1969. No. 135 [C]

WELFARE SERVICES

Welfare Foods

REGULATIONS, DATED 28TH MAY 1969, 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) 1969 and shall come into operation on 1st July 1969.

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 a young child, a handicapped child, an expectant mother or a nursing mother;

"dried milk" means National Dried Milk;

"handicapped child" means a child (other than a young child as herein defined) who is less than sixteen 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 occupation centre;

"large family" means a family in which the number of beneficiaries entitled to welfare milk exceeds two;

"milk" means liquid cows' milk, but does not include separated milk, skimmed milk, condensed milk or evaporated milk;

"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;

(a) 1968. c. 26 (N.I.).
(b) 1947. c. 3.
(c) S.I. 1965, No. 1412 (1965 II, p. 4176).

"standard price", in relation to milk, means the lower of the maximum prices per pint set out in the Schedule to the Milk Order;

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

"token" means a token for welfare milk, free welfare milk or any other welfare food issued by the Ministry under Regulation 8, and includes a book of tokens or any part of such a book;

"vitamin tablets" means vitamin A and D tablets;

"week" means a week ending at midnight between Saturday and Sunday;

"welfare milk", in relation to a beneficiary, means the milk or dried milk which he is entitled to obtain under Part II of these regulations;

"welfare price", in relation to milk, means a price of 6d. per pint, increased, where the supplier would be entitled under the Milk Order to charge the beneficiary for the milk supplied a price which exceeds the standard price, by the amount of the difference between these prices;

"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, unless the context otherwise requires, be deemed to refer to one of his parents or his guardian or the person having custody of him.

PART II

ENTITLEMENT TO WELFARE FOODS

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 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(**d**) subject to the following modifications—

(*a*) the first 40s. 0d. of any weekly earnings shall be disregarded; and

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

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

(ii) the cost of welfare foods; and

(iii) any further amounts which the Ministry may in special circumstances allow.

(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 other person when calculated as aforesaid shall be deemed to be the requirements and resources of the beneficiary.

Entitlement to welfare milk

4.—(1) Subject to the provisions of this regulation, welfare milk shall be available, on application, to all beneficiaries at a rate for each beneficiary of 7 pints per week of liquid milk or one 20 oz. pack per week of dried milk, in the case of a beneficiary described in paragraph (2) free of charge, and in any other case at a charge—

(*a*) for liquid milk, as provided in Regulation 9, and

(*b*) for dried milk, of 2s. 4d. per 20 oz. pack:

(d) 1966, c. 28 (N.I.).

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 both of herself and the child; but nothing in Regulation 19 shall prohibit her from consuming any welfare milk obtained for the child.

(2) The beneficiaries who are entitled to welfare milk free of charge under paragraph (1) are—

(*a*) all but two of the beneficiaries in a large family, and

(*b*) all the beneficiaries in a family in special circumstances.

(3) Dried milk, additional to that to which he is entitled under paragraph (1) and on the same conditions as to payment, shall be available, 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).

Entitlement to welfare foods other than liquid milk

5. A beneficiary described in column (1) of Schedule 2 may buy the welfare foods specified in respect of him in column (2) at the price so specified in column (3), and where the beneficiary belongs to a family in special circumstances he shall be entitled to receive free of charge the quantity of those welfare foods so specified in column (4).

PART III

SUPPLY OF WELFARE FOODS

Application forms

6. Application for welfare foods shall be made by a beneficiary on a form supplied for the purpose by the Ministry.

Issue of tokens

7. The Ministry shall issue tokens to enable beneficiaries to obtain welfare milk under Regulation 4 and welfare foods free of charge under Regulation 5.

Use of tokens

8.—(1) To obtain the welfare foods to which he is entitled under these regulations a beneficiary shall use the relevant tokens in the manner described in this Regulation.

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

(*a*) to obtain 7 pints of milk during the week ending on the date specified on the token or during any of the four succeeding weeks, or

(*b*) to obtain a 20 oz. pack of dried milk during the period beginning one month before and ending one month after the date so specified;

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

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

(4) A token for free welfare milk shall be used together with, and in the same manner as, a token for welfare milk, but where a date is specified on a token for free welfare milk it may be used only with a token for welfare milk bearing the same date.

(5) A token for free additional supplies of dried milk may be used only with a token for additional supplies of dried milk.

(6) Tokens for concentrated orange juice, cod liver oil and vitamin tablets may be used by a beneficiary in a family in special circumstances to obtain free of charge the quantities of these welfare foods 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 any supplier of milk has accepted from any beneficiary a token for welfare milk he shall (unless he has returned it to the beneficiary before it became valid) supply 7 pints of milk to the beneficiary against that token, during the period of validity of the token; and he may charge the beneficiary the welfare price for milk so supplied.

(2) Where any supplier of milk has accepted from any beneficiary, together with a token for welfare milk, a token for free welfare milk, he shall (unless he has returned both tokens to the beneficiary before they became valid) supply 7 pints of milk to the beneficiary against the said tokens during the period of validity of the token for welfare milk; and—

(*a*) in any case where he would not be entitled under the Milk Order to charge for the milk supplied a price exceeding the standard price, he shall make no charge; and

(*b*) in any other case, he may charge the beneficiary for 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.

(3) A supplier may accept tokens from a beneficiary before they have become valid; but he shall on demand return to the beneficiary all tokens in respect of which no milk has been supplied.

(4) 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 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 reduced by 6d. or, if the token was accepted together with a token for free welfare milk, not so reduced.

Absence for a week

11. Where a handicapped child or young 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, that person shall, notwithstanding anything to the contrary in these regulations, be entitled to retain a token for welfare milk issued in respect of the child and to use it free from all restriction as to the use of the milk so obtained.

Submission of tokens by suppliers

12. A supplier shall, in such manner as the Ministry may from time to time direct, submit to the Milk Marketing Board for Northern Ireland all tokens against which the supplier has supplied 7 pints of milk.