STATUTORY RULES OF NORTHERN IRELAND

2003 No. 393

WELFARE FOODS

The Welfare Foods (Amendment No. 2) Regulations (Northern Ireland) 2003

Made - - - -	*29th August 2003*
Coming into operation –	
for the purposes of Regulations 3(2), (4), (5), (6) and 5	*29th August 2003*
for all other purposes	*6th October 2003*

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 of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare Foods (Amendment No. 2) Regulations (Northern Ireland) 2003.

(2) These Regulations shall come into operation for the purposes of Regulations 3(2), (4), (5), (6) and 5 on 29th August 2003 and for all other purposes on 6th October 2003.

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

Amendment of regulation 1 of the principal Regulations

2. In regulation 1(2) of the principal Regulations (Citation, commencement and interpretation) –

(**1**) *See* S.I.1999/283 (N.I.1); Article 3(6)
(**2**) S.I. 1988/594 (N.I. 2); Article 13(4) 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 of 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. 1999 No. 397, S.R. 2001 No. 139 and S.R. 2002 No. 83

(a) after the definition of "beneficiary", insert " "Board" means the Commissioners of Inland Revenue(**5**).".

(b) after the definition of "family", insert " "guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(**6**).".

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), substitute –

"(a) an expectant or nursing mother 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) a guarantee credit."

(2) For regulation 2(1)(b) of the principal Regulations (Free milk, dried milk and vitamins), substitute –

"(b) a child, who has not attained the age of five years, who 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(**7**) provided that

— the relevant income of the person or persons to whom the award is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £13,230; and

— the person is not entitled to working tax credit(**8**); or."

(3) For regulation 2(2)(a) of the principal Regulations (Free milk, dried milk and vitamins), substitute –

"(a) an expectant or nursing mother 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) a guarantee credit.".

(4) After regulation 2(2)(a) insert –

"(aa) an expectant or nursing mother who is, or is a member of the family of a person who is, entitled to child tax credit, provided that

— the relevant income of the person 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 £13,230; and

— the person is not entitled to working tax credit.".

(5) For regulation 2(2)(b) of the principal Regulations (Free milk, dried milk and vitamins), substitute –

(**5**) *See* section 67 (interpretation) of the Tax Credits Act 2002 (c. 21)
(**6**) Awarded under regulations made pursuant to the Tax Credits Act 2002 (c. 21)
(**7**) Awarded under regulations made pursuant to the Tax Credits Act 2002 (c. 21)
(**8**) Awarded under regulations pursuant to the Tax Credits Act 2002 (c. 21)