of State of any material change that may affect the information provided pursuant to this regulation or his ability to supply Healthy Start food.

(5) A person shall cease to be a food outlet if the Secretary of State determines that the person—

- (a) has failed to provide any information or evidence required under these Regulations;
- (b) is in persistent breach of his duties under the Healthy Start scheme; or
- (c) has not submitted a claim for payment pursuant to regulation 14 for a period of one year.

(6) The Secretary of State may determine that a person who has been convicted of an offence punishable by at least six months' imprisonment shall cease to be a food outlet.

Duties of food outlet

13.—(1) A food outlet who accepts a voucher from a beneficiary shall supply the beneficiary with Healthy Start food to the value indicated on the face of the voucher and in accordance with these Regulations.

(2) Where a food outlet supplies Healthy Start food pursuant to paragraph (1) and the value of the Healthy Start food supplied is less than the value indicated on the face of the voucher, the food outlet shall not provide the beneficiary with anything to recompense the beneficiary for the outstanding value.

(3) If a food outlet accepts a voucher and fails on that occasion to supply Healthy Start food to a beneficiary, the food outlet shall, within the period of validity of the voucher or as soon as practicable after that period—

- (a) supply the beneficiary with the Healthy Start food; or

- (b) credit the beneficiary with an amount equal to the value indicated on the face of the voucher towards the next purchase by the beneficiary of food of a description similar to that of Healthy Start food.

Payment of food outlet

14.—(1) A food outlet who wishes to receive payment shall submit to the Secretary of State a claim in writing that includes the information set out in Schedule 5 together with the vouchers to which the claim relates.

(2) If the Secretary of State is satisfied that the information provided by the food outlet pursuant to paragraph (1) is accurate and complete, she shall pay the food outlet an amount equal to the value indicated on the face of each voucher submitted.

(3) The Secretary of State may pay a food outlet in respect of a greater or lesser number of vouchers than are indicated as included with a claim made pursuant to paragraph (1) where it is clear on the face of the documents that an error has been made.

(4) The Secretary of State shall not be obliged to make a payment in respect of a voucher included with a claim pursuant to paragraph (1) if the claim is received by the Secretary of State more than six months after the period of validity on the face of the voucher.

(5) If the Secretary of State is satisfied that—

- (a) a food outlet submitted a claim in writing together with a voucher pursuant to paragraph (1); and
- (b) the food outlet received the voucher in exchange for Healthy Start food provided to a beneficiary in accordance with these Regulations,

the Secretary of State may pay the food outlet an amount equal to the value indicated on the face of the voucher, notwithstanding that the claim has not been received.

Requirement to furnish information

15.—(1) The Secretary of State may require a food outlet to furnish her with such information or evidence as may reasonably be needed in connection with the administration of the Healthy Start scheme.

(2) A person to whom a person is required to furnish information or evidence shall produce to that person evidence of his authority from the Secretary of State, if requested.

(3) Any document produced pursuant to paragraph (1)—

- (a) shall be provided in a legible form;
- (b) may be copied or extracts may be taken from it, and
- (c) shall be explained by the person producing it, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by the body corporate, if so requested by the Secretary of State.

(4) A person who has failed to produce information or evidence required pursuant to paragraph (1) shall state, to the best of his knowledge and belief, where it is held.

Part V

Final provisions

Amendment of the 1996 Regulations - Healthy Start scheme

16. The 1996 Regulations are amended as follows:—

- (a) In regulation 3 (entitlement to free milk) in paragraph (1), after “paragraph (2)” there is inserted “other than a person who resides in an area specified in Schedule 1 to the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005,”;

- (b) in regulation 4(1) (child under the age of one year – entitlement to free dried milk or milk), after “Great Britain”, there is inserted “other than a child who resides in an area specified in Schedule 1 to the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005,”;
- (c) in regulation 5 (entitlement to free vitamins)—
 - (i) in paragraph (3A), after “expectant mother” there is inserted, “, other than a pregnant woman who resides in an area specified in Schedule 1 to the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005,”; and
 - (ii) in paragraph (3B), at the beginning, there is inserted, “Other than in the case of a pregnant woman who resides in an area specified in Schedule 1 to the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005,”;
- (d) in regulation 22 (application of enactments)—
 - (i) in paragraph (1), for “purpose”, there is substituted “purposes”, for “scheme” there is substituted “schemes”, and after “Regulations”, there is inserted “and the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005”;
 - (ii) in paragraph (2), after “regulation 14(4),” there is inserted—

“or the following provisions of the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005, namely—

 - regulation 7(2);
 - regulation 9(4);
 - regulation 11(2);
 - regulation 13(1);
 - regulation 13(3),”;
- (e) in Schedule 6 to the 1996 Regulations (enactments applied for the purposes of these Regulations)—
 - (i) for the modifications in relation to section 111 of the Social Security Administration Act 1992 substitute “Omit subsection (1)(a) and (ab), in subsection (1)(b), for the words “under this Act” substitute the words “in accordance with the Welfare Food Regulations 1996 or the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005”, in subsection (2), for the words “subsection (1)(ab) or (b)” substitute the words “this section” and omit subsection (3)”;
 - (ii) for the modifications in relation to section 112 of the Social Security Administration Act substitute “In subsection (1), for the words “benefit or other payment under the relevant social security legislation”, substitute the words “welfare food, Healthy Start food or payment under a scheme made for the purposes of section 13 of the Social Security Act 1988”, for the words “that legislation” substitute the words “such a scheme” and omit subsections (1A) to (1F)”.

Transitional provision

17. Any person described in regulation 3(3) who, at the date of coming into force of these Regulations, is entitled to and in receipt of milk in accordance with regulation 3(2)(a) or (b) (entitlement to free milk) or 4 (child under the age of one year – entitlement to free dried milk or milk) of the 1996 Regulations, shall be treated as a person entitled to Healthy Start food for the purposes of these Regulations.

Other amendments and revocations

- 18.—(1) In regulation 2(1) (interpretation) of the 1996 Regulations—
- (a) in the definition of “vitamins”, for “A, C and D”, there is substituted “appropriate for the beneficiary who receives them”; and
 - (b) the definition of “guarantee credit” is deleted.

(2) In regulation 3(2)(b)(iii), at the end, “or” is deleted.

(3) In regulation 9(1), “and any dried milk obtained by a person under regulation 7” is deleted.

(4) In regulation 18(1), “and 7” is deleted.

(5) Regulations 3(2)(a)(iii), (c), (3) and (4) (entitlement to free milk), 5(2)(a)(iii) and (b)(iii), and (4)(a)(iii), (entitlement to free vitamins), 6(1)(iii), (inability to obtain free vitamins), 7 (purchase of dried milk at a reduced price), and 8 (inability to purchase dried milk at a reduced price) of, and Schedule 2 to, the 1996 Regulations are revoked.

Signed by authority of the Secretary of State for Health

27th November 2005

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health

SCHEDULE 1

Regulation 3(3)

Area of the Healthy Start scheme

The area encompassed within postcode districts commencing with “PL”, “TR”, “TQ” and “EX”.

SCHEDULE 2

Regulation 4(1)

Application for benefit

Information needed for application for benefit

1. A claim for benefit in respect of a pregnant woman, mother or child pursuant to regulation 3 shall contain the following information—

- (a) the name and address of the pregnant woman, mother or child;
- (b) the name, address, and national insurance number of the person of whose family the pregnant woman, mother or child is a member and who is entitled to a social security benefit or tax credit mentioned in regulation 3 unless the person entitled is the pregnant woman or mother;
- (c) the national insurance number of the pregnant woman or mother, or, if the person in respect of whom the claim is made is aged under 18, that person’s date of birth.

Evidence in writing needed for application for benefit

2. A claim in respect of a pregnant woman shall be accompanied by evidence in writing of the estimated date of delivery of the pregnant woman signed by a health professional.

3. A claim in respect of a child under the age of four months shall be accompanied by evidence in writing of the existence and age of the child, unless the claim is made by telephone as provided in regulation 4(2).

Declaration needed for application for benefit

4.—(1) A claim in respect of a pregnant woman, mother or child shall include a declaration signed by the claimant that:—

- (a) the person in respect of whom the claim is made or a member of that person's family is entitled to—
- (i) income support;
 - (ii) an income based jobseeker's allowance; or
 - (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 Credits Act 2002 is determined at the time of the award not to exceed £13,910, and the person is not entitled to working tax credit; and
- (b) the claimant understands the rules of the Healthy Start scheme and will abide by her obligations under the scheme.
- (2) If a claim is made by a pregnant woman under the age of 18, the declaration described in sub-paragraph (1) is not necessary.

Countersignature of a health professional

5. A claim pursuant to regulation 4 must be countersigned by a health professional.

SCHEDULE 3

Regulation 5(1)

Healthy Start food

<i>Category of food</i>	<i>Qualification</i>
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 fruit and vegetables	Fresh fruit and vegetables including loose, pre-packed, whole, sliced, chopped, or mixed fruit or vegetables, but not fruit or vegetables to which salt, sugar, herbs or other flavouring has been added.

SCHEDULE 4

Regulation 12(2)

Application for registration as a food outlet

Information needed for application for registration as a food outlet

6. An application for registration as a food outlet shall contain the following information—
- (a) the name and address of the proposed food outlet;
 - (b) the address from which the proposed food outlet will supply the Healthy Start food, or, if this is not appropriate, the correspondence address in relation to that supply;
 - (c) the name, address, sort code, and account number of the bank of the proposed food outlet and any other details necessary for payment to be made to the bank account of the proposed food outlet;
 - (d) the category of Healthy Start food that the proposed food outlet is willing to supply.

Declaration needed for application for registration as a food outlet

7. An application for registration as a food outlet shall include a declaration signed by the proposed food outlet that he understands the rules of the Healthy Start scheme and that he will abide by his obligations under the scheme.

SCHEDULE 5

Regulation 14(1)

Information for claim for payment of food outlet

The information to be provided by a food outlet on a claim for payment in relation to vouchers is—

- (a) the name and address of the food outlet;
- (b) the address at which the food outlet exchanged Healthy Start food for the vouchers to which the claim relates; and
- (c) the number of vouchers included with the claim.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish a scheme in the area in the West of England encompassed within postcode districts commencing with “PL”, “TR”, “TQ” and “EX” to provide benefits for pregnant women, mothers and children (“the Healthy Start scheme”). They are the first set of regulations made under new powers in section 13 (benefits under schemes for improving nutrition: pregnant women, mothers and children) of the Social Security Act 1988(a) (“the 1988 Act”). Section 13 of the 1988 Act was replaced by wording in section 185 of the Health and Social Care (Community Health and Standards) Act 2003(b) (replacement of the Welfare Food Schemes: Great Britain). The Regulations also amend the Welfare Food Regulations 1996(c) (“the 1996 Regulations”).

Part I deals with preliminary matters. Regulations 1 and 2 provide for citation, commencement and interpretation. The Regulations are to come into force on the day after the day on which they are made.

Part II covers entitlement to benefit under the Healthy Start scheme. Persons entitled to benefit under the Healthy Start scheme are described in regulation 3 and Schedule 1. Regulation 3 also provides for the Healthy Start food benefit to which a beneficiary is entitled.

Regulation 4 and Schedule 2 make provision for claims for the Healthy Start benefit. Regulation 5 and Schedule 3 make further provision in relation to Healthy Start food. Advice on health and nutrition is provided for by regulation 6. Regulation 7 is concerned with cessation of entitlement to the Healthy Start benefit.

Part III is concerned with voucher arrangements. Regulation 8 provides for the issue of a voucher under the Healthy Start scheme. The value represented by the voucher is £2.80. Use of a voucher is covered by regulation 9. Regulation 10 details what is to happen if a beneficiary fails to receive benefit, and regulation 11 provides for property in a voucher.

(a) 1988 c. 7.

(b) 2003 c. 43. See the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 7) Order 2005, 2005 No. 2278 (C.95) and the Health and Social Care (Community Health and Standards) Act 2003 (Savings) Order 2005, S.I. 2005/2279 for provisions on commencement and savings that affect section 185.

(c) S.I. 1996/1434, as amended by the Welfare Food (Amendment) Regulations 2005, S.I. 2005/688. Previous amending instruments were revoked by regulation 3 of S.I. 2005/688, and earlier amending instruments.

Part IV sets out the arrangements concerning food outlets in the Healthy Start scheme. Applications to be registered as a food outlet are provided for in regulation 12 and Schedule 4. The duties of a food outlet are set out in regulation 13. Regulation 14 and Schedule 5 detail the procedures for payment of a food outlet. Regulation 15 imposes a requirement to furnish information in the specified circumstances.

Part V contains the final provisions. Regulation 16 makes amendments to the 1996 Regulations to provide for the Healthy Start scheme including the creation of new criminal offences. Regulation 17 makes transitional provision. Other amendments and revocations to provisions of the 1996 Regulations are made by regulation 18.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Department of Health, Wellington House, 133 – 155 Waterloo Road, London SE1 8UG.

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