
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish a scheme in Scotland to provide benefits for children (“the Scottish Milk and Healthy Snack Scheme”).

The Regulations also amend, in respect of Scotland, the Welfare Food Regulations 1996 (“the 1996 Regulations”) and the Healthy Start Scheme and the Welfare Food (Amendment) Regulations 2005 (“the 2005 Regulations”).

Part 1 provides for citation, commencement and extent. These Regulations extend to Scotland only.

Part 2 provides for general interpretation.

Part 3 deals with the meaning of certain key expressions used in the Regulations. Regulation 3 provides for the meaning of eligible child and regulation 4 provides for the meaning of childcare provider.

Part 4 deals with entitlement in the Regulations. Regulation 5 provides for the entitlement of any eligible child to the prescribed benefit. The rules for entitlement are set out in regulation 5(1) and (2). The benefit is set out in regulation 5(3). The requirement placed on the childcare provider to provide the benefit is set out in regulation 6.

Part 5 deals with the administration of the Scheme. Regulation 15 delegates the functions (as specified in that regulation) of Scottish Ministers to the local authority for its area. These functions include, but are not limited to, determining payment periods shorter than 12 months, registering childcare providers and determining the amounts payable to childcare providers. Regulations 16 and 17 provide respectively that a local authority must follow any direction, or have regard to any guidance, issued by the Scottish Ministers when exercising any function under the Scheme.

Part 5 also sets out the obligations of childcare provider obligations in relation to the operation of the Scheme. It also provides that a childcare provider must have regard to Guidance issued by the Scottish Ministers.

Part 6 makes provision for the application of certain enactments and offences.

Part 7 makes amendments to certain subordinate legislation. Regulation 22 provides for an amendment, to the 2005 Regulations, to clarify that the food benefit prescribed by regulation 5 is not a Healthy Start food under the 2005 Regulations. Regulation 23 makes transitional provision in respect of the 1996 Regulations.