1971. No. 88 **[C]**

WELFARE SERVICES

Welfare Foods

REGULATIONS, DATED 26TH MARCH 1971, 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 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) 1971 and shall come into operation on 4th April 1971.

Interpretation

2.—(1) In these regulations—

"appropriate local education authority" means the local education authority constituted under Section 2 of the Education Act (Northern Ireland) 1947(**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 ascertained by the appropriate local education authority to require special educational treatment but who is not a registered pupil at a school; or

(*b*) has been ascertained by the appropriate local education authority to be incapable, by reason of disability of mind, of receiving 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**) 1947. c. 3 (N.I.).

"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 vitamins A and D 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 purpose of these regulations a beneficiary shall be deemed to belong to a family in special circumstances in respect of any period during which his requirements exceed his resources when calculated or estimated by the Ministry under the Supplementary Benefits etc. Act (Northern Ireland) 1966(**e**) subject to the following modifications—

(*a*) the first £2 of any weekly earnings shall be disregarded; and

(*b*) his requirements shall be deemed to include also—

(i) 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;

(ii) such amounts in respect of hire purchase transactions and mortgage repayments as the Ministry may allow;

(iii) such further amounts which the Ministry may in special circumstances allow;

and in considering what, if any, amount to include under either sub-paragraph (*b*)(ii) or (iii) regard shall be had to the provisions 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) 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.

(**c**) S.I. 1965, No. 1412 (1965 II, p. 4176).
(**d**) 1967. c. 47.
(**e**) 1966. c. 28 (N.I.).

(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.—(1) Subject to the provisions of paragraph (2) of this regulation, 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 such a person belongs to a family in special circumstances he shall be entitled to receive free of charge the quantity of welfare food so specified in column (4).

(2) No person shall be entitled under this regulation to buy or obtain free of charge—

(*a*) any cod liver oil after 30th April 1971; or

(*b*) any concentrated orange juice after 31st December 1971.

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.

(f) 1971. c. 8 (N.I.).

(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) Subject to the provision of regulation 5(2), tokens for concentrated orange juice, cod liver oil, children's vitamin drops and vitamin tablets may be used by a beneficiary in a family in special circumstances 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.

(3) If a supplier is prevented by circumstances beyond his control from supplying milk under this regulation he shall be deemed not to have contravened this regulation

Absence for less than a week

10. Where any beneficiary is absent from his usual place of residence for more than one day but less than 7 days during the period of validity of any token for free welfare milk which a supplier has accepted from him, and the supplier has supplied against that token some, but not all, of the requisite 7 pints, the supplier shall, if the beneficiary so requests within the said period of validity, forthwith pay or allow the beneficiary, in respect of each pint not supplied, a sum equal to the standard price.

Absence for a week

11. Where a young or handicapped child is absent from his usual place of residence for any period of 7 consecutive days during which the person for the time being in charge of that child has provided him with 7 pints of milk