

Statutory Instrument 2003 No. 1864

The Welfare Food (Amendment No. 2) Regulations 2003

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STATUTORY INSTRUMENTS

2003 No. 1864

FOOD

The Welfare Food (Amendment No. 2) Regulations 2003

<i>Made</i>	<i>17th July 2003</i>
<i>Laid before Parliament</i>	<i>17th July 2003</i>
<i>Coming into force</i>	
<i>For the purposes of regulations 3, 4, 5(2), (3) and (4) and 6</i>	<i>18th July 2003</i>

For all other purposes

6th October 2003

The Secretary of State for Health in exercise of the powers conferred on him by sections 13(3) of the Social Security Act 1988^[1] and 175(2) to (5) of the Social Security Contributions and Benefits Act 1992^[2] and all other powers enabling him in that behalf, hereby makes the following Regulations: -

Citation, commencement and interpretation

1. - (1) These Regulations may be cited as the Welfare Food (Amendment No. 2) Regulations 2003.

(2) These Regulations shall come into force for the purposes of regulations 3, 4, 5(2), (3) and (4) and 6 on 18th July and for all other purposes on 6th October 2003.

(3) In these Regulations "the principal Regulations" means the Welfare Food Regulations 1996^[3].

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) -

(a) after the definition of "beneficiary" insert "'the Board" means the Commissioners of Inland Revenue^[4]";

(b) in the definition of "clinic", delete "by a Health Authority," each time it appears;

(c) after the definition of "family" insert "'guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002^[5]"; and

(d) delete the definition of "Health Authority".

Amendment of regulation 3 of the principal Regulations

3. For paragraph (2) of regulation 3 of the principal Regulations (entitlement to free milk) substitute -

" (2) For the purposes of paragraph (1), the person specified is any of the following in Great Britain -

(a) an expectant mother 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) a guarantee credit; or

(b) a child who has attained the age of one year but is under the age of five years and who 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^[6], provided that 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 £13,230, and the person is not entitled to working tax credit^[7]; or
- (c) a qualifying child."

Amendment of regulation 4 of the principal Regulations

4. For subparagraph (c) of regulation 4(1) of the principal Regulations (child under the age of one year - entitlement to free dried milk or milk) substitute -

" (c) child tax credit, provided that 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 £13,230, and the person is not entitled to working tax credit,".

Amendment of regulation 5 of the principal Regulations

5. - (1) For subparagraph (a) of regulation 5(2) of the principal Regulations (entitlement to free vitamins) substitute -

" (a) a mother who is breast-feeding her child under the age of one year, or an expectant mother 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) a guarantee credit; or"

(2) After regulation 5(2)(a) of the principal Regulations insert -

" (aa) a mother who is breast-feeding her child under the age of one year who is, or is a member of the family of a person who is entitled to child tax credit, provided that 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 £13,230, and the person is not entitled to working tax credit."

(3) For subparagraph (b) of regulation 5(2) of the principal Regulations substitute -

" (b) 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 -

- (i) income support; or
- (ii) an income based jobseeker's allowance; or
- (iii) child tax credit, provided that 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 £13,230, and the person is not entitled to working tax credit."

(4) For subparagraph (a) of regulation 5(4) of the principal Regulations substitute -

" (a) documentary evidence of entitlement to -

- (i) income support; or
- (ii) an income based jobseeker's allowance; or
- (iii) a guarantee credit; or
- (iv) child tax credit, provided that 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 £13,230, and the person is not entitled to working tax credit; and"

Amendment of regulation 6 of the principal Regulations

6. - (1) For regulation 6(1) of the principal Regulations (inability to obtain free vitamins) substitute -

" (1) Any beneficiary who is unable to obtain vitamins under regulation 5 for a period ("the missing period") as a result of a failure to receive from the Secretary of State or the Board evidence as to entitlement to -

- (i) income support; or
- (ii) an income based jobseeker's allowance; or
- (iii) a guarantee credit; or
- (iv) child tax credit, provided that 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 £13,230, and the person is not entitled to working tax credit,

may apply to the Department of Health in writing for a payment."

(2) In regulation 6(2) of the principal Regulations, after "the Secretary of State", the second time it appears, insert "or the Board".

Amendment of regulation 8 of the principal Regulations

7. In regulation 8(2) of the principal Regulations (inability to purchase dried milk at a reduced price) after "the Secretary of State", the second time it appears, insert "or the Board".

Melanie Johnson

Parliamentary Under Secretary of State, Department of Health

17th July 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Welfare Food Regulations 1996 ("the principal Regulations").

Regulation 2 inserts a definition of the Board, as it is the Board who makes decisions about tax credit, and inserts a definition of guarantee credit. It also deletes references to Health Authorities, as Health Authorities no longer exist.

Regulation 3 amends regulation 3(2)(a) and (b) (entitlement to free milk) of the principal Regulations. From 6th October 2003, the pregnant partners of persons entitled to the guarantee credit element of state pension credit will be entitled to free milk for personal consumption. From 18th July 2003, entitlement will be removed for those children in families where the person or persons to whom an award of child tax credit is made is entitled to working tax credit. The entitlement of certain children is similarly curtailed in regulation 4 of the principal Regulations (child under the age of one year - entitlement to free dried milk or milk) (see regulation 4). Similar amendments to the two bases of entitlement are made to regulation 5 (entitlement to free vitamins) in respect of entitlement to free vitamins (see regulation 5).

In addition, regulation 5(2) inserts a new paragraph 5(2)(aa). From 18th July, a mother who is breast-feeding her child under the age of one year who is, or is a member of the family of a person who is entitled to child tax credit and meets the stipulated conditions will be entitled to vitamins.

Regulations 6 and 7 make consequential amendments in relation to evidence of entitlement.

Notes:

[1] 1988 (c.7). Section 13 was amended by section 21(1) and (2) of, and paragraph 8(11)(a) of Schedule 6 and Schedule 7 to, the Social Security Act 1990 (c.27), and section 4 of and Schedule 2, paragraph 94 of the Social Security (Consequential Provisions) Act 1992 (c.6).[back](#)

[2] 1992 (c.4). Section 175(2) to (5) is applied by section 15A of the Social Security Act 1988 (c.7) which section was inserted by section 21(1) of, and paragraph 8(10) of Schedule 6 to the Social Security Act 1990 (c.27) and amended by section 4 of, and paragraph 96 of Schedule 2 to, the Social Security (Consequential Provisions) Act 1992 (c.6).[back](#)

[3] S.I. 1996/1434, as amended by the Welfare Food (Amendment) Regulations 2003, S.I. 2003/702 and the Welfare Food (Amendment) Regulations 2002, S.I. 2002/550. Previous amending instruments were revoked by regulation 3 of S.I. 2002/550.[back](#)

[4] *See* section 67 (interpretation) of the Tax Credits Act 2002 (c.21).[back](#)

[5] 2002 (c.16).[back](#)

[6] Awarded under regulations made pursuant to the Tax Credits Act 2002.[back](#)

[7] Awarded under regulations made pursuant to the Tax Credits Act 2002.[back](#)

ISBN 0 11 046935 6

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