1988 No. 137

WELFARE FOODS

The Welfare Foods Regulations (Northern Ireland) 1988

Made	*7th April 1988*
Coming into operation—	
regulation 17 and Schedule 6 in so far as they relate to Article 55 of the 1986 Order	*7th April 1988*
in all other respects	*11th April 1988*

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 13(3), (4) and (5) and 17(1) of the Social Security (Northern Ireland) Order 1988(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

PRELIMINARY

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Welfare Foods Regulations (Northern Ireland) 1988 and shall come into operation as follows—

(*a*) regulation 17 and Schedule 6, in so far as they relate to Article 55 of the 1986 Order, on 7th April 1988;

(*b*) in all other respects, on 11th April 1988.

(2) In these regulations—

"the 1968 Act" means the Children and Young Persons Act (Northern Ireland) 1968(**b**);

"the former principal regulations" means the Welfare Foods Regulations (Northern Ireland) 1981(**c**);

"approved price" means 26p for a pint of, or if a supplier supplies milk only in metric measures, for a half litre of, pasteurised milk within the meaning of the Milk Regulations (Northern Ireland) 1987(**d**);

(**a**) S.I. 1988/594 (N.I. 2)
(**b**) 1968 c. 34 (N.I.)
(**c**) S.R. 1981 No. 159; relevant amending regulations are S.R. 1983 No. 72 and S.R. 1986 No. 131
(**d**) S.R. 1987 No. 229

"beneficiary" means a person entitled by virtue of regulation 2(1) or (2), to milk, dried milk or vitamins;

"clinic" means any maternity clinic, child health clinic or welfare food distribution centre operated by, or on behalf of, the Department;

"dried milk" means any of the modified dried milks specified in column (1) of Schedule 1 and manufactured by the person specified in relation to it in column (2) of that Schedule;

"education and library board" means a board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(**a**);

"family" has the meaning assigned to it by Article 21(11) of the 1986 Order;

"family credit" means family credit under Part III of the 1986 Order;

"handicapped child" means a child who has attained the age of 5 years but has not attained the age of 16 years and for whom an education and library board is maintaining a statement of special educational needs within the meaning of Article 31 of the Education and Libraries (Northern Ireland) Order 1986, and who is not a registered pupil at a school;

"income support" means income support under Part III of the 1986 Order and includes personal expenses addition, special transitional addition and transitional addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations (Northern Ireland) 1987(**b**);

"milk" means only liquid cows' milk, including liquid cows' semi-skimmed milk but does not include milk to or from which chemicals, vitamins, flavours or colours have been added or removed otherwise than incidentally in the process of heat treatment;

"milk token" means a token for milk or dried milk issued by the Department under regulation 6(1);

"nearest clinic" means in relation to any person, the clinic which, in the opinion of the Department is located the shortest convenient walking distance from where the person lives;

"nursing mother" means a woman who has given birth to a child within the preceding 30 weeks and is herself suckling the child;

"period of validity" in relation to a milk token means the period indicated on it in accordance with regulation 6(2) as that during which it may be used;

"supplier" means a person who supplies milk under these regulations;

"vitamins" means vitamin tablets or vitamin drops comprising vitamins A, C and D;

"voluntary organisation" means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members thereof.

(**a**) S.I. 1986/594 (N.I. 3)
(**b**) S.R. 1987 No. 460

PART II

ENTITLEMENT TO WELFARE FOOD

Free milk, dried milk and vitamins

2.—(1) Subject to the provisions as to milk tokens contained in Part III, any of the following in Northern Ireland—

(*a*) an expectant mother who is, or is a member of the family of a person who is, in receipt of income support;

(*b*) a child, who has not attained the age of 5 years, who is a member of a family a member of which is in receipt of income support and who is being cared for by a member of such a family;

(*c*) a handicapped child,

is entitled to receive for personal consumption milk or dried milk in accordance with these regulations free of charge.

(2) Subject to the provisions as to evidence contained in paragraph (3), any of the following in Northern Ireland—

(*a*) an expectant or nursing mother who is, or is a member of the family of a person who is, in receipt of income support;

(*b*) a child who has not attained the age of 5 years, who is a member of a family a member of which is in receipt of income support and who is being cared for by a member of such a family,

is entitled to receive for personal consumption vitamins in accordance with these regulations free of charge.

(3) Entitlement to free vitamins shall be subject to an application being made to a clinic supported by documentary evidence of the relevant entitlement to income support either in the form of an order book or otherwise.

(4) A beneficiary's entitlement to milk or dried milk is as follows—

(*a*) except in the case of a child who has not attained the age of 1 year, to milk at the rate of 7 pints per week, or where the supplier supplies milk only in metric measures, 4 litres per week;

(*b*) in the case of a child who has not attained the age of 1 year, either to milk at the rate specified in sub-paragraph (*a*) or to dried milk at the rate of 900 grammes per week.

(5) A beneficiary's entitlement to vitamins is at the rate specified in column (2) of Schedule 2 in relation to the category of beneficiary specified in column (1) of that Schedule.

Additional milk or dried milk for children in day care

3.—(1) Each child who has not attained the age of 5 years and who is cared for by a person approved by the Department under paragraph (4) shall be entitled to receive, for each day on which he is so cared for, free of charge, in addition to any entitlement under regulation 2—

(*a*) except where the child has not attained the age of 1 year, one third of a pint of milk;

(*b*) where the child has not attained the age of 1 year, either one third of a pint of milk or dried milk made up to provide one third of a pint.

(2) Any of the following may apply to the Department for approval to participate in the arrangements to provide milk under this regulation—

(*a*) a person who receives a child into premises which are registered pursuant to section 11 of the 1968 Act(**a**);

(*b*) a voluntary organisation which provides a play-bus for the use of children.

(3) An application for approval under paragraph (2) shall—

(*a*) be in writing;

(*b*) be sent to the Department;

(*c*) be accompanied by the information specified in paragraph 1 of Schedule 3;

(*d*) include a declaration that the information supplied is correct and complete; and

(*e*) in the case of an application pursuant to paragraph (2)(*a*) also be accompanied by the certificate of registration issued under section 13 of the 1968 Act.

(4) The Department shall give its approval in writing if satisfied that the applicant will make adequate arrangements for the provision of milk or dried milk for the purposes of this regulation, and may withdraw its approval if it ceases to be so satisfied.

(5) A person approved under paragraph (4) who supplies milk or dried milk under this regulation shall, subject to paragraphs (6) to (8), be reimbursed by the Department in accordance with paragraph (9).

(6) Claims for reimbursement shall be made to the Department and shall, so far as reasonably practicable, be made at intervals of 3 months and in respect of supplies in the period of 3 months immediately preceding the claim.

(7) Claims for reimbursement shall—

(*a*) contain the information specified in paragraph 2 of Schedule 3 and a declaration that the information is correct and complete;

(*b*) where the claim relates to milk be accompanied by an invoice or receipt from the supplier.

(8) The Department shall not be obliged to reimburse a person in respect of the supply of milk which occurred more than 2 years before the date of the claim.

(9) The amount reimbursed to a person for milk or dried milk under this regulation shall be the cost to that person of purchasing it.

Purchase of dried milk at a reduced price

4.—(1) Any person who is in receipt of family credit but who—

(*a*) is not a beneficiary; and

(*b*) is caring for a child who has not attained the age of 1 year and who is a member of the family for which he is in receipt of family credit,

(a) Section 11 was amended by Schedule 18 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14))