

1976 No. 1856

## FOOD AND DRUGS

**The Welfare Food (Amendment No. 3) Order 1976***Made - - - - 5th November 1976**Laid before Parliament 12th November 1976**Coming into Operation in accordance with Article 1*

The Secretary of State for Social Services and the Secretary of State for Wales in exercise of powers conferred by sections 4 and 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964<sup>(a)</sup> and now vested in them<sup>(b)</sup>, acting with the Secretary of State for Scotland jointly in the exercise of those powers and of all other powers enabling them in that behalf, hereby order as follows:—

*Title, commencement and extent*

1.—(1) This order may be cited as the Welfare Food (Amendment No. 3) Order 1976 and shall come into operation immediately after the coming into operation of the Supplementary Benefits Act 1976.

(2) This order shall not extend to Northern Ireland.

*Interpretation*

2. In this order “the principal order” means the Welfare Food Order 1975<sup>(c)</sup> as amended by the Welfare Food (Amendment) Order 1976<sup>(d)</sup> and as further amended by the Welfare Food (Amendment No. 2) Order 1976<sup>(e)</sup> and other words and expressions have the same meanings as in the principal order.

*Amendment of the principal order*

3. For article 3 (Meaning of a family in special circumstances) of the principal order there shall be substituted the following article—

“3.—(1) For the purposes of this order, a beneficiary shall be deemed to belong to a family in special circumstances—

(a) if and for as long as that family is entitled to receive supplementary benefit in accordance with the provisions of Part I of the Supplementary Benefits Act 1976; or

(b) in respect of any period during which his requirements exceed his resources when calculated or estimated by the Secretary of State in accordance with the provisions of paragraphs 3, 4(1)(a), 5, 6(1)(a), 6(1)(b)(i), 6(1)(c), 7, 8, 10, 11 and 13 to 22(1), 22(2) and 23 to 30 of Schedule 1 to the said Act and as if—

(i) in paragraph 22(1) of the said Schedule (calculation of weekly earnings) for the amount specified in sub-paragraph

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(a) 1964 c. 60.

(b) See Secretary of State for Social Services Order 1968 (S.I. 1968/1699; (1968 III, p. 4585)).  
Article 2.

(c) S.I. 1975/1686 (1975 III, p. 5757).

(d) S.I. 1976/517 (1976 I, p. 1547).

(e) S.I. 1976/1682 (1976 III, p. 4531).

- (a) there were substituted the amount specified in sub-paragraph (c); and
- (ii) his requirements were deemed to include also
  - (A) the standard price of milk at the rate of one pint per day and the cost of other welfare food as set out in Schedule 2 to this order plus the sum of £2.50; and
  - (B) an amount in respect of mortgage repayments as is reasonable in the circumstances;and in considering what, if any, amount to allow under paragraph 4(1)(a) of Schedule 1 to the said Act of 1976 regard shall be had to the provisions made by paragraphs 6(2) and 6(3) of that Schedule.

(2) Where by virtue of paragraph 3 of the said Schedule the resources of the beneficiary would be aggregated with those of some other person, the requirements and resources of that other person when calculated as aforesaid shall be deemed to be the requirements and resources of the beneficiary.

(3) A beneficiary deemed to belong to a family in special circumstances by virtue of sub-paragraph (b) of paragraph (1) of this article shall continue to belong to such a family for such period not exceeding 12 months as the Secretary of State may allow or, where the beneficiary is a child, until he attains the age of 5 years and 1 month, whichever is the earlier.

(4) For the purposes of paragraph (3) of this article where a mother in a family in special circumstances becomes an expectant mother during such period as is mentioned in that paragraph, she shall be deemed to be a beneficiary in that family during that period without making a further application under this order.

(5) A beneficiary shall be deemed to belong to a family in special circumstances if and for as long as that family is entitled to receive Family Income Supplement in accordance with the provisions of the Family Income Supplements Act 1970(a) and section 12(1)(d) of the Supplementary Benefits Act 1976."

*David Ennals,*  
Secretary of State for Social Services.

1st November 1976.

*John Morris,*  
Secretary of State for Wales.

3rd November 1976.

*Bruce Millan.*  
Secretary of State for Scotland.

5th November 1976.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order further amends the Welfare Food Order 1975, as amended by the Welfare Food (Amendment) Order 1976 and the Welfare Food (Amendment No. 2) Order 1976, by increasing—

- (1) from £4 to £6 the amount by which earnings are to be disregarded for the purposes of calculating entitlement to free welfare food in the case of a parent in a one parent family (by including paragraph 22(1)(b) of Schedule 1 to the Supplementary Benefits Act 1976 in Article 3(1)(b) of the principal Order as substituted by Article 3 of this Order); and
- (2) from £1 to £2.50 the sum which is included in the calculation of requirements in assessing entitlement to free welfare food for a member of a family in special circumstances other than a family entitled to receive Supplementary Benefit or Family Income Supplement. (Article 3(1)(b)(ii)(A) of the principal Order as substituted by Article 3 of this Order.)

This Order also replaces references to provisions of the Supplementary Benefit Act 1966 by references to the corresponding provisions of the Supplementary Benefits Act 1976.

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