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STATUTORY INSTRUMENTS

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**2005 No. 3262**

**The Healthy Start Scheme and Welfare  
Food (Amendment) Regulations 2005**

**PART II**

**Entitlement to benefit**

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**3.—**(1) A person described in paragraph (3) is entitled to benefit in accordance with these Regulations.

(2) The benefit to which a person described in paragraph (3) is entitled is Healthy Start food to the value represented by a voucher as provided in regulation 8(3).

(3) For the purposes of paragraph (1), a person so described is a person resident in an area described in Schedule 1 and who is—

- (a) a pregnant woman who is not under the age of 18 and has been pregnant for more than ten weeks and who is, or is a member of the family of a person who is, entitled to—
  - (i) income support; or
  - (ii) an income-based jobseeker's allowance; or
  - (iii) child tax credit, where the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002<sup>(1)</sup> is determined at the time of the award not to exceed £13,910, and the person is not entitled to working tax credit;
- (b) a woman under the age of 18 who has been pregnant for more than ten weeks, provided that she is not a person to whom section 115 (exclusion from benefits) of the Immigration and Asylum Act 1999<sup>(2)</sup> applies;
- (c) a mother who—
  - (i) before the birth of her child, was entitled to and in receipt of a social security benefit or tax credit mentioned in paragraph (3)(a); and
  - (ii) has parental responsibility for that child whose date of birth has not been notified to the Secretary of State and in respect of whom the period of four months from the estimated date of delivery has not yet passed;
- (d) a mother who—
  - (i) is not under the age of 18,

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<sup>(1)</sup> 2002 c. 21.

<sup>(2)</sup> 1999 c. 33, as amended by the State Pension Credit Act 2002 (c. 16), section 4(2), regulation 2 of the Regulatory Reform (Carer's Allowance) Order 2002, S.I. 2002/1457 and the Tax Credits Act 2002, section 60, Schedule 6, and section 51, Schedule 4, paragraphs 20 and 21.

- (ii) has parental responsibility for a child who is under the age of one year, or in respect of whom the first anniversary of the estimated date of delivery has not yet passed, and
  - (iii) is or is a member of the family of a person who is entitled to income support, an income-based jobseeker's allowance, or child tax credit, where the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,910, and the person is not entitled to working tax credit; or
  - (e) a child who is under the age of five years, and who is a member of the family of a person who is entitled to income support, or an income-based jobseeker's allowance, or child tax credit, where the relevant income of the person or persons to whom the award of child tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,910, and the person is not entitled to working tax credit.
- (4) A mother who satisfies the requirements for entitlement by virtue of having parental responsibility for more than one child who is a child mentioned in paragraph (3)(c) or (d) is entitled to benefit in respect of each such child.
- (5) If a mother would otherwise be entitled to benefit under paragraph (3)(c) or (d) but does not have parental responsibility for a child who is a child mentioned in either of those paragraphs, then any such child is entitled to benefit instead of the mother.
- (6) The entitlement of a child under paragraph (5) is in addition to any entitlement of the child under paragraph (3)(e).

#### **Claim for benefit**

- 4.—(1) Except as provided in paragraphs (2) to (4), no person described in regulation 3 may become entitled to benefit unless she first submits to the Secretary of State a claim in writing that includes the information, and is supported by the written evidence, declaration and signatures, specified in Schedule 2.
- (2) Where a person who has parental responsibility for a child described at regulation 3(3)(e) who is under the age of four months notifies by telephone the Secretary of State of the date of birth of the child, the child may become entitled to benefit from the date of her birth.
- (3) A mother described in regulation 3(3)(c) may become entitled to benefit from the date of birth of her child provided that she has not submitted a claim as a mother described in regulation 3(3)(d) in respect of that child.
- (4) A person described in regulation 3 who ceased to be entitled less than three months previously may have her entitlement renewed if she is able to demonstrate to the reasonable satisfaction of the Secretary of State that the circumstances that resulted in her ceasing to be so entitled have reverted to those that prevailed when she was so entitled.
- (5) Subject to paragraph (1) a person described:—
- (a) in regulation 3(3)(d) who is entitled to child tax credit will be entitled to benefit from the date on which she became so entitled in respect of the child described at regulation 3(3)(d)(ii),
  - (b) in regulation 3(3)(d) or (e) or (5) who is a member of the family of a person who is entitled to child tax credit will be entitled to benefit from the date on which she became a person so described.
- (6) Subject to the provisions of this regulation, a person's entitlement under this regulation and regulation 3 shall begin from the date on which her claim complying with the requirements of paragraph (1) is received by the Secretary of State.

### **Healthy Start food and payments in lieu**

5.—(1) Healthy Start food is the food specified in Column 1 (category of food) of Schedule 3 as qualified in Column 2 (qualification) of that Schedule.

(2) If the Secretary of State is satisfied that there is no food outlet within a reasonable distance of the home of a beneficiary, she may, instead of benefit, pay the beneficiary an amount equal to the value represented by the voucher she would otherwise receive.

### **Advice on health and nutrition**

6. The Secretary of State may arrange for a person described in regulation 3 to receive advice on health and nutrition when she receives a voucher or at some other time.

### **Cessation of entitlement to benefit**

7.—(1) A person's entitlement to benefit under these Regulations shall cease when she ceases to be entitled in accordance with regulation 3 or 4.

(2) A person who is no longer entitled to benefit must inform the Secretary of State of the change in her circumstances if she continues to receive vouchers or payments instead of benefit.