STATUTORY RULES OF NORTHERN IRELAND

2017 No. 200

FOOD

The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2017

Made - - - -	*27th September 2017*
Coming into operation	*18th October 2017*

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) 2017 and come into operation on 18th October 2017.

(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 4 of the principal Regulations

2.—(1) Regulation 4 of the principal Regulations (entitlement to benefit)(**6**) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (b)(i), for "or (b)" substitute ", (aa) or (b)";

(**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 and S.R. 2013 No.178
(**5**) 1954 c. 33 (N.I.)
(**6**) Regulation 4 was amended by S.R. 2007 No. 188, S.R. 2008 No. 131, S.R. 2008 No. 412, S.R. 2009 No.87 and S.R. 2010 No.98

(b) in sub-paragraph (b)(ii), for "or (d)" substitute ", (d) or (da)";

(c) in sub-paragraph (b)(iii), after "(3)(e)" insert "or (f)".

(3) In paragraph (3)—

(a) after sub-paragraph (a) insert—

"(aa) 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 universal credit and satisfies the condition in paragraph (8); or

(ii) is the responsibility (within the meaning of regulation 4 of the Universal Credit Regulations (Northern Ireland) 2016(**7**)) of a person who is entitled to universal credit and who satisfies the condition in paragraph (8);";

(b) in sub-paragraph (d)(i), for "18" substitute "16";

(c) at the end of sub-paragraph (d)(iii) omit "or";

(d) after sub-paragraph (d) insert—

"(da) 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 universal credit and satisfies the condition in paragraph (8); or

(ii) is the responsibility (within the meaning of regulation 4 of the Universal Credit Regulations (Northern Ireland) 2016) of a person who is entitled to universal credit and satisfies the condition in paragraph (8);";

(e) for the full stop at the end of sub-paragraph (e) substitute—

"; or

(f) a child who is under the age of 4 years—

(i) who is the responsibility (within the meaning of regulation 4 of the Universal Credit Regulations (Northern Ireland) 2016) of a person who is entitled to universal credit and who satisfies the condition in paragraph (8); or

(ii) for whom a relevant child has parental responsibility.".

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

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

(6) In paragraph (6), after "(3)(e)" insert "or (f)".

(7) In paragraph (7), after "(e)" insert ", the definition of "relevant child" in paragraph (11)".

(8) After paragraph (7) insert—

"(8) A person satisfies the condition in this paragraph if the person—

(a) is a single claimant of universal credit and has earned income of £408 or less; or,

(b) is one of joint claimants of universal credit and the joint claimants have combined earned income of £408 or less,

in the period specified in paragraph (9).

(9) The period is—

(a) the most recent complete assessment period; or

(**7**) S.R. 2016 No. 216

(b) the assessment period immediately preceding that assessment period.

(10) A person who is entitled to benefit by virtue of only paragraph (9)(b) does not cease to be so entitled until the expiry of 8 weeks beginning with and including the day after the last day of the most recent complete assessment period.

(11) In this regulation—

"assessment period" has the meaning given in regulation 22 of the Universal Credit Regulations (Northern Ireland) 2016;

"earned income" means a person's earned income calculated in accordance with Chapter 2 of Part 6 of the Universal Credit Regulations (Northern Ireland) 2016;

"joint claimants" has the meaning given in Article 46 of the Welfare Reform (Northern Ireland) Order 2015(**8**);

"relevant child" means a child—

(a) who is the responsibility of, and member of the same household as, a person who—

(i) 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(**9**) is determined at the time of the award not to exceed £16,190; and

(ii) either is not entitled to working tax credit or is treated as not being so entitled by virtue of paragraph (7); or

(b) is the responsibility (within the meaning of regulation 4 of the Universal Credit Regulations (Northern Ireland) 2016) of a person who is entitled to universal credit and satisfies the condition in paragraph (8);

"single claimant" has the meaning given in Article 46 of the Welfare Reform (Northern Ireland) Order 2015.".

Amendment of regulation 5 of the principal Regulations

3. In regulation 5 of the principal Regulations (claim for benefit)—

(a) in paragraph (2), after "4(3)(e)" insert "or (f)";

(b) after paragraph (3) insert—

"(3A) A mother described in regulation 4(3)(da) who has parental responsibility for a 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 yet passed may become entitled to benefit from and including the date of birth of the child.".

Amendment of paragraph 4 of Schedule 1 to the principal Regulations

4.—(1) Paragraph 4 of Schedule 1 to the principal Regulations (declaration needed for application for benefit)(**10**) is amended as follows.

(2) In sub-paragraph (1), in the words before paragraph (a), for "pregnant woman, mother or child" substitute "pregnant woman described in regulation 4(3)(a) or (b), mother described in regulation 4(3)(c) or (d) or child described in regulation 4(3)(e)".

(**8**) S.I. 2015/2006 (N.I. 1)
(**9**) 2002 c.21
(**10**) Relevant amending regulations are S.R. 2008 No. 131 and 412, S.R. 2009 No. 87, S.R. 2010 No. 98