1990 No. 363

WELFARE FOODS

The Welfare Foods (Amendment No. 3) Regulations (Northern Ireland) 1990

Made	*10th October 1990*
Coming into operation . .	*4th November 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 13(3) and (4) of the Social Security (Northern Ireland) Order 1988(**a**) 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. 3) Regulations (Northern Ireland) 1990 and shall come into operation on 4th November 1990.

(2) In these regulations "the principal regulations" means the Welfare Foods Regulations (Northern Ireland) 1988(**b**).

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation)—

(*a*) for the definition of "approved price" there shall be substituted the following definition—

" "approved price" means the lowest price which in the ordinary course of his business a supplier charges any of his retail customers during the week in which a milk token was used for a pint of or, if he supplies milk only in metric measures, for half a litre of milk;";

(*b*) in the definition of "milk" for "means only liquid cows' milk, including" there shall be substituted "means only heat-treated liquid cows' milk, including heat-treated";

(*c*) after the definition of "supplier" there shall be inserted the following definition—

" "total retail milk supply" means the total of—

(*a*) the volume of milk a supplier sells to his retail customers; and

(*b*) his welfare milk supply;";

(*d*) after the definition of "voluntary organisation" there shall be added the following definition—

(**a**) S.I. 1988/594 (N.I. 2)
(**b**) S.R. 1988 No. 137: relevant amending regulations are S.R. 1988 No. 143 and S.R. 1990 No. 134

" "welfare milk supply" means the volume of milk which a supplier supplies against milk tokens or for which he has made an allowance in accordance with regulation 12.".

Amendment of regulation 3 of the principal regulations

3. In regulation 3(6) of the principal regulations (additional milk or dried milk for children in day care) for "3 months", wherever it occurs, there shall be substituted "4 months".

Amendment of regulation 11 of the principal regulations

4. In regulation 11 of the principal regulations (suppliers of, and charges for, milk) after paragraph (2) there shall be inserted the following paragraph—

"(2A) Except as provided for in paragraph (2), a supplier shall not accept from a beneficiary in connection with the supply of milk under these regulations any payment of any sort other than a milk token.".

Substitution of regulation 14 of the principal regulations

5. For regulation 14 of the principal regulations (reimbursement of suppliers) there shall be substituted the following regulation—

"*Standard reimbursement of suppliers*

14. Subject to regulation 14A(5), the Department shall reimburse a supplier who has submitted a milk token in accordance with Schedule 5(**a**) with an amount equal to the approved price of the milk which the supplier has supplied against that milk token or for which he has made an allowance in accordance with regulation 12, less 9 per cent.".

Insertion of regulation 14A in the principal regulations

6. After regulation 14 of the principal regulations there shall be inserted the following regulation—

"*Arrangements for special reimbursement of suppliers*

14A.—(1) A supplier may apply to the Department for approval to participate in the arrangements for reimbursement under this regulation.

(2) An application for approval under paragraph (1) shall be in accordance with Part I of Schedule 5A(**a**).

(3) The Department shall give its approval in writing if satisfied that—

(*a*) the supplier's welfare milk supply during a period of 52 consecutive weeks in the 60 weeks immediately preceding the date of the application under paragraph (1) was more than 7·5 per cent. of his total retail milk supply for that period; or

(*b*) the supplier—

(i) at the time of his application under paragraph (1) had not carried on a retail trade in milk for 52 weeks or more but had

(**a**) Schedules 5 and 5A substituted by regulation 9 of these regulations

carried on such a trade for a period of at least 13 consecutive weeks ending immediately preceding the date of his application, and

(ii) had a welfare milk supply during that period of at least 13 consecutive weeks which was more than 7·5 per cent. of his total retail milk supply for that period,

and it has not given an approval under this paragraph in respect of the supplier during the period of one year immediately preceding the date of the application.

(4) Where the Department is satisfied under paragraph (3) it shall determine the percentage by which the supplier's approved price will be reduced for the purpose of reimbursement under paragraph (5) and notify the supplier in writing of the percentage so determined.

(5) The Department shall reimburse a supplier approved under paragraph (3) who submits a milk token in accordance with Schedule 5 during the period of one year beginning with the date of the application under paragraph (1) with an amount equal to the approved price of the milk which the supplier has supplied against that milk token or for which he has made an allowance in accordance with regulation 12, less a percentage determined in accordance with Part II of Schedule 5A.''.

Amendment of regulation 16 of the principal regulations

7. At the end of regulation 16(1) of the principal regulations (powers of an authorised officer) there shall be added ''or 14A as the case may be''.

Amendment of regulation 17A of the principal regulations

8. In regulation 17A of the principal regulations (offences) after ''regulation 11(1);'' there shall be inserted ''regulation 11(2A)(**a**);''.

Substitution of Schedule 5 to the principal regulations

9. For Schedule 5 to the principal regulations (submission of milk tokens) there shall be substituted Schedules 5 and 5A set out in the Schedule to these regulations.

Revocation

10. The Welfare Foods (Amendment No. 2) Regulations (Northern Ireland) 1990(**b**) are hereby revoked.

Transitional provision

11.—(1) These regulations shall apply to all milk tokens the period of validity of which begins on or after the date on which these regulations come into operation.

(2) In relation to a milk token the period of validity of which begins before these regulations come into operation, the principal regulations shall continue to have effect as if these regulations had not been made.

(**a**) Inserted by regulation 4 of these regulations
(**b**) S.R. 1990 No. 134

Sealed with the Official Seal of the Department of Health and Social Services on 10th October 1990.

(L.S.) *A. N. Burns*
Assistant Secretary