STATUTORY INSTRUMENTS

2017 No. 1032

FOOD

The Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2017

Made - - - -	*26th October 2017*
Laid before Parliament	*30th October 2017*
Coming into force - -	*27th November 2017*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by section 13(1), (3) and (4)(a) and (g) of the Social Security Act 1988(**1**) ("the 1988 Act") and section 175(3) to (5) of the Social Security Contributions and Benefits Act 1992(**2**).

In accordance with section 13(2) of the 1988 Act, the Secretary of State has consulted with the Scottish Ministers and the Welsh Ministers(**3**).

Citation and commencement

1. These Regulations may be cited as the Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2017 and come into force on 27th November 2017.

Amendment of the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005

2.—(1) The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005(**4**) are amended as follows.

(2) In regulation 3 (entitlement to benefit), in paragraph (2), for sub-paragraph (b) substitute—

"(b) Healthy Start vitamins for every four weeks of entitlement.".

(**1**) 1988 c.7 ("the 1988 Act"). Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43). The power conferred by section 13(1) to prescribe descriptions of food is exercisable by the Secretary of State only in relation to the operation of a scheme in England. It is exercisable by the Welsh Ministers in relation to the operation of a scheme in Wales by virtue of section 13(6) of the 1988 Act; and by the Scottish Ministers in relation to the operation of a scheme in Scotland by virtue of article 2 of, and the Schedule to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) (No.3) Order 2006 (S.I. 2006/3258). See section 13(11) for the definitions of "prescribed" and "regulations".

(**2**) 1992 c.4. Section 175(3) to (5) was applied by section 15A(1) of the 1988 Act which itself was inserted by paragraph 8(10) of Schedule 6 to the Social Security Act 1990 (c.27) and amended by paragraph 96 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c.6).

(**3**) Functions conferred or imposed on the National Assembly for Wales immediately before the appointment of a First Minister under section 46 of the Government of Wales Act 2006 (c.32) ("GOWA") by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2) of Schedule 11 to GOWA.

(**4**) S.I. 2005/3262. Relevant amending instruments are S.I. 2006/2818 and 2016/985.

(3) In regulation 5A (Healthy Start vitamins and payments in lieu)—

(a) in paragraph (1), for "tablets or vitamin drops containing vitamins" substitute "products containing vitamins, of a form and quantity, which the Secretary of State has determined are";

(b) in paragraph (2), omit "prescribed number or amount of".

(4) After regulation 7 insert—

"**Functions of the NHS Business Services Authority**

7A.—(1) The NHS Business Services Authority shall have the function of entering into and managing, on behalf of the Secretary of State, framework agreements, contracts and arrangements with persons who—

(a) manufacture Healthy Start vitamins;

(b) store Healthy Start vitamins; and

(c) make arrangements for, or in connection with, the distribution and supply of Healthy Start vitamins.

(2) When requested by the Secretary of State, the NHS Business Services Authority shall have the function, on behalf of the Secretary of State, of—

(a) carrying out administrative functions relating to the supply of Healthy Start food and Healthy Start vitamins;

(b) requesting and receiving information referred to in regulation 15.

(3) In this regulation, "NHS Business Services Authority" means the authority established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(**5**).".

Amendment of the Welfare Food Regulations 1996

3.—(1) The Welfare Food Regulations 1996(**6**) are amended as follows.

(2) After regulation 21 insert—

"**Functions of the NHS Business Services Authority**

21A.—(1) When requested by the Secretary of State, the NHS Business Services Authority shall have the function, on behalf of the Secretary of State, of—

(a) carrying out administrative functions relating to the supply of milk or dried milk by a day care provider approved as a supplier under Part V;

(b) requesting and receiving information referred to in regulation 21.

(2) In paragraph (1), the "NHS Business Services Authority" means the authority established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005.".

(**5**) S.I. 2005/2414.
(**6**) S.I. 1996/1434 to which there are amendments which are not relevant to these Regulations.