

1973. No. 396

[C]

WELFARE SERVICES**Welfare Foods**

REGULATIONS, DATED 1ST OCTOBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE WELFARE FOODS ACT (NORTHERN IRELAND) 1968.

The Ministry of Health and Social Services, on behalf of the Secretary of State, in exercise of the powers conferred upon it by section 1(3) of the Welfare Foods Act (Northern Ireland) 1968(a) and of all other powers enabling it in that behalf, and with the consent of the Ministry of Finance, hereby makes the following regulations:—

PART I**PRELIMINARY***Citation and commencement*

1. These regulations may be cited as the Welfare Foods Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In these regulations—

“appropriate Education and Library Board” means the Education and Library Board constituted under Article 3 of the Education and Libraries (Northern Ireland) Order 1972(b);

“beneficiary” means any of the following persons—

- (a) an expectant or nursing mother who already has two young children or who is in a family in special circumstances;
- (b) all but two of the young children in any one family;
- (c) all young children in a family in special circumstances; and
- (d) a handicapped child;

“children’s vitamin drops” means vitamins A, D and C combined in liquid form;

“dried milk” means National Dried Milk;

“handicapped child” means a child (other than a young child) who is not less than 5 years and is under 16 years of age and who—

- (a) has been determined by the appropriate Education and Library Board to require special educational treatment but who is not a registered pupil at a school; or
- (b) has been determined by the appropriate Education and Library Board to be suffering from a disability of mind of such a nature or to such an extent as to make him unsuitable for education at school and who is not in attendance at a full time instruction or training centre;

“milk” means liquid cow’s milk but does not include separated milk, skimmed milk, condensed milk or evaporated milk;

(a) 1968. c. 26 (N.I.).

(b) S.I. 1972, No. 1263 (N.I. 12).

- “Milk Order” means the Milk (Northern Ireland) Order 1965(c);
- “nursing mother” means a woman who has given birth to a child within the preceding 30 weeks and is herself suckling the child;
- “p” means a new penny as defined in section 1(1) of the Decimal Currency Act 1967(d);
- “standard price” in relation to milk, means the lowest of the maximum prices for milk specified in the Milk Order;
- “supplier” means a person who supplies milk under these regulations;
- “token” means a token for free welfare milk or any other welfare food issued by the Ministry under regulation 7 and includes a book of tokens or any part of such a book;
- “vitamin tablets” means vitamin A, D and C tablets;
- “welfare milk” means the milk or dried milk which a beneficiary is entitled to obtain under Part II of these regulations;
- “young child” means a child aged not more than 5 years and 1 month.

(2) Where any provision in these regulations (other than a provision in regulation 18 or 19) requires or enables anything to be done by or in respect of a beneficiary, and that beneficiary is a young child or a handicapped child, the provision shall be deemed to refer to one of his parents or his guardian or the person having custody of him.

PART II

ENTITLEMENT TO WELFARE FOOD

Meaning of a family in special circumstances

3.—(1) For the purposes of these regulations, a beneficiary shall be deemed to belong to a family in special circumstances—

- (a) if and for as long as that family is entitled to receive supplementary benefit in accordance with the provisions of Part II of the Supplementary Benefits &c. Act (Northern Ireland) 1966(e); or
- (b) in respect of any period during which his requirements exceed his resources when calculated or estimated by the Ministry according to the provisions of paragraph 3 and 7 to 11, 12A, 12B (in so far as it relates to persons to whom paragraph 11 applies), 13 and 15 to 29 of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966, subject to the following modifications:—
 - (1) In sub-paragraph (a) of paragraph 23 (which relates to the calculation of weekly earnings) for the expression “20s” there shall be substituted the expression “£2”; and
 - (2) his requirements shall be deemed to include also—
 - (a) the standard price of milk at the rate of one pint per day and the cost of other welfare food as set out in Schedule 2 plus the sum of £1;
 - (b) such amounts in respect of mortgage payments as the Ministry may allow;
 - (c) such amounts in respect of hire purchase transactions as the Ministry may allow;

(c) S.I. 1965, No. 1412 (1965, II, p. 4176).
(d) 1967. c. 47.

(e) 1966. c. 28 (N.I.).

(d) such further amounts as the Ministry may in special circumstances allow;

and in considering what, if any, amount to include under either sub-paragraph (2)(c) or (d) regard shall be had to the provision made by paragraph 11 of Schedule 2 to the said Act for additional requirements and regard may be had to any resources which would otherwise fall to be disregarded under paragraphs 23 to 26 of that Schedule.

(2)(a) Where under the said Act the resources of the beneficiary would be aggregated with those of some other person, the requirements and resources of that one person when calculated as aforesaid shall be deemed to be the requirements and resources of the beneficiary.

(b) A beneficiary deemed to belong to a family in special circumstances by virtue of sub-paragraph (b) of paragraph (1) shall continue to belong to such a family for such period as the Ministry may allow, being a period of not more than 12 months or, where the beneficiary is a child, until he attains the age of 5 years and 1 month, whichever is the earlier:

Provided that where a mother in a family in special circumstances becomes an expectant mother during any such period, she shall be deemed to be a beneficiary in that family during that period without making a further application under these regulations.

(3) A beneficiary shall be deemed to belong to a family in special circumstances if and for as long as that family is entitled to receive Family Income Supplement in accordance with the provisions of the Family Income Supplements Act (Northern Ireland) 1971(f).

Entitlement to welfare milk

4.—(1) Subject to the provisions of this regulation, welfare milk shall be available, on application, to all beneficiaries free of charge at a rate for each beneficiary of 7 pints per week of liquid milk or one 20 oz. pack per week of dried milk: provided that where a nursing mother applies for welfare milk in respect of a young child whom she is suckling, she shall not be entitled under this paragraph to welfare milk in respect of both herself and the child, but nothing in regulation 19 shall prohibit her from consuming any welfare milk obtained for the child.

(2) Dried milk, additional to that to which he is entitled under paragraph (1) shall be free of charge, on application, for a young child under one year of age who is being fed mainly on dried milk in the quantities specified in column (2) of Schedule 1 in relation to his age at the time of application as specified in column (1).

(3) A child who has not started school at the age of 5 years and 1 month shall continue to be entitled to welfare milk under paragraph (1) for such period as may elapse until he starts full-time education.

Entitlement to welfare food other than liquid milk

5. A person of the class described in column (1) of Schedule 2 may buy the welfare food specified in respect of him in column (2) at the price so specified in column (3) and where a person is a beneficiary of a class defined in regulation 2(1)(a), (b) or (c) he shall be entitled to receive free of charge the quantity of welfare food so specified in column (4).

PART III.

SUPPLY OF WELFARE FOOD

Application forms

6. Applications for free welfare milk and food shall be made by beneficiaries on forms supplied for the purpose by the Ministry.

Issue of tokens

7. The Ministry shall issue tokens to enable beneficiaries to obtain free welfare milk under regulation 4 and free welfare food under regulation 5.

Use of tokens

8.—(1) To obtain the free welfare milk and food to which he is entitled, a beneficiary shall use the relevant tokens in the manner described in this regulation.

(2) A token for free welfare milk may be used—

(a) to obtain 7 pints of milk during one period of 7 consecutive days which period shall start on a Sunday and which, where a date is specified on a token, shall be the period ending on the Saturday following that date or during any of the 4 successive periods of 7 consecutive days; or

(b) to obtain a 20 oz. pack of dried milk during a period which, where a date is specified on a token, shall be a period of 28 consecutive days before or after the date so specified;

and a token shall not be used in any other manner.

(3) A token for free additional supplies of dried milk may be used to obtain a 20 oz. pack of dried milk only when a token for free welfare milk is used to obtain dried milk.

(4) Tokens for children's vitamin drops and vitamin tablets may be used by a beneficiary of a class defined in regulation 2(1)(a), (b) or (c) to obtain free of charge the quantities of welfare food specified in respect of him in column (4) of Schedule 2.

PART IV

DISTRIBUTION OF MILK

Suppliers of and charges for milk

9.—(1) Where a supplier has accepted from any beneficiary a token for free welfare milk he shall (unless he has returned the token to the beneficiary before it became valid) supply 7 pints of milk to the beneficiary free of charge against the said token during the period of its validity: provided that where he would be entitled under the Milk Order to charge for the milk supplied a price exceeding the standard price he may charge the beneficiary for the milk so supplied at a rate not exceeding the difference between the standard price and the price which he would be entitled to charge under the Milk Order.

(2) A supplier may accept tokens from a beneficiary before they have become valid; but he shall return to the beneficiary on demand all tokens in respect of which milk has not been supplied.