

STATUTORY INSTRUMENTS

1981 No. 1292

FOOD AND DRUGS

The Welfare Food (Amendment) Order 1981

*Made - - - - 7th September 1981**Laid before Parliament 9th September 1981**Coming into Operation 1st October 1981*

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of powers conferred by sections 4 and 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964(a) and now vested in them (b), and of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Welfare Food (Amendment) Order 1981 and shall come into operation on 1st October 1981.

Interpretation

2. In this order any reference to a numbered Article is a reference to the Article bearing that number in the Welfare Food Order 1980(c).

Amendment of Article 2(1)

3. Article 2(1) (interpretation) shall be amended as follows—

(a) the following definition shall be inserted in the correct alphabetical order—

“‘approved price’ as respects England and Wales, and as respects Scotland for the purposes of Article 3(1)(b)(ii)(I) only, means the lowest of the maximum prices for milk in the Milk Order and, for other purposes as respects Scotland, the price which a supplier charges the majority of his customers for pasteurised milk within the meaning of the Milk (Special Designations) (Scotland) Order 1980(d) on the first day of any period of validity of a token for free welfare milk which a supplier has accepted from a beneficiary;”;

(b) in the definition of “Milk Order” after the words “in force” there shall be inserted the words “in England and Wales”;

(c) the definition of “standard price” shall be omitted.

(a) 1964 c. 60, to which there are amendments not relevant to this Order.

(b) See Secretary of State for Social Services Order 1968 (S.I. 1968/1699), Article 2 and the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388).

(c) S.I. 1980/1648, to which there are amendments not relevant to this Order.

(d) S.I. 1980/1866.

Amendment of references to standard price of milk

4. For any reference to "standard price" in Articles 3(1) (family in special circumstances), 10(2) (suppliers of and charges for milk), 11 (absence for less than a week) and 18(2) (supplier losing possession of tokens) there shall be substituted a reference to "approved price".

Further amendment of Article 3

5.—(1) Article 3(1) shall be further amended as follows—

- (a) in paragraph (1)(a) for the words "or some other person" to the end of that sub-paragraph there shall be substituted the words "or some other person whose requirements and resources are aggregated with his under paragraph 3 of Schedule 1 to the Supplementary Benefits Act 1976(a), is entitled to receive supplementary benefit under that Act ; or";
- (b) after paragraph (1)(b) (i) there shall be inserted the following—
" (iA) as if in the case of a mother or expectant mother aged less than 16 years she were aged 16 years, and ".

Further amendment of Article 10(2)

6. Article 10(2) shall be further amended as follows—

- (a) for the words "Where a supplier" there shall be substituted the words "In England and Wales a supplier who";
- (b) the word "he" shall be omitted where it first occurs; and
- (c) at the end there shall be added the words "; and in Scotland a supplier may accept a token for free welfare milk as part payment of the price of milk supplied to a beneficiary where the price of such milk exceeds the approved price on account of the designation or quantity of milk supplied."

Amendment of Article 13

7. At the end of Article 13 the following paragraph shall be inserted—

"(2) In Scotland, a supplier shall, when he submits any token to the Secretary of State in accordance with the preceding paragraph of this Article, give to the Secretary of State a certificate in writing specifying the approved price in respect of the milk supplied against that token and shall supply such further information as the Secretary of State may require for the purpose of verifying that approved price."

Patrick Jenkin,

Secretary of State for Social Services.

7th September 1981.

Signed by the authority of the Secretary of State for Wales.

Michael Roberts,

Parliamentary Under Secretary of State for Wales.

4th September 1981.

George Younger,

Secretary of State for Scotland.

2nd September 1981.

(a) 1976 c. 71; the Act as amended (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) is set out in Part II of Schedule 2 to the Social Security Act 1980 (c. 30).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Welfare Food Order 1980 (the 1980 Order). By Article 3 of this Order a definition of “approved price” is inserted in Article 2 of the 1980 Order to make provision for the redemption value of milk tokens on the revocation of the Milk (Great Britain) (No. 2) Order 1980 (S.I. 1980/2022) as it applies to Scotland: in Scotland the redemption value (“approved price”) will for most purposes be fixed by the price which a supplier charges the majority of his customers for pasteurised milk: in England and Wales the redemption value will remain a price fixed by reference to the Milk Order. Article 13 of the 1980 Order is amended so that in Scotland a certificate (and, if required by the Secretary of State, other information) as to the approved price shall be given by a supplier when he submits tokens to the Secretary of State.

By Article 5 of this Order, the meaning of a family in special circumstances is amended for the purposes of Article 3(1)(a) of the 1980 Order so as to include a person whose requirements and resources are aggregated with a person in receipt of supplementary benefit (instead of a person who is a member of the same household as a person entitled to receive supplementary benefit), and for the purposes of Article 3(1)(b) of the 1980 Order by providing that a mother aged less than 16 will be treated as if she were aged 16.

There are also minor consequential amendments.

Attention is drawn to the omission of the word “two” after the words “to obtain” in Article 9(2)(b) of the 1980 Order as printed. A correction slip is being issued in respect of this omission.

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