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STATUTORY INSTRUMENTS

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**1996 No. 1434**

**The Welfare Food Regulations 1996**

**PART II**

**ENTITLEMENT TO FREE MILK, DRIED MILK AND  
VITAMINS AND DRIED MILK AT A REDUCED PRICE**

**Entitlement to free milk**

**3.**—(1) Subject to paragraph (4) and the provisions as to milk tokens in Parts III and IV, any person specified in paragraph (2) is entitled to receive milk for personal consumption, in accordance with these Regulations, free of charge.

(2) For the purposes of paragraph (1), the person specified is any of the following in Great Britain—

- (a) an expectant mother who is, or is a member of the family of a person who is, entitled to income support or to an income-based jobseeker's allowance; or
- (b) a child who has attained the age of one year but 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 to an income-based jobseeker's allowance; or
- (c) a qualifying child.

(3) A child is a qualifying child if he—

- (a) has attained the age of five years but is under the age of 16 years;
- (b) is not in paid employment; and
- (c) because of a physical or mental disability is neither a registered pupil at a school in accordance with the provisions of the Education Act 1944(1) nor a pupil in attendance at a school in accordance with the provisions of the Education (Scotland) Act 1980(2).

(4) No qualifying child shall be entitled to milk unless a claim in writing is made on his behalf to the Secretary of State, or to a person authorised by the Secretary of State, and the claim includes the information, and is supported by the document, specified in Schedule 2.

(5) A beneficiary's entitlement under this regulation is to milk at the rate of seven 568 millilitre measures a week or, where milk is supplied in multiples of 500 millilitres only, eight 500 millilitre measures a week(3).

**Child under the age of one year—entitlement to free dried milk or milk**

**4.**—(1) Subject to paragraph (3) and to the provisions as to milk tokens in Parts III and IV, a child in Great Britain who is under the age of one year and who is a member of the family of a person

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(1) 1944 c. 31.

(2) 1980 c. 44.

(3) A 568 millilitre measure is equivalent to 1 pint and a 500 millilitre measure is half a litre.

who is entitled to income support or to an income-based jobseeker's allowance is entitled to receive dried milk or milk for personal consumption, in accordance with these Regulations, free of charge.

(2) A beneficiary's entitlement under this regulation is to—

- (a) dried milk at the rate of 900 grammes per week; or
- (b) milk at the rate of seven 568 millilitre measures a week or, where milk is supplied in multiples of 500 millilitres only, eight 500 millilitre measures a week.

(3) Milk to which a beneficiary is entitled under paragraph (2)(b) may be for consumption by the beneficiary's mother if she is breast-feeding the child.

### **Entitlement to free vitamins**

5.—(1) Subject to paragraph (4), any person specified in paragraph (2) is entitled to receive vitamins for personal consumption, in accordance with these Regulations, free of charge.

(2) For the purposes of paragraph (1), the person specified is any of the following in Great Britain—

- (a) a mother who is breast-feeding her child under the age of one year, or an expectant mother, who is, or is a member of the family of a person who is, entitled to income support or to an income-based jobseeker's allowance; or
- (b) 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 to an income-based jobseeker's allowance.

(3) Entitlement to vitamins under paragraph (1) is as follows—

- (a) in the case of a mother who is breast-feeding her child 90 tablets or 20 millilitres of drops for every 13 weeks of entitlement;
- (b) in the case of an expectant mother or a child under the age of five years, 20 millilitres of drops for every 13 weeks of entitlement.

(4) No person shall be entitled to vitamins under this regulation unless a claim is made to a person responsible for the distribution of welfare food at a clinic and the claim is supported by—

- (a) documentary evidence of entitlement to income support or an income-based jobseeker's allowance; and
- (b) if requested by the person to whom the claim is made, documentary evidence of the child's age or documentary evidence that the beneficiary is an expectant mother.

### **Inability to obtain free vitamins**

6.—(1) Any beneficiary who is unable to obtain vitamins under regulation 5 for a period ("the missing period") as a result of a failure to receive from the Secretary of State evidence as to entitlement to income support or income-based jobseeker's allowance may apply at an office of the Department of Social Security for a payment.

(2) If the Secretary of State is satisfied, on an application under paragraph (1), that the failure to receive evidence of entitlement was the result of an act or omission on his part, he shall pay the beneficiary an amount equal to the cost of purchasing vitamins for the missing period from the nearest convenient clinic to where she lives.

### **Purchase of dried milk at a reduced price**

7.—(1) Any person who is entitled, or is a member of the family of a person who is entitled, to family credit and who is responsible for a child who—

- (a) is not entitled to dried milk or milk under regulation 4;

(b) is under the age of one year; and  
(c) is also a member of the family of the person who is entitled to family credit,  
shall be entitled to purchase at any clinic, on behalf of that child, at a price of £3.65, 900 grammes of dried milk per week for personal consumption by that child.

(2) No person shall be entitled to purchase dried milk under this regulation unless a claim is made to a person responsible for the distribution of welfare food at a clinic and the claim is supported by—

- (a) documentary evidence of entitlement to family credit; and
- (b) if requested by the person to whom the claim is made, documentary evidence of the child's age.

(3) A person's entitlement under paragraph (1) shall be at a rate no greater than 900 grammes of dried milk a week.

(4) A person may purchase dried milk for a period of up to four weeks from the date of the claim provided that she satisfies the person responsible for the distribution of welfare food at the clinic—

- (a) as to entitlement to family credit for the weeks for which the dried milk is purchased; and
- (b) if requested by the person to whom the claim is made, as to the age of the child on whose behalf the dried milk is purchased during the weeks for which it is purchased.

#### **Inability to purchase dried milk at a reduced price**

**8.—**(1) Any person who is unable to purchase dried milk to which a child is entitled under regulation 7 for a period ("the missing period") as a result of a failure to receive from the Secretary of State evidence as to entitlement to family credit, may apply to an office of the Department of Social Security in writing for a payment.

(2) If the Secretary of State is satisfied, on an application under paragraph (1), that the failure to receive evidence of entitlement was the result of some act or omission on his part, he shall pay the applicant an amount equal to the difference during the missing period between—

- (a) the lowest price payable for 900 grammes of a dried milk preferred by the applicant at the nearest convenient clinic to where the applicant lives; and
- (b) the price at which the applicant would have purchased 900 grammes of dried milk under regulation 7 but for the failure,

multiplied by the number of weeks in the missing period.

#### **Use of milk, dried milk and vitamins**

**9.—**(1) Any milk, dried milk or vitamins obtained by a beneficiary under these Regulations and any dried milk obtained by a person under regulation 7 may be consumed only by the person for whom it was obtained unless—

- (a) the consumption is necessary to avoid waste or is trifling in amount; or
- (b) the milk is consumed in accordance with regulation 4(3).

(2) No person may use milk, dried milk or vitamins supplied to a beneficiary under these Regulations otherwise than in accordance with the provisions of paragraph (1).

(3) No person may buy or sell milk, dried milk or vitamins supplied to a beneficiary under these Regulations.