STATUTORY INSTRUMENTS

1983 No. 379

FOOD

The Welfare Food (Amendment) Order 1983

Made - - -	11*th March* 1983
Laid before Parliament	14*th March* 1983
Coming into Operation	4*th April* 1983

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of powers conferred by sections 4 and 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964(**a**) and now vested in them(**b**), and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Welfare Food (Amendment) Order 1983 and shall come into operation on 4th April 1983.

Interpretation

2. In this Order any reference to a numbered Article or a numbered Schedule is a reference to the Article or Schedule bearing that number in the Welfare Food Order 1980(**c**).

Amendment of Article 2(1)

3. Article 2(1) (interpretation) shall be amended as follows—

(*a*) for the definition of "approved price" there shall be substituted the following definition —

" 'approved price' means —
(*a*) for all purposes as respects England and Wales, and for the purposes of Schedule 3 as respects Scotland, the lowest of the maximum prices for milk in the Milk Order and

(**a**) 1964 c. 60.
(**b**) *See* Secretary of State for Social Services Order 1968 (S.I. 1968/1699), Article 2 and the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388).
(**c**) S.I. 1980/1648, amended by S.I. 1981/1292.

(*b*) for all other purposes as respects Scotland, the lowest price which in the ordinary course of his business a supplier charges any of his customers for a pint of pasteurised milk within the meaning of the Milk (Special Designations) (Scotland) Order 1980(**a**) on the day or any of the days on which free welfare milk is supplied to a beneficiary in exchange for a token under Article 9(2)(*a*);";

(*b*) for the definition of "dried milk" there shall be substituted the following definition —

" 'dried milk' means any modified dried milk which is approved by the Secretary of State for the purposes of this Order;" and

(*c*) in the definition of "nursing mother" the words "and is herself suckling the child" shall be omitted.

Amendment of Article 3

4.—(1) For Article 3 there shall be substituted the following Article —

"*Meaning of family in special circumstances*

3. A family shall be deemed to be in special circumstances if it includes a person, being an expectant mother, nursing mother or young child, who —

(*a*) is entitled to supplementary benefit under the Supplementary Benefits Act 1976(**b**);

(*b*) has requirements and resources aggregated under paragraph 3 of Schedule 1 to that Act with a member of the family who is entitled to that benefit;

(*c*) is a member of a family entitled to receive family income supplement under the Family Income Supplements Act 1970(**c**); or

(*d*) is a person to whom Schedule 3 applies."

(2) After Schedule 2 there shall be added the Schedule set out in the Schedule to this Order.

Amendment of Article 4(2)

5. In Article 4(2) (entitlement to welfare milk) there shall be substituted for the words from the beginning to "shall not be entitled" the words "Where there are applications for welfare milk in respect of both a nursing mother and a child to whom she has given birth within the preceding 30 weeks, there shall not be an entitlement".

Amendment of Article 5

6.—(1) For Article 5 there shall be substituted the following Article—

"*Entitlement to welfare food other than welfare milk*

5. A beneficiary within the meaning of paragraph (*a*) or (*b*) of the definition of that term in Article 2(1) who is of a class mentioned in column (1) of Schedule 1 shall be entitled to receive free of charge the welfare food specified in his case in column (2) in the quantity specified in column (4) of that Schedule."

(2) Column (3) (price of vitamin preparations) of Schedule 1 shall be omitted.

(**a**) S.I. 1980/1866.

(**b**) 1976 c. 71; the Act (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) with certain amendments is set out in Part II of Schedule 2 to the Social Security Act 1980 (c.30); the Act is further amended by sections 38 and 48(5) of, and Schedule 4 to, the Social Security and Housing Benefits Act 1982 (c.24).

(**c**) 1970 c.55.

Revocations

7.—(1) Article 22 (transitory provision) and Schedule 2 (modified dried milk approved for the purposes of the Order) are hereby revoked.

(2) The Welfare Food (Amendment) Order 1980(a) is hereby revoked.

Signed by authority of the Secretary of State for Social Services.

K. Clarke,
Minister of State,
Department of Health and Social Security.

11th March 1983.

Signed by authority of the Secretary of State for Wales.

John Stradling Thomas,
Minister of State,
Welsh Office.

10th March 1983.

George Younger,
Secretary of State for Scotland.

10th March 1983.

(a) S.I. 1980/1836.

Article 4

SCHEDULE

SCHEDULE 3 TO THE WELFARE FOOD ORDER 1980 AS INSERTED BY THIS ORDER

CERTAIN FAMILIES IN SPECIAL CIRCUMSTANCES Article 3

1. This Schedule applies to an expectant mother, nursing mother or young child if the requirements of the assessment unit to which that person belongs exceed the resources of that unit when determined by the Secretary of State in accordance with the Supplementary Benefits Act 1976 as modified in accordance with the following table.

TABLE

Provisions of Act	Effect of Provisions	Modification
Section 1	Right to supplementary benefit	In the case of a mother or expectant mother, as if there were no reference to the age of 16.
Section 5	Supplementary allowance: conditions	As if the section were omitted.
Section 6	Exclusion from supplementary benefit of certain employed persons and pupils	,, ,,
Section 8	Persons affected by trade disputes	,, ,,
Section 10	Modification of right to supplementary allowance in certain cases	,, ,,
Schedule 1, paragraph 2	Requirements	As if the requirements referred to in this paragraph included the following additional requirements — (*a*) in respect of each young child and any expectant mother in the assessment unit — (i) the approved price of milk at the rate of one pint per day and (ii) the reasonable cost of vitamin preparations; (*b*) in respect of any nursing mother in the assessment unit the reasonable cost of vitamin preparations; and (*c*) in respect of each assessment unit — (i) the sum of £2.50 and (ii) such amount (if any) as is considered reasonable to meet the housing costs of the members of the assessment unit, life insurance premiums payable by and in respect of a policy on the life of any member of the assessment unit and hire purchase payments for essential items required by members of the assessment unit.

2. Where a person has qualified under paragraph 1 above, that qualification shall continue —

(*a*) for such period not exceeding 12 months as the Secretary of State may allow or until any young child in the assessment unit attains the age of 5 years and 1 month, whichever first occurs; and

(*b*) where the assessment unit includes an expectant mother, during her pregnancy.

3. In this Schedule "assessment unit" means a family consisting of one or more of the following members —

(*a*) an expectant mother;

(*b*) a nursing mother;

(*c*) a young child;

(*d*) a person whose requirements and resources are aggregated under paragraph 3 of Schedule 1 to the Supplementary Benefits Act 1976 with a person mentioned in sub-paragraphs (*a*) to (*c*) above; and

(*e*) a partner living with a person mentioned in sub-paragraph (*a*) or (*b*) above, whether married to her or not.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Welfare Food Order 1980 by —

(*a*) providing that in Scotland the amount which a supplier may be reimbursed for the supply of free welfare milk shall be the lowest price which he charged his customers for milk of that kind on the day or days when the free welfare milk was supplied;

(*b*) omitting provisions under which modified dried milk was approved in the Order;

(*c*) expanding the definition of nursing mother to include a mother who is not suckling her child;

(*d*) redefining the term "family in special circumstances"; and

(*e*) omitting provisions under which a person could buy welfare food.

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