
STATUTORY INSTRUMENTS

2008 No. 408

FOOD

**The Healthy Start Scheme and Welfare
Food (Amendment) Regulations 2008**

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| <i>Made</i> | - - - - | <i>18th February 2008</i> |
| <i>Laid before Parliament</i> | | <i>25th February 2008</i> |
| <i>Coming into force</i> | - - | <i>6th April 2008</i> |

The Secretary of State for Health makes the following Regulations, in exercise of the powers conferred by section 13 of the Social Security Act 1988(1) as substituted by the Health and Social Care (Community Health and Standards) Act 2003(2), and section 175(2) to (5) of the Social Security Contributions and Benefits Act 1992(3).

In accordance with section 13(2) of the Social Security Act 1988 he has consulted with Scottish Ministers and the Welsh Ministers.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2008 and shall come into force on the 6th April 2008.

(2) In these Regulations “the principal Regulations” means the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005(4).

Amendment of regulation 3 of the principal Regulations

2.—(1) Regulation 3 (entitlement to benefit) of the principal Regulations is amended as follows.

(2) In paragraph (3)(a)(iii) and (d)(iii), for the sum of “£14,495” substitute “£15,575”.

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- (1) 1988 c. 7. Section 13 was amended by section 21(1) and (2) of, and Schedule 6, paragraph 8(11)(a) and Schedule 7 to, the Social Security Act 1990 (c.27), and section 4 of, and Schedule 2, paragraph 94 to, the Social Security (Consequential Provisions) Act 1992 (c.6). Section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) substituted new provisions for the existing provisions of section 13. However, old section 13 was saved notwithstanding the commencement of section 185. See the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 7) Order 2005, S.I. 2005/2278 (C.95) (“The Order”).
- (2) 2003 c. 43.
- (3) 1992 c. 4. Section 175(2) to (5) applied by section 15A of the Social Security Act 1988 (c.7) which section was inserted by section 21(1) of, and Schedule 6, paragraph 8(10) to, the Social Security Act 1990 (c.27) and amended by section 4 of, and Schedule 2, paragraph 96 to, the Social Security (Consequential Provisions) Act 1992 (c.6) and section 185(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) (see the Order).
- (4) S.I. 2005/3262, as amended by S.I. 2006/589 and 2818, and 2007/505.

(3) In paragraph (3)(a)(iii) and (d)(iii), after “and”, insert “except as provided for under paragraph (7)”.

(4) For paragraph (3)(e) substitute—

“(e) a child who—

(i) is under the age of four years; and

(ii) is a member of the family of a person who—

(aa) 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 Credit Act 2002 is determined at the time of the award not to exceed £15,575; and

(bb) except as provided for under paragraph (7) is not entitled to working tax credit.”.

(5) In regulation 3 of the principal Regulations, after paragraph (6), add—

“(7) For the purposes of paragraph (3)(a)(iii), (d)(iii) and (e) and paragraph 4(1)(a)(iii) of Schedule 2, a person shall be treated as not entitled to working tax credit where regulation 7D (ceasing to undertake work or working less than 16 hours per week) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(5) applies.”.

Amendment of regulation 8 of the principal Regulations

3. In regulation 8 (issue of voucher) of the principal Regulations—

(a) in paragraph (3), for the sum of “£2.80” substitute “£3.00”; and

(b) after paragraph (3), insert—

“(3A) Where Regulations amend the amount in paragraph (3), the new amount shall only apply in relation to vouchers issued (not re-issued in respect of a period prior to the date on which the new amount takes effect) after the date of coming into force of the amending regulations.”.

Amendment to Schedule 2 to the principal Regulations

4. For paragraph 4(1)(a)(iii) of Schedule 2 of the principal Regulations, substitute—

“(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 Credit Act 2002 is determined at the time of the award not to exceed £15,575, and except as provided under regulation 3(7) the person is not entitled to working tax credit; and”.

Signed by authority of the Secretary of State for Health

18th February 2008

Dawn Primarolo
Minister of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005⁽⁶⁾ (“the principal Regulations”).

Regulation 2(2) and (4) increases the upper income level which determines whether a person receiving child tax credit but not working tax credit (subject to the new exception below), is entitled to benefit under the principal Regulations. Regulation 4 amends Schedule 2 to the principal Regulations to make similar provision.

Regulation 2(5) adds a new paragraph (7) to regulation 3 of the principal Regulations, in order to create an exception that allows entitlement to benefit under the principal Regulations, where a person receives working tax credit (in addition to child tax credit) under regulation 7D (ceasing to undertake work or working for less than 16 hours per week) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002⁽⁷⁾.

Regulation 3(a) increases the value of vouchers available under the principal Regulations from £2.80 to £3.00. Regulation 3(b) inserts a new paragraph (3A) in regulation 8 of the principal Regulations, which provides that any increase in value of the vouchers made by amending Regulations applies to vouchers issued on or after the date on which the amending regulations come into force. This does not apply in respect of any re-issue of vouchers for any period prior to the date on which the new amount takes effect.

A full impact assessment has not been produced for this instrument as it has no impact on the costs of business.

⁽⁶⁾ S.I. 2005/3262, as amended by S.I. 2006/589 and 2818, and 2007/505.

⁽⁷⁾ S.I. 2002/2005