EXPLANATORY MEMORANDUM TO

THE HEALTHY START SCHEME AND WELFARE FOOD (MISCELLANEOUS AMENDMENTS) (AMENDMENT) (ENGLAND) REGULATIONS 2020

2020 No. 665

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument makes minor corrections to Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/267) ("the Miscellaneous Amendments Regulations").

2.2 The instrument corrects a drafting oversight in the transitional provisions in the Miscellaneous Amendments Regulations to ensure that beneficiaries of the Healthy Start scheme who continue to receive paper vouchers after 1 October 2020 may use these to purchase a wider range of foods, as provided for in regulation 17 of the Miscellaneous Amendments Regulations.

2.3 These Regulations give full effect to the policy intention and rectify the oversight made in the Miscellaneous Amendments Regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This instrument makes minor corrections to Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/267) ("the Miscellaneous Amendments Regulations") and is being issued free of charge to all recipients of those regulations.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is to England and Wales.

4.2 The territorial application of this instrument is to England only.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 This instrument corrects a drafting oversight in the Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/267) ("the Miscellaneous Amendments Regulations"). The Miscellaneous Amendments Regulations amend the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005 (S.I. 2005/3262) and provide for the digitisation of the Healthy Start Scheme ("the Scheme"). The Scheme provides for vouchers to be issued to prescribed beneficiaries to enable the purchase of certain basic foods and vitamins to improve nutrition in pregnant women, mothers and young children.

6.2 As part of the digitisation of the Scheme, pre-paid payment cards will gradually replace the paper vouchers that are currently issued to beneficiaries. The Miscellaneous Amendments Regulations also, in regulation 17, expand the types of foods that may be purchased under the Scheme to include pulses and canned fruit and vegetables. Regulation 17 is to come into force on 1 October 2020 and applies in relation to England only. The Welsh Ministers have a power in section 13(6) of the Social Security Act 1988 to prescribe descriptions of food in relation to the operation of the Scheme in Wales.

6.3 This instrument corrects a drafting oversight in the transitional provision in regulation 31 of the Miscellaneous Amendments Regulations. It provides for the specific exclusion of regulation 17 from the operation of the transitional provision. This will ensure that all beneficiaries of the Scheme in England, including those who continue to receive paper vouchers after 1 October 2020, may use their vouchers to purchase the expanded types of foods provided for in regulation 17 of the Miscellaneous Amendments Regulations.

7. Policy background

What is being done and why?

7.1 This amendment does not amount to a change in policy, changes are being made to correct an oversight in the drafting of the Miscellaneous Amendments Regulations.

7.2 As noted above, the transitional provision in regulation 31 of the Miscellaneous Amendments Regulations would not, contrary to the policy intention, enable a beneficiary to use a paper voucher to purchase pulses and canned fruit and vegetables, as provided for in regulation 17 of those regulations. In light of this, an amendment is necessary to ensure that all beneficiaries of the Scheme in England may benefit from regulation 17 when it comes into force on 1 October 2020.

8. The amendment provides for the full effect of the policy intention for the Miscellaneous Amendments Regulations to be implemented. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 No timetable has been set for consolidation of the Principal Regulations.

10. Consultation outcome

10.1 There is a statutory duty to consult the Welsh Ministers before making these corrections to Healthy Start Scheme and Welfare Food (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/267) ("the Miscellaneous Amendments Regulations").

10.2 They are content with the proposed amendments.

10.3 No public consultation was conducted in relation to these regulations due to the instrument correcting a drafting oversight. This amendment does not amount to a change in policy, changes are being made to correct an oversight in the drafting of the Miscellaneous Amendments Regulations.

11. Guidance

11.1 The Healthy Start website (www.healthystart.nhs.uk) was updated during March 2020 to explain the changes made by the Miscellaneous Amendments Regulations. No further changes are needed in light of this instrument.

11.2 However, the NHS Business Services Authority will also communicate directly with the Healthy Start beneficiaries and retailers affected, as part of the transitional arrangements for the introduction of the digitised service.

12. Impact

12.1 The impact on business, charities or voluntary bodies is limited as this instrument corrects a drafting oversight.

12.2 There is no significant impact on the public sector as this instrument corrects a drafting oversight.

12.3 An Impact Assessment has not been prepared for this instrument due to the low level of impact.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses, these changes will not impact the policy but allow for the policy to be rolled out as intended. These changes will have low level impact on small businesses.

14. Monitoring & review

14.1 The regulation does not include a statutory review clause.

15. Contact

15.1 James Gray at the Department of Health and Social Care Telephone: 0113 254 5023 or email: james.gray@dhsc.gov.uk can be contacted with any queries regarding the instrument.

15.2 Dorian Kennedy, Deputy Director for Children, Families and Communities, at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.

15.3 Jo Churchill, Parliamentary Under Secretary of State for Prevention, Public Health and Primary Care at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.