STATUTORY RULES OF NORTHERN IRELAND

2004 No. 161

WELFARE FOODS

The Welfare Foods (Amendment) Regulations (Northern Ireland) 2004

Made - - - -	*2nd April 2004*
Coming into operation –	
Regulations 1 and 2	*6th April 2004*
Regulations 3 to 7	*1st October 2004*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Article 13(3) and (4) 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**) and all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Welfare Foods (Amendment) Regulations (Northern Ireland) 2004.

(2) Regulations 1 and 2 shall come into operation on 6th April 2004 and regulations 3, 4, 5, 6 and 7 on 1st October 2004.

(3) In these Regulations "the principal Regulations" means the Welfare Foods Regulations (Northern Ireland) 1988(**4**).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows:

(2) In regulations 2(1)(b)(iii), 2(2)(aa), 2(2)(b)(iii), 2(3)(iv), 4(1A)(a) and 10(1)(iv), for the sum of "£13,230" whenever it appears, there is substituted "£13,480".

(**1**) *See*S.I.1999/283 (N.I.1); Article 3(6)
(**2**) S.I. 1988/594 (N.I. 2); Article 13(2) was amended by section 4 of, and paragraph 35(1) of Schedule 2 to, the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)
(**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(a) of Schedule 6 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I.15)), and amended by section 4 and paragraph 35(4) and (5) of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9)
(**4**) S.R. 1988 No. 137, the relevant amending regulations are S.R. 2002 No. 83, S.R. 2003 No. 202 and S.R. 2003 No. 393

(3) In Schedule 5A(**5**) Part I, paragraph 1 (milk supplied against milk tokens – arrangements for special reimbursement of suppliers), after "accountant" there is inserted ", or by a person who has direct knowledge of the financial records of the business,".

Amendment of regulation 2 of the principal Regulations

3.—(1) For regulation 2(1)(a) of the principal Regulations (Free milk, dried milk and vitamins), after sub-paragraph (iii) there is inserted –

"(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(**6**) is determined at the time of the award not to exceed £13,480, and the person is not entitled to working tax credit;"

(2) For regulation 2(2)(a), 2(2)(aa), 2(2)(b) there is substituted –

"(a) an expectant mother who is, or is a member of the family of a person who is, entitled to –

(i) income support;

(ii) an income based jobseeker's allowance;

(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 £13,480, and the person is not entitled to working tax credit;

(b) 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 –

(i) income support;

(ii) an income based jobseeker's allowance;

(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 £13,480, and the person is not entitled to working tax credit;

(c) 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;

(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 £13,480, and the person is not entitled to working tax credit.".

(3) After regulation 2(4) the following is inserted –

"(4A) No expectant mother shall be entitled to milk or vitamins unless she first submits to the Department a claim in writing that includes the information, and is supported by the written evidence and declaration, specified in Schedule 3A;

(**5**) Schedule 5A inserted by S.R. 1990 No. 363
(**6**) 2002 (c. 21)