STATUTORY RULES OF NORTHERN IRELAND

2003 No. 202

WELFARE FOODS

The Welfare Foods (Amendment) Regulations (Northern Ireland) 2003

Made - - - - *28th March 2003*

Coming into operation *6th April 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 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) Regulations (Northern Ireland) 2003 and shall come into operation on 6th April 2003.

(2) 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) –

(a) after the definition of "Income Support" there is inserted ""an income-based jobseeker's allowance" has the same meaning as in Article 3(4) of the Jobseeker's (Northern Ireland) Order 1995"(**5**);

(b) after the definition of "period of validity" there is inserted ""relevant income" has the same meaning as in section 7(3) of Part I of the Tax Credits Act 2002(**6**)"; and

(**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
(**5**) S.I. 1995/2705 (N.I. 15) as amended by paragraph 3(4)(a) of the Welfare Reform and Pensions (Northern Itreland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**6**) 2002 c. 21

(c) the definition of "working families' tax credit"(**7**) shall be deleted.

Amendment of regulation 2 of the principal Regulations

3. In regulation 2(1)(b), (2)(b) and (3) of the principal Regulations (Free milk, dried milk and vitamins), after "support" there shall be inserted "an income-based jobseeker's allowance, or child tax credit(**8**) where the relevant income of the person to whom the award of the 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".

Amendment of regulation 4 of the principal Regulations

4.—(1) Regulation 4 of the principal Regulations (Purchase of dried milk at a reduced price) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (1)(**9**) there shall be substituted the following paragraph –

"(1) Any person who is entitled, or is a member of a family of a person who is entitled to working tax credit and child tax credit, shall if —

(a) the relevant income of the person to whom the award of tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,200, and

(b) that person is responsible for a child who –

(i) is not entitled to dried milk or milk under regulation 2,

(ii) is under the age of one year, and

(iii) is a member of the family of that person,

be entitled to purchase at any clinic, on behalf of that child, at a price of £4·15, 900 grammes of dried milk per week for personal consumption by that child".

(3) For paragraph (1A)(**10**) there shall be substituted the following paragraph –

"(1A) A person who is entitled to child tax credit (but is not entitled to working tax credit) shall if –

(a) 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 to be more than £13,230 but not more than £14,200, and

(b) that person is responsible for a child who –

(i) is not entitled to dried milk or milk under regulation 2;

(ii) is under the age of one year; and

(iii) is a member of a family of that person,

be entitled to purchase at any clinic, on behalf of that child, at a price of £4·15, 900 grammes of dried milk per week for personal consumption by that child".

(4) In paragraph (2), "to working families' tax credit(**11**)" is deleted.

(5) Paragraph (3) shall be deleted, and for paragraph (4) there is substituted –

(**7**) Definition inserted by Regulation 2 of S.R. 1999 No. 397
(**8**) *See* sections 1 and 8 of the Tax Credits Act 2002 (c. 21)
(**9**) Paragraph (1) was substituted by Regulation 3(2) of S.R. 1999 No. 397
(**10**) Paragraph (1A) was inserted by Regulation 3(2) of S.R. 1999 No. 397
(**11**) Paragraph (2) was amended by Regulation 3(4) of S.R. 2001 No. 139