1971 No. 457

FOOD AND DRUGS

The Welfare Food Order 1971

Made - - - -	18*th March* 1971
Laid before Parliament	25*th March* 1971
Coming into Operation	4*th April* 1971

The Secretary of State for Social Services, the Secretary of State for Wales and the Secretary of State for Scotland, acting jointly in exercise of their powers under sections 4 and 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964(a) and of all other powers enabling them in that behalf, hereby order as follows:—

PART I

PRELIMINARY

Title, commencement and extent

1.—(1) This order may be cited as the Welfare Food Order 1971 and shall come into operation on 4th April 1971.

(2) This order shall not extend to Northern Ireland.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

"beneficiary" means any of the following persons in Great Britain, namely:

(*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;

"enactment" includes any instrument made under an Act;

(a) 1964 c. 60.

"handicapped child" means a child (other than a young child) who—

(*a*) is not less than 5 years and is under 16 years of age and is not in paid employment; and

(*b*) is by reason of disability of mind or body unable to attend a school, special school or training centre;

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

"Milk Order" means the order for the time being in force under section 6 of the Emergency Laws (Re-enactments and Repeals) Act 1964 (which provides for controlling the maximum prices of milk);

"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(a);

"registered day nursery" means a day nursery which is for the time being registered by the Secretary of State for the purposes of this order;

"Secretary of State" means the Secretary of State for Social Services, in Wales and Monmouthshire means the Secretary of State for Wales and in Scotland means the Secretary of State for Scotland;

"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 this order;

"token" means a token for free welfare milk or any other welfare food issued by the Secretary of State under article 8;

"vitamin tablets" means vitamin A and D tablets;

"welfare food" means milk, dried milk, concentrated orange juice, cod liver oil, children's vitamin drops or vitamin tablets;

"welfare milk" means the milk or dried milk which a beneficiary is entitled to obtain under Part II of this order;

"young child" means a child aged not more than 5 years and 1 month.

(2) Where any provision in this order (other than a provision in article 19 or 20) 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.

(3) Any reference in this order to a numbered article or schedule shall, unless the reference is to an article of or a schedule to a specified enactment, be construed as a reference to the article or schedule bearing that number in this order.

(4) In this order, unless the context otherwise requires, any reference to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment.

(a) 1967 c. 47.

PART II

ENTITLEMENT TO WELFARE FOOD

Meaning of a family in special circumstances

3.—(1) For the purposes of this order, 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 Secretary of State according to the provisions of paragraphs 3 and 7 to 11, 13 and 15 to 29 of Schedule 2 to the Ministry of Social Security Act 1966(a), subject to the following modifications—

(*a*) in sub-paragraph (*a*) of paragraph 23 (which relates to the calculation of weekly earnings) for the expression "20s" there shall be substituted the expression "£2"; 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 to this order plus the sum of £1; and

(ii) such amounts in respect of mortgage payments as the Secretary of State may allow; and

(iii) such amounts in respect of hire purchase transactions as the Secretary of State may allow; and

(iv) such further amounts as the Secretary of State may in special circumstances allow;

and in considering what, if any, amount to include under either of the last two mentioned heads regard shall be had to the provisions made by paragraph 11 of Schedule 2 to the said Act of 1966 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.

(2) Where by virtue of the said paragraph 3 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.

(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 1970(b).

Entitlement to welfare milk

4.—(1) Subject to the provisions of this article, 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 article 20 shall prohibit her from consuming any welfare milk obtained for the child.

(a) 1966 c. 20. (b) 1970 c. 55.

(2) Dried milk, additional to that to which he is entitled under paragraph (1) of this article, shall be available 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) of this article 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 article, 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 order 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.

Milk for children attending registered day nurseries

6. The Secretary of State may make arrangements for each young child attending a registered day nursery to receive free of charge (without prejudice to his entitlement under article 4) one-third of a pint of milk, or dried milk made up to provide one-third of a pint, in respect of each day of attendance.

PART III

SUPPLY OF WELFARE FOOD

Application forms

7. Applications for free welfare milk and food shall be made by beneficiaries on forms supplied for the purpose by the Secretary of State.

Issue of tokens

8. The Secretary of State shall issue tokens to enable beneficiaries to obtain free welfare milk under article 4 and free welfare food under article 5.

Use of tokens

9.—(1) To obtain the free welfare milk and food to which he is entitled under this order, a beneficiary shall use the relevant tokens in the manner described in this article.

(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 provisions of article 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 quantitites 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

10.—(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 on demand return to the beneficiary all tokens in respect of which no milk has been supplied.

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

Absence for less than a week

11. 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

12. Where a young child 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, that person shall, notwithstanding anything to the contrary in this order, be entitled to retain a token for free welfare milk issued in respect of the child and to use it free from all restrictions as to the use of the milk so obtained.

Submission of tokens by suppliers

13. A supplier shall, in such manner as the Secretary of State may from time to time direct, submit to the Secretary of State all tokens against which the supplier has supplied 7 pints of milk, or has made an allowance in accordance with article 11.

PART V

TOKENS

Property in tokens

14. Every token is and shall remain the property of the Secretary of State.

Replacement of tokens

15.—(1) The Secretary of State may replace tokens which have been lost.

(2) Where a supplier or a beneficiary to or in respect of whom replacement tokens have been issued subsequently finds the tokens supposed to have been lost, he shall deliver the latter forthwith to any office of the Department of Health and Social Security.

Validity and cancellation of tokens

16.—(1) Tokens shall be valid only if used by or on behalf of a beneficiary, and within the periods and in the manner specified in this order.

(2) The Secretary of State may cancel any token which cannot be validly used under this order.

Return of tokens

17.—(1) Any beneficiary or supplier holding tokens shall, when requested by the Secretary of State, produce or deliver all tokens in his possession within such time and to such place as the Secretary of State may direct.

(2) Where any beneficiary holding tokens ceases to be entitled thereto under this order, he shall forthwith deliver them to any office of the Department of Health and Social Security.

(3) When a beneficiary dies, any person who has, or comes into, possession of any token issued in respect of that beneficiary shall deliver it forthwith to any office of the Department of Health and Social Security or, where death resulted from an infectious or contagious disease, in accordance with the instructions of the Medical Officer of Health.

Supplier losing possession of tokens

18.—(1) Where a supplier accepts any token for free welfare milk from a beneficiary but, before supplying milk against it or returning it to the beneficiary as provided for in article 10, loses possession of it he shall notify the Secretary of State forthwith.

(2) Where a supplier loses possession of a token and the Secretary of State replaces that token pursuant to article 15(1), the Secretary of State may, where that token has been used otherwise than in accordance with the provisions of this order and where there has been negligence or misconduct by the supplier, require the supplier to pay to him in respect of each such token, which is a token for free welfare milk, a sum equal to the standard price of 7 pints of liquid milk.

PART VI

MISCELLANEOUS

Restrictions on supply of welfare food

19.—(1) No person shall obtain any free welfare food unless he is a beneficiary or is obtaining that food on behalf of a beneficiary.

(2) A beneficiary or a person acting on behalf of a beneficiary shall not obtain free welfare milk pursuant to article 4 or free welfare food pursuant to article 5 in quantities exceeding those to which the beneficiary is entitled thereunder, or otherwise than in exchange for tokens pursuant to article 9.

Use of welfare food

20. Where any free welfare food is obtained by or on behalf of a beneficiary, it shall not be consumed otherwise than by that beneficiary unless—

(*a*) the food is liquid milk or dried milk, and the beneficiary has consumed a quantity of milk approximately equal to the quantity of free welfare milk obtained in respect of him; or

(*b*) any such consumption is reasonably necessary to avoid waste or is trifling in amount; or

(*c*) the food is free welfare milk referred to in the proviso to article 4(1).

Northern Ireland tokens to be valid in Great Britain

21. Any token issued by a department of the Government of Northern Ireland shall be valid in Great Britain as if it had been issued by the Secretary of State under this order.

Revocation

22. The Welfare Foods Order 1968(**a**), the Welfare Foods (Amendment) Order 1968(**b**) and the Welfare Foods (Amendment) Order 1971(**c**) are hereby revoked:

Provided that—

(*a*) such revocation shall not affect any right or liability acquired or incurred, or anything duly done or suffered, under those orders;

(*b*) such revocation shall not affect any legal proceedings in respect of any contravention of those orders, but any such proceedings may be continued or commenced as if this order had not been made;

(**a**) S.I. 1968/389 (1968 I, p. 1050). (**b**) S.I. 1968/1605 (1968 III, p. 4407).
(**c**) S.I. 1971/77 (1971 I, p. 130).

(*c*) such revocation shall not affect any declaration, registration or authorisation made or granted under those orders, and every such declaration, registration or authorisation shall, so far as it could have been made or granted under this order, have effect as if it had been so made or granted.

Article 4(2)

SCHEDULE 1

Additional supplies of dried milk for a young child under one year of age who is being fed mainly on dried milk.

Age of child at time of application (1)	Amount (2)
Not exceeding 3 months	31 20 oz. packs
3 months but not exceeding 4 months	28 „ „ „
4 „ „ „ „ 5 „	24 „ „ „
5 „ „ „ „ 6 „	20 „ „ „
6 „ „ „ „ 7 „	16 „ „ „
7 „ „ „ „ 8 „	12 „ „ „
8 „ „ „ „ 9 „	8 „ „ „
9 „ „ „ „ 10 „	8 „ „ „
10 „ „ „ „ 11 „	4 „ „ „
11 „ „ „ „ 12 „	2 „ „ „

Article 5

SCHEDULE 2

Entitlement to welfare food other than liquid milk

(1) Class of Person	(2) Welfare Food	(3) Price	(4) Quantity of welfare food supplied free of charge to beneficiaries in a family in special circumstances
Expectant mother and young child	Dried milk	20p per 20 oz. pack	As specified in article 4(1)
Young child	Concentrated orange juice	7½p per bottle	From birth to 6 months of age at the rate of 3 bottles every 13 weeks. From 6 months to 2 years of age at the rate of 7 bottles every 13 weeks.
	Cod liver oil or children's vitamin drops	5p per bottle	At the rate of 2 bottles every 13 weeks.
Expectant mother	Concentrated orange juice	7½p per bottle	At the rate of 10 bottles every 13 weeks.
	Vitamin tablets	2½p per packet of 45 tablets	At the rate of 2 packets of 45 tablets every 13 weeks.
Nursing mother	Concentrated orange juice	7½p per bottle	At the rate of 10 bottles every 13 weeks.
	Vitamin tablets	2½p per packet of 45 tablets	5 packets of 45 tablets.

In this schedule "bottle", as regards cod liver oil and concentrated orange juice, means a bottle containing not less than 171 millilitres and, as regards children's vitamin drops, a bottle containing not less than 10 millilitres.

Keith Joseph,
Secretary of State for Social Services.

17th March 1971.

Given under my hand on 18th March 1971.

Peter Thomas,
Secretary of State for Wales.

Given under the seal of the Secretary of State for Scotland on 18th March 1971.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-enacts with amendments the Orders relating to the welfare food scheme operated in Great Britain by the Secretary of State for Social Services, the Secretary of State for Wales and the Secretary of State for Scotland.
The principal matters dealt with in the Order include:—

1. a description of the beneficiaries and the welfare milk and food to which each is entitled;
2. the meaning of a family in special circumstances and how it is assessed for entitlement;
3. the method of using, and the period of validity of, the tokens by which welfare milk and food is obtainable;
4. the responsibilities of suppliers of liquid milk under the scheme;
5. the restrictions on the use of any welfare food by non-beneficiaries; and
6. the prices at which welfare food, other than liquid milk, might be purchased.

The principal changes from the revoked Orders are that:—

1. the provision of welfare milk at a cheap welfare price has been withdrawn;
2. the entitlement to free welfare milk has been extended
   (*a*) to an increased number of families of low income;
   (*b*) to all handicapped children who are unable to attend an educational establishment; and
   (*c*) to children who have reached the age of 5 years 1 month and who have not started school;
3. a new liquid vitamin preparation, containing vitamins A, D and C, has been introduced for children;
4. the provision of cod liver oil and orange juice under the scheme is to be withdrawn after specified dates.