
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 193

**The Welfare Foods (Best Start
Foods) (Scotland) Regulations 2019**

PART 4

Entitlement

Entitlement – further provision

11.—(1) Subject to [^{F1}paragraphs (1A) and (2)] [^{F2}and regulation 18B], no beneficiary is entitled to benefit under these Regulations unless an application for such benefit has been approved by the Scottish Ministers.

[^{F3}(1A) This paragraph applies where the Scottish Ministers receive an application in respect of an individual described in regulation 7, and they are also in receipt of—

- (a) an application in respect of an individual described in regulation 7A or an individual described in regulation 7B,
- (b) an application in respect of an individual described in regulation 7A and an individual described in regulation 7B, or
- (c) applications in respect of two or more individuals described in regulation 7B,

and each application relates to the same pregnancy.

(1B) Where paragraph (1A) applies, the Scottish Ministers must—

- (a) approve the application in respect of the individual described in regulation 7 in priority to any application made in respect of an individual described in regulation 7A or 7B, and
- (b) cease any payment of this benefit to the individual described in regulation 7A or regulation 7B.

(1C) Where—

- (a) the Scottish Ministers receive an application in respect of—
 - (i) an individual described in regulation 7A and they are also in receipt of an application in respect of an individual described in regulation 7B, or
 - (ii) an individual described in regulation 7B and are also in receipt of an application in respect of at least one other person described in regulation 7B, and
- (b) the applications mentioned in sub-paragraph (a) are made in connection with the same pregnant woman,

the Scottish Ministers must decide which of the individuals is entitled to benefit having regard to the circumstances of the pregnant woman and cease any payment of this benefit to the individual whom the Scottish Ministers decide is not entitled.]

[^{F4}(2) A child described in paragraph (2A) is entitled to benefit payable from the date of their birth.

- (2A) A child—
- (a) who is entitled to benefit by virtue of regulation 8,
 - (b) who is under 4 months of age, and
 - (c) for whom another individual is responsible, and that individual, their partner, the person on whom that individual was dependent, or the partner of that person—
 - (i) was previously entitled to benefit by virtue of regulation 7, 7A or 7B in respect of the pregnancy which resulted in the birth of the child, and
 - (ii) notifies the Scottish Ministers of the date of birth of the child.]
- (3) If an individual described in regulations [F57, 7A, 7B or 8]—
- (a) has ceased to be entitled to benefit,
 - (b) less than 12 weeks have elapsed since they ceased to be so entitled, and
 - (c) can demonstrate to the reasonable satisfaction of the Scottish Ministers that they are once again entitled,

then the Scottish Ministers may renew their entitlement without further process.

[F6(4) 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 as described in regulation 8, the provision is deemed to refer to the individual responsible for the child or the partner of that individual (as described in regulation 8(1)(a) or (b)).]

[F7(5) Where a beneficiary is entitled to benefit under these Regulations, the Scottish Ministers may, where they consider it appropriate, give the benefit to another person (“the appropriate person”) to be used for the benefit of the beneficiary.

(6) Where the Scottish Ministers consider, for any reason, that it is no longer appropriate for the appropriate person to continue to receive the benefit, they may cease giving the benefit to that person.]

Textual Amendments

- F1** Words in reg. 11(1) substituted (2.7.2022) by The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2022 (S.S.I. 2022/167), regs. 1, **6(a)**
- F2** Words in reg. 11(1) inserted (26.2.2024) by The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/371), regs. 1(1), **2(11)(a)** (with regs. 3, 4)
- F3** Reg. 11(1A)-(1C) substituted for reg. 11(1A) (26.2.2024) by The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/371), regs. 1(1), **2(11)(b)** (with regs. 3, 4)
- F4** Reg. 11(2)(2A) substituted for reg. 11(2) (26.2.2024) by The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/371), regs. 1(1), **2(11)(c)** (with regs. 3, 4)
- F5** Words in reg. 11(3) substituted (26.2.2024) by The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/371), regs. 1(1), **2(11)(d)** (with regs. 3, 4)
- F6** Reg. 11(4) substituted (26.2.2024) by The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/371), regs. 1(1), **2(11)(e)** (with regs. 3, 4)
- F7** Reg. 11(5)(6) inserted (26.2.2024) by The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/371), regs. 1(1), **2(11)(f)** (with regs. 3, 4)

Commencement Information

- I1** Reg. 11 in force at 12.8.2019, see **reg. 1(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019, Section 11.