STATUTORY RULES OF NORTHERN IRELAND

2019 No. 117

FOOD

The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*10th June 2019*
Coming into operation	*11th June 2019*

The Department of Health(**1**) makes the following Regulations in exercise of the powers conferred by Article 13(1) to (4), (6) and (8) of the Social Security (Northern Ireland) Order 1988(**2**) and section 171(2) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**3**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2019 and come into operation on 11th June 2019.

(2) In these regulations "the principal Regulations" means the Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006(**4**).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of regulation 3 of the principal Regulations

2.—(1) Regulation 3 of the principal Regulations (Healthy Start Scheme interpretation) is amended as follows.

(2) In paragraph (1)—

(a) before the definition of "beneficiary" insert—

(**1**) Formerly the Department of Health, Social Services and Public Safety, see 2016 c. 5 (N.I.), section 1(5)

(**2**) S.I. 1988/594 (N.I. 2) Article 13 is substituted by Article 3 of S.I. 2003/3202 (N.I. 19) see S.R. 2006 No. 418 (C. 24) as amended by S.R. 2006 No. 437 (C. 26)

(**3**) 1992 c. 7, section 171 (2) to (5) is applied by Article 15A of the Social Security (Northern Ireland) Order 1988, which Article was inserted by Article 22(1) of, and paragraph 6(9) of Schedule 6 to, the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)), and amended by section 4 of, and paragraph 35(4) and (5) of Schedule 2 to, the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9), and Article 3(2) of S.I. 2003/3202 (N.I. 19)

(**4**) S.R. 2006 No. 478 as amended by S.R. 2007 No. 188, S.R. 2008 No. 131 and 412, S.R. 2009 No. 87, S.R. 2010 No. 98, S.R. 2011 No. 41, S.R. 2011 No. 320, S.I. 2012/1916, S.R. 2013 No. 178 and S.R. 2017 No. 200

(**5**) 1954 c. 33 (N.I.)

""additional amount for a child or qualifying young person" means the additional amount of state pension credit applicable for claimants responsible for a child or a qualifying young person pursuant to regulation 6(6)(d) of, and Schedule 2A to, the State Pension Credit Regulations (Northern Ireland) 2003(**6**);";

(b) after the definition of "relevant income" insert—

""state pension credit" means state pension credit under the State Pension Credit Act (Northern Ireland) 2002(**7**);".

Amendment of regulation 4 of the principal Regulations

3.—(1) Regulation 4 of the principal Regulations (entitlement to benefit)(**8**) is amended as follows.

(2) In paragraph (3)—

(a) after sub-paragraph (aa) insert—

"(ab) a pregnant woman who is not under the age of 18, has been pregnant for more than 10 weeks and who—

(i) is entitled to state pension credit;

(ii) is a member of a couple where the other member of that couple is entitled to state pension credit; or

(iii) is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations (Northern Ireland) 2003(**9**)) of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;";

(b) in sub-paragraph (c)(i)—

(i) before "before the" insert "immediately";

(ii) after "receipt of" insert ", or is a member of the family of a person who was entitled to and in receipt of,";

(c) after sub-paragraph (da) insert—

"(db) a mother who is not under the age of 16 who has parental responsibility for a child under the age of 1 year and who—

(i) is entitled to state pension credit which includes the additional amount for a child or qualifying young person;

(ii) is a member of a couple where the other member of that couple is entitled to state pension credit which includes the additional amount for a child or qualifying young person; or

(iii) is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations (Northern Ireland) 2003) of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;";

(d) in sub-paragraph (f)—

(i) at the end of paragraph (i) omit "or";

(ii) paragraph (ii) is renumbered as paragraph (iii);

(**6**) S.R. 2003 No. 28. Relevant amending instrument is S.R. 2018 No. 135
(**7**) 2002 c. 14 (N.I.)
(**8**) Relevant amending instruments are S.R. 2008 No. 131 and 412, S.R. 2009 No. 87, S.R. 2010 No. 98, S.R. 2017 No. 200
(**9**) Schedule 2A was inserted by regulation 2(3) of S.R. 2018 No. 135

(iii) after paragraph (i) insert—

"(ii) who is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations (Northern Ireland) 2003) of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person; or".

(3) In paragraph (4), for "or (da)" substitute ", (da) or (db)".

(4) In paragraph (5), for "or (da)" substitute ", (da) or (db)".

(5) In paragraph (11)—

(a) after the definition of "assessment period" insert—

""couple" has the meaning given in regulation 1 of the State Pension Credit Regulations (Northern Ireland) 2003(**10**);";

(b) in the definition of "relevant child"—

(i) at the end of sub-paragraph (a)(ii) omit "or";

(ii) in sub-paragraph (b), before "is the responsibility" insert "who";

(iii) at the end of sub-paragraph (b) insert "or";

(iv) after sub-paragraph (b) insert—

"(c) who is the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations (Northern Ireland) 2003) of a person who is entitled to state pension credit which includes the additional amount for a child or qualifying young person;".

Amendment of regulation 5 of the principal Regulations

4.—(1) Regulation 5 of the principal Regulations (claim for benefit)(**11**) is amended as follows.

(2) After paragraph (3A) insert—

"(3B) A mother who—

(a) immediately before the birth of her child was—

(i) entitled to state pension credit;

(ii) a member of a couple where the other member of that couple was entitled to state pension credit; or

(iii) the responsibility (within the meaning of paragraphs 3 to 7 of Schedule 2A to the State Pension Credit Regulations (Northern Ireland) 2003) of a person who was entitled to state pension credit which included the additional amount for a child or qualifying young person; and

(b) has parental responsibility for the child whose date of birth has not been notified to the Department and in respect of whom the period of 4 months from the estimated date of delivery has not passed,

may become entitled to benefit from the date of birth of the child, provided that she has not submitted a claim as a mother described in regulation 4(3)(db)."

(**10**) The definition of "couple" in regulation 1 was inserted by S.R. 2005 No. 536
(**11**) Regulation 5 was amended by S.R. 2017 No. 200