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STATUTORY INSTRUMENTS

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**2011 No. 426**

**FOOD**

**The Healthy Start Scheme and Welfare  
Food (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>14th February 2011</i>
<i>Laid before Parliament</i>		<i>17th February 2011</i>
<i>Coming into force</i>	- -	<i>6th April 2011</i>

The Secretary of State for Health makes the following Regulations, in exercise of the powers conferred by section 13 of the Social Security Act 1988(1), and section 175(3) to (4) of the Social Security Contributions and Benefits Act 1992(2).

In accordance with section 13(2) of the Social Security Act 1988 the Secretary of State has consulted with Scottish Ministers and Welsh Ministers(3).

**Citation, commencement, and interpretation**

1.—(1) These Regulations may be cited as the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2011 and shall come into force on the 6th April 2011.

(2) In these Regulations “the principal Regulations” means the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005(4).

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- (1) [1988 c. 7](#) (“the 1988 Act”). Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act [2003 \(c. 43\)](#) (“the 2003 Act”). The power conferred by section 13(1) to prescribe descriptions of food is exercisable by the Secretary of State only in relation to the operation of a scheme in England. It is exercisable by Welsh Ministers in relation to the operation of a scheme in Wales by virtue of section 13(6) of the 1988 Act; and by Scottish Ministers in relation to the operation of a scheme in Scotland by virtue of the Schedule to the Scotland Act 1988 (Transfer of Functions to the Scottish Ministers etc) (No. 3) Order 2006 ([S.I. 2006/3258](#)).
- (2) [1992 c. 4](#). Section 175(3) to (4) was applied by section 15A of the 1988 Act which was inserted by Schedule 6, paragraph 8(10) to the Social Security Act [1990 \(c. 27\)](#) and amended by Schedule 2, paragraph 96 to the Social Security (Consequential Provisions) Act [1992 \(c. 6\)](#) and section 185(2) of the 2003 Act.
- (3) Functions conferred or imposed on the National Assembly for Wales immediately before the first appointment of a First Minister under section 46 of the Government of Wales Act [2006 \(c. 32\)](#) (“GOWA”) by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2) of Schedule 11 to GOWA.
- (4) [S.I. 2005/3262](#), to which there are amendments not relevant to these Regulations. By virtue of the definition of “Healthy Start food” in regulation 2, the description of food in regulation 5 and Schedule 3 applies only in relation to the operation of a scheme in England.

### **Amendment of Schedule 3 to the principal Regulations**

2. In Schedule 3 (Healthy Start food) to the principal Regulations, in the entry relating to fruit and vegetables—

- (a) in the column relating to category of food, after “Fresh” insert “or frozen”; and
- (b) in the column relating to qualification, for the existing text substitute—

“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.”.

Signed by authority of the Secretary of State for Health.

14th February 2011

*Anne Milton*  
Parliamentary Under-Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 (“the principal Regulations”) and apply to England only.

Regulation 2 amends Schedule 3 to the principal Regulations, by revising the category of fruit and vegetables which can count as Healthy Start food to include frozen as well as fresh fruit and vegetables and by clarifying the qualifications.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department of Health website at [www.dh.gov.uk](http://www.dh.gov.uk) and is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).