EXPLANATORY MEMORANDUM TO

THE HEALTHY START SCHEME AND WELFARE FOOD (AMENDMENT) REGULATIONS 2006

2006 No.589

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Healthy Start Scheme and Welfare Food (Amendment) Regulations 2006 ("the Regulations") amend the Healthy Start Scheme and Welfare Food Amendment Regulations 2005, S.I. 2005/3262 ("the 2005 Regulations"). They up rate the maximum income level for determining whether a person who also satisfies other conditions is eligible for benefit under the Healthy Start scheme introduced by the 2005 Regulations or the Welfare Food scheme established by the Welfare Food Regulations 1996, S.I. 1996/1434 ("the 1996 Regulations").

2.4 The Regulations are subject to a negative procedure.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1.1 The Regulations effect an annual uprating of the 1996 Regulations. They raise from £13,910 to £14,155 the maximum income level at which an expectant mother or child under the age of five years in a family receiving child tax credit but not working tax credit is entitled to receive milk or, if a child under age one, dried milk and at which a mother in such a family who is breast-feeding her child under the age of one is entitled to receive vitamins. They also amend the 2005 Regulations to up rate the maximum income level at which a pregnant woman over the age of 18, a mother of a child under the age of one or a child under the age of five years in a family receiving child tax credit but not working tax credit is entitled to receive milk, infant formula and fresh fruit and vegetables.

4.1.2 The increase is in line with tax credit up-rating levels that will apply from 6 April 2006.

4.2 The relevant figure in regulation 5(4)(a)(iv) of the 1996 Regulations (entitlement to free vitamins) is also raised from £13,240 to £14,155. This figure was unchanged in the previous up rating regulations, the Welfare Food (Amendment) Regulations 2005, S.I. 2005/688, due to supplies of vitamins being unavailable and anticipated changes to the means of supply. Recently the decision has been taken to continue to deliver vitamins through clinics when supply of the now reformulated vitamins recommences, expected later in 2006.

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The WFS was established in 1940 as a wartime measure but was subsequently targeted at children in low-income families. It currently provides free milk, infant formula milk and vitamins to approximately 720,000 claimants (pregnant women and children under 5 years old) in families on qualifying benefits.

7.2 The current WFS is being reformed. The new Healthy Start scheme will provide fresh fruit and vegetables as well as liquid milk and infant formula milk to eligible beneficiaries. Phase 1 of Healthy Start was introduced in Devon and Cornwall on 28 November 2005. Phase 2 is expected to be introduced across the rest of Great Britain later in 2006.

7.3 The increase in the income limits will apply to both the Welfare Food scheme and the Healthy Start scheme from 6 April 2006.

7.4 The tax credit income limits to qualify for a tax exemption certificate will not be uprated by the Prescription Pricing Authority (PPA). A tax exemption certificate entitles eligible persons to receive income related help for dental treatment, prescriptions, NHS travel costs, NHS wigs and fabric supports and sight tests, glasses and contact lenses. PPA receives data about those people eligible to hold a tax exemption certificate from HM Revenue and Customs (HMRC) annually. Certificates are issued to eligible beneficiaries covering a period of 15 months.

7.5 Data for the purposes of establishing entitlement to Welfare Food Scheme (WFS) or Healthy Start (HS) benefit is provided to the Department of Health by HMRC on a four weekly basis. This means that entitlement to WFS /HS benefit is reviewed every 4 weeks. Where a family's annual income, calculated in accordance with tax credit legislation, exceeds the set income

level, entitlement to WFS /HS benefit is automatically removed. This is not the case with tax exemption certificates, as they are not withdrawn from holders if income levels change, during the period of validity of the certificate.

7.6 If the income limit for WFS/HS benefit was not increased in line with general tax credit increases some low-income families currently receiving WFS/HS benefit would no longer qualify.

8. Impact

8.1 A Regulatory Impact Assessment is not required as the impact of these Regulations on the private, or voluntary sector is expected to be negligible.

9. Contact

9.1 For further information please contact Justine Currell at the Department of Health , Wellington House, 133-155 Waterloo Road, London, SE1 8UG.] Tel: 020 7972 4434 or e -mail: Justine.Currell@dh.gsi.gov.uk.