
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 274

FOOD

**The Milk and Healthy Snack Scheme (Scotland)
Amendment (No. 2) Regulations 2021**

<i>Made</i>	- - - -	<i>at 1.00 p.m. on 28th July 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 3.30 p.m. on 28th July 2021</i>
<i>Coming into force</i>	- -	<i>29th July 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13(1) of the Social Security Act 1988(1) and section 175(5) of the Social Security Contributions and Benefits Act 1992(2) and all other powers enabling them to do so.

In accordance with section 13(2) of the Social Security Act 1988, the Scottish Ministers have consulted the National Assembly for Wales.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Milk and Healthy Snack Scheme (Scotland) Amendment (No. 2) Regulations 2021.

(2) These Regulations come into force on 29 July 2021.

(3) These Regulations extend to Scotland only.

Amendment of the Milk and Healthy Snack Scheme (Scotland) Regulations 2021

2.—(1) The Milk and Healthy Snack Scheme (Scotland) Regulations 2021(3) are amended as follows.

(2) In regulation 9 (determining the amount payable)—

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- (1) [1988 c.7](#). Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act [2003 \(c.43\)](#) and amended by section 27(5) of the Scotland Act [2016 \(c.11\)](#) (“the 2016 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c.46\)](#) as read with section 32 of the 2016 Act.
- (2) [1992 c.4](#). Section 175(5) is applied by section 15A(1) of the Social Security Act [1988 \(c.7\)](#). Section 15A was inserted by paragraph 8(10) of schedule 6 of the Social Security Act [1990 \(c.27\)](#) and amended by paragraph 96 of schedule 2 of the Social Security (Consequential Provisions) Act [1992 \(c.6\)](#) and section 185(2) and paragraph 1 of schedule 14(5) of the Health and Social Care (Community Health and Standards) Act [2003 \(c.43\)](#). Section 175(5) was amended by paragraph 36 of schedule 1(1) of the Social Security (Incapacity for Work) Act [1994 \(c.18\)](#).
- (3) [S.S.I. 2021/82](#), amended by [S.S.I. 2021/206](#).

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- (a) in paragraph (1) for sub-paragraph (c) substitute—
- “(c) the local serving rate specified in the row of column 2 of schedule 3 which corresponds to the local authority area in which the registered childcare provider provides the benefit,” and
- (b) omit paragraph (2).
- (3) In regulation 10(1)(c) (adjustment to the amount payable) for “market price” substitute “cost”.
- (4) After schedule 2 (specified information required for registration) insert—

“SCHEDULE 3

Regulation 9(1)(c)

Local Serving Rate

<i>Column 1</i>	<i>Column 2</i>
<i>Local Authority Area</i>	<i>Local Serving rate</i>
	<i>£</i>
Aberdeen City	0.347
Aberdeenshire	0.429
Angus	0.400
Argyll & Bute	0.429
Clackmannanshire	0.352
Dumfries & Galloway	0.433
Dundee City	0.344
East Ayrshire	0.363
East Dunbartonshire	0.349
East Lothian	0.371
East Renfrewshire	0.349
Edinburgh, City of	0.345
Eilean Siar	0.527
Falkirk	0.354
Fife	0.361
Glasgow City	0.344
Highland	0.435
Inverclyde	0.348
Midlothian	0.361
Moray	0.399
North Ayrshire	0.358
North Lanarkshire	0.348
Orkney	0.491

<i>Column 1</i>	<i>Column 2</i>
<i>Local Authority Area</i>	<i>Local Serving rate</i>
	<i>£</i>
Perth & Kinross	0.406
Renfrewshire	0.348
Scottish Borders	0.424
Shetland	0.506
South Ayrshire	0.370
South Lanarkshire	0.361
Stirling	0.384
West Dunbartonshire	0.347
West Lothian	0.354”

St Andrew’s House,
Edinburgh
At 1.00 p.m. on 28th July 2021

CLARE HAUGHEY
Authorised to sign by the Scottish Ministers

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Milk and Healthy Snack Scheme (Scotland) Regulations 2021 (“the Principal Regulations”). These Regulations come into force on 29 July 2021.

These Regulations amends regulation 9(1)(c) of the Principal Regulations to replace, in the determination of payments, the matter of market price of the benefit, with the matter of the relevant local serving rate as set out in the new schedule 3 for the local authority area in which the registered childcare provider provides the benefit.

Regulation 2(2)(b) omits regulation 9(2) of the Principal Regulations so that payments under the scheme are only to be determined by reference to the matters set out in regulation 9(1).

Regulation 3 amends regulation 10(1)(c) of the Principal Regulations to replace the reference to market price with a reference to cost.