STATUTORY RULES OF NORTHERN IRELAND

2006 No. 478

FOOD

The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006

Made - - - -	*23rd November 2006*
Coming into operation	*27th November 2006*

The Department of Health, Social Services and Public Safety(**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**):

PART I

PRELIMINARY

Citation and Commencement

1. These Regulations may be cited as the Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 and shall come into operation on 27th November 2006.

Interpretation

2.—(1) In these Regulations—

"Day Care Food scheme" means the scheme established by Part VII;

"Healthy Start scheme" means the scheme established by Parts II to VI.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) Formerly the Department of Health and Social Services; *see*S.I. 1999/283 (N.I. 1); Article 3(6)

(**2**) S.I. 1988/594 (N.I. 2) Article 13 is substituted by Article 3 of S.I. 2003/No. 3202 (N.I. 19)*see*S.R. 2006 No. 418 (C. 24) as amended by S.R. 2006 No. 437 (C. 28)

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

PART II

HEALTHY START SCHEME INTERPRETATION

Healthy Start Scheme Interpretation

3.—(1) In the Healthy Start scheme—

"beneficiary" means a person entitled to benefit pursuant to regulations 4 and 5;

"child" means a person under the age of 16;

"estimated date of delivery" means the date evidenced in writing and signed by a health professional pursuant to paragraph 2 of Schedule 1;

"family" has the meaning given by section 133(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**5**) for the purposes of Part VII of the Act (Income-Related Benefits);

"food outlet" means a person registered in accordance with regulation 15 to supply Healthy Start food;

"Health and Social Services Board" means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**6**);

"Health and Social Services Trust" means a Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**7**);

"health professional" means a medical practitioner, registered nurse or registered midwife, as the case may be;

"health service body" means a health service body prescribed in regulation 11(1);

"Healthy Start food" means the food prescribed at regulation 6(1);

"Healthy Start vitamins" means the vitamins specified in regulation 7(1);

"income-based job-seeker's allowance" has the same meaning as in the Jobseekers (Northern Ireland) Order 1995(**8**);

"income support" means income support under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

"medical practitioner" means a registered person within the meaning of the Medical Act 1983(**9**);

"parental responsibility" has the same meaning as in Article 6 of the Children (Northern Ireland) Order 1995(**10**);

"period of validity" in relation to a voucher means the period indicated on it in accordance with regulation 10 as that during which it may be exchanged for Healthy Start food in accordance with the Healthy Start scheme;

"Pharmacist" has the same meaning as in the Medicines Act 1968(**11**);

(**5**) Section 133(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 was amended by paragraph 99 of Schedule 24 to the Civil Partnership Act 2004 (2004 c. 33)
(**6**) S.I. 1972/1265 (N.I. 14)
(**7**) S.I. 1991/194 (N.I. 1)
(**8**) S.I. 1995/2705(N.I. 15) Article 3(4) was amended by paragraph 3(4)(a) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**9**) 1983 (c. 54)
(**10**) S.I. 1995/775 (N.I. 2)
(**11**) 1968 c. 67

"registered nurse or registered midwife" means a person registered in the register maintained under Article 5 of the Nursing and Midwifery Order 2001(**12**) by virtue of qualifications in nursing or midwifery, as the case may be;

"relevant income" has the same meaning as in section 7(3) of Part I of the Tax Credits Act 2002(**13**);

"the 1988 Regulations" means the Welfare Foods Regulations (Northern Ireland) 1988(**14**);

"voucher" is to be construed in accordance with regulation 10.

(2) Where any provision of the Healthy Start scheme requires or enables anything to be done by or in respect of a beneficiary and that beneficiary is a child, the provision shall be deemed to refer to a parent with parental responsibility for the child or the child's guardian or the person having care of him.

PART III

ENTITLEMENT TO BENEFIT

Entitlement to benefit

4.—(1) A person described in paragraph (3) is entitled to benefit in accordance with the Healthy Start scheme.

(2) The benefits to which a person described in paragraph (3) is entitled are—

(a) Healthy Start food to the value represented by a voucher as provided in regulation 10(3); and

(b) Healthy Start vitamins as follows—

(i) in the case of a pregnant woman described in paragraph (3)(a) or (b), 56 tablets of Healthy Start vitamins for every 8 weeks of entitlement;

(ii) in the case of a mother described in paragraph (3)(c) or (d), 56 tablets of Healthy Start vitamins for every 8 weeks of entitlement; or

(iii) in the case of a child described in paragraph (3)(e), 10 millilitres of drops of Healthy Start vitamins for every 8 weeks of entitlement.

(3) For the purposes of paragraph (1), a person so described is a person who is—

(a) a pregnant woman who is not under the age of 18 and has been pregnant for more than ten weeks and 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) 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 is determined at the time of the award not to exceed £14,155 and the person is not entitled to working tax credit;

(**12**) S.I. 2002/253 "Registered" in relation to nurses and midwives is defined in Schedule 1 to the Interpretation Act 1978 (c. 30), and has been amended by paragraph 7, Schedule 5 to the Nursing and Midwifery Order 2001, and further amended by the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004, S.I. 2004/1771

(**13**) 2002 c. 21

(**14**) S.R. 1988 No. 137, the relevant amending Regulations are S.R. 2004 No. 161 and S.R. 2006 No. 180

(b) a woman under the age of 18 who has been pregnant for more than ten weeks, provided that she is not a person to whom section 115 (exclusion from benefits) of the Immigration and Asylum Act 1999(**15**) applies;

(c) a mother who—

(i) before the birth of her child, was entitled to and in receipt of a social security benefit or tax credit mentioned in paragraph (3)(a); and

(ii) has parental responsibility for that child whose date of birth has not been notified to the Department and in respect of whom the period of four months from the estimated date of delivery has not yet passed;

(d) a mother who—

(i) is not under the age of 18,

(ii) has parental responsibility for a child who is under the age of one year, or in respect of whom the first anniversary of the estimated date of delivery has not yet passed, and

(iii) is or is a member of the family of a person who 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 is determined at the time of the award not to exceed £14,155 and the person is not entitled to working tax credit; or

(e) a child who is under the age of four years, and who is a member of the family of a person who 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 Credits Act 2002 is determined at the time of the award not to exceed £14,155 and the person is not entitled to working tax credit.

(4) A mother who satisfies the requirements for entitlement by virtue of having parental responsibility for more than one child who is a child mentioned in paragraph (3)(c) or (d) is entitled to the Healthy Start food benefit in respect of each such child.

(5) If a mother would otherwise be entitled to benefit under paragraph (3)(c) or (d) but does not have parental responsibility for a child who is a child mentioned in either of those paragraphs, then any such child is entitled to the Healthy Start food benefit to which the mother would otherwise be entitled.

(6) The entitlement of a child under paragraph (5) is in addition to any entitlement of the child under paragraph (3)(e).

Claim for benefit

5.—(1) Except as provided in paragraphs (2) to (4), no person described in regulation 4 may become entitled to benefit unless he first submits to the Department a claim in writing that includes the information, and is supported by the written evidence, declaration and signatures, specified in Schedule 1.

(2) Where a person who has parental responsibility for a child described at regulation 4(3)(e) who is under the age of four months notifies by telephone the Department of the date of birth of the child, the child may become entitled to benefit from and including the date of his birth.

(3) A mother described in regulation 4(3)(c) may become entitled to benefit from and including the date of birth of her child provided that she has not submitted a claim as a mother described in regulation 4(3)(d) in respect of that child.

(**15**) 1999 c. 33, as amended by the State Pension Credit Act 2002 (c. 16), Article 2 of and the Schedule to the Regulatory Reform (Carer's Allowance) Order 2002, S.I. 2002/1457 and the Tax Credits Act 2002, section 60. Schedule 6, and section 51, Schedule 4, paragraphs 20 and 21

(4) A person described in regulation 4 who ceased to be entitled less than three months previously may have his entitlement renewed if he is able to demonstrate to the reasonable satisfaction of the Department that the circumstances that resulted in him ceasing to be so entitled have reverted to those that prevailed when he was so entitled.

(5) Subject to paragraph (1) a person described—

(a) in regulation 4(3)(d) who is entitled to child tax credit will be entitled to benefit from and including the date on which she became so entitled in respect of the child described at regulation 4(3)(d)(ii),

(b) in regulation 4(3)(d) or (e) or (5) who is a member of the family of a person who is entitled to child tax credit will be entitled to benefit from and including the date on which he became a person so described.

(6) Subject to the provisions of this regulation, a person's entitlement under this regulation and regulation 4 shall begin from and including the date on which his claim complying with the requirements of paragraph (1) is received by the Department.

Healthy Start food and payments in lieu

6.—(1) Healthy Start food is the food specified in Column 1 (Category of food) of Schedule 2 as qualified in Column 2 (Qualification) of that Schedule.

(2) If the Department is satisfied that there is no food outlet within a reasonable distance of the home of a beneficiary, it may, instead of benefit, pay the beneficiary an amount equal to the value represented by the voucher he would otherwise receive.

Healthy Start vitamins and payments in lieu

7.—(1) Healthy Start vitamins are tablets or vitamin drops containing vitamins appropriate for the beneficiary who receives them.

(2) If the Department is satisfied that a person entitled to Healthy Start vitamins has not received them for a period as a result of an act or omission on the part of the Department or a health service body ("the missing period") it shall pay the beneficiary an amount equal to the cost of purchasing the prescribed number or amount of Healthy Start vitamins for the missing period.

Advice on health and nutrition

8. The Department may arrange for a person described in regulation 4 to receive advice on health and nutrition when he receives a voucher or at some other time.

Cessation of entitlement to benefit

9.—(1) A person's entitlement to benefit under the Healthy Start scheme shall cease when he ceases to be entitled in accordance with regulation 4 or 5.

(2) A person who is no longer entitled to benefit must inform the Department of the change in his circumstances if he continues to receive vouchers or payments instead of benefit.