1973. No. 396 **[C]**

WELFARE SERVICES

Welfare Foods

REGULATIONS, DATED 1ST OCTOBER 1973, 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, on behalf of the Secretary of State, 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) 1973 and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In these regulations—

"appropriate Education and Library Board" means the Education and Library Board constituted under Article 3 of the Education and Libraries (Northern Ireland) Order 1972(**b**);

"beneficiary" means any of the following persons—

(*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;

"handicapped child" means a child (other than a young child) who is not less than 5 years and is under 16 years of age and who—

(*a*) has been determined by the appropriate Education and Library Board to require special educational treatment but who is not a registered pupil at a school; or

(*b*) has been determined by the appropriate Education and Library Board to be suffering from a disability of mind of such a nature or to such an extent as to make him unsuitable for education at school and who is not in attendance at a full time instruction or training centre;

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

(a) 1968. c. 26 (N.I.). (b) S.I. 1972, No. 1263 (N.I. 12).

"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;

"p" means a new penny as defined in section 1(1) of the Decimal Currency Act 1967(d);

"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 these regulations;

"token" means a token for free welfare milk or any other welfare food issued by the Ministry under regulation 7 and includes a book of tokens or any part of such a book;

"vitamin tablets" means vitamin A, D and C tablets;

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

"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 be deemed to refer to one of his parents or his guardian or the person having custody of him.

PART II

ENTITLEMENT TO WELFARE FOOD

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—

(*a*) if and for as long as that family is entitled to receive supplementary benefit in accordance with the provisions of Part II of the Supplementary Benefits &c. Act (Northern Ireland) 1966(e); or

(*b*) in respect of any period during which his requirements exceed his resources when calculated or estimated by the Ministry according to the provisions of paragraph 3 and 7 to 11, 12A, 12B (in so far as it relates to persons to whom paragraph 11 applies), 13 and 15 to 29 of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966, subject to the following modifications:—

(1) 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

(2) his requirements shall be deemed to include also—

(*a*) 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 plus the sum of £1;

(*b*) such amounts in respect of mortgage payments as the Ministry may allow;

(*c*) such amounts in respect of hire purchase transactions as the Ministry may allow;

(c) S.I. 1965, No. 1412 (1965, II, p. 4176).
(d) 1967. c. 47.
(e) 1966. c. 28 (N.I.).

(*d*) such further amounts as the Ministry may in special circumstances allow;

and in considering what, if any, amount to include under either sub-paragraph (2)(*c*) or (*d*) regard shall be had to the provision made by paragraph 11 of Schedule 2 to the said Act 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)(*a*) 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 one person when calculated as aforesaid shall be deemed to be the requirements and resources of the beneficiary.

(*b*) A beneficiary deemed to belong to a family in special circumstances by virtue of sub-paragraph (*b*) of paragraph (1) shall continue to belong to such a family for such period as the Ministry may allow, being a period of not more than 12 months or, where the beneficiary is a child, until he attains the age of 5 years and 1 month, whichever is the earlier:

Provided that where a mother in a family in special circumstances becomes an expectant mother during any such period, she shall be deemed to be a beneficiary in that family during that period without making a further application under these regulations.

(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 (Northern Ireland) 1971(f).

Entitlement to welfare milk

4.—(1) Subject to the provisions of this regulation, 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 regulation 19 shall prohibit her from consuming any welfare milk obtained for the child.

(2) Dried milk, additional to that to which he is entitled under paragraph (1) shall be 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) for such period as may elapse until he starts full-time education.

Entitlement to welfare food other than liquid milk

5. 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 a person is a beneficiary of a class defined in regulation 2(1)(*a*), (*b*) or (*c*) he shall be entitled to receive free of charge the quantity of welfare food so specified in column (4).

(f) 1971. c. 8 (N.I.).

PART III

SUPPLY OF WELFARE FOOD

Application forms

6. Applications for free welfare milk and food shall be made by beneficiaries on forms supplied for the purpose by the Ministry.

Issue of tokens

7. The Ministry shall issue tokens to enable beneficiaries to obtain free welfare milk under regulation 4 and free welfare food under regulation 5.

Use of tokens

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

(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) Tokens for children's vitamin drops and vitamin tablets may be used by a beneficiary of a class defined in regulation 2(1)(*a*), (*b*) or (*c*) to obtain free of charge the quantities 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

9.—(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 return to the beneficiary on demand all tokens in respect of which milk has not been supplied.

(3) 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 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

11. Where a young 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 these regulations, 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

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, or has made an allowance in accordance with regulation 10.

PART V

TOKENS

Property in tokens

13. Every token is and shall remain the property of the Ministry.

Replacement of tokens

14.—(1) The Ministry 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 local office of the Ministry.

Validity and cancellation of tokens

15.—(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 these regulations.

(2) The Ministry may cancel any token which cannot be validly used under these regulations.

Return of tokens

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

(2) Where any beneficiary holding tokens ceases to be entitled thereto under these regulations, he shall forthwith deliver them to any local office of the Ministry.

(3) Where a beneficiary dies, any person who has, or comes into, possession of any token issued in respect of the beneficiary shall deliver it forthwith to any local office of the Ministry or, where death resulted from an infectious or contagious disease, in accordance with the instructions of the Chief Administrative Medical Officer.

Supplier losing possession of tokens

17.—(1) Where a supplier accepts any tokens for free welfare milk from a beneficiary but, before supplying milk against it or returning it to the beneficiary as provided for in regulation 9, loses possession of it he shall notify the Ministry forthwith.

(2) Where a supplier loses possession of a token and the Ministry replaces that token pursuant to regulation 14(1), the Ministry may, where that token has been used otherwise than in accordance with the provisions of these regulations and where there has been negligence or misconduct by the supplier, require the supplier to pay to it 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

18.—(1) A person shall not 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 regulation 4 or free welfare food pursuant to regulation 5 in quantities exceeding those to which the beneficiary is entitled thereunder, or otherwise than in exchange for tokens pursuant to regulation 8.

Use of welfare food

19. 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 regulation 4(1).

Great Britain tokens to be valid in Northern Ireland

20. Any token issued by the Secretary of State for Social Services under the provisions of the Welfare Food Order 1971(**g**) shall be deemed to be valid in Northern Ireland for the purpose of these regulations.

Revocations

21. The Welfare Foods Regulations (Northern Ireland) 1971(**h**), the Welfare Foods (Amendment No. 2) Regulations (Northern Ireland) 1971(**i**) and the Welfare Foods (Amendment) Regulations (Northern Ireland) 1973(**j**) are hereby revoked.

(**g**) S.I. 1971, No. 457 (1971. I. p. 1358).
(**h**) S.R. & O. (N.I.) 1971, No. 88.
(**i**) S.R. & O. (N.I.) 1971, No. 367.
(**j**) S.R. & O. (N.I.) 1973, No. 93.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 1st day of October 1973.

(L.S.)

L. R. Kelly,
Assistant Secretary.

The Ministry of Finance for Northern Ireland, on behalf of the Secretary of State, hereby consents to these regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 1st day of October 1973.

(L.S.)

C. F. Darling,
Assistant Secretary.

SCHEDULE 1 Regulation 4(2)

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 „ „ „

SCHEDULE 2 Regulation 5

Entitlement to welfare food other than liquid milk

Class of person (1)	*Welfare food* (2)	*Price* (3)	*Quantity of welfare food supplied free of charge to beneficiaries of a class defined in regulation* 2(1)(*a*), (*b*) or (*c*) (4)
Expectant mother and young child	Dried milk	20p per 20 oz. pack	As specified in regulation 4(1)
Young child	Children's vitamin drops	5p per bottle	At the rate of 2 bottles every 13 weeks
Expectant mother	Vitamin tablets	6p per container of 45 tablets	At the rate of 2 containers of 45 tablets every 13 weeks
Nursing mother	Vitamin tablets	6p per container of 45 tablets	5 containers of 45 tablets

In this Schedule bottle as regards children's vitamin drops means a bottle containing not less than 10 millilitres

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate the Regulations relating to the Welfare Food Scheme operated in Northern Ireland by the Ministry of Health and Social Services. Similar regulations and Welfare Food Scheme operate in Great Britain.

The principal matters dealt with in the Regulations include—

(*a*) a description of the beneficiaries and the Welfare milk and food to which each is entitled;

(*b*) the meaning of a family in special circumstances and how it is assessed for entitlement;

(*c*) the method of using, and the period of validity of the tokens by which the Welfare milk and food is obtained;

(*d*) the responsibilities of suppliers of liquid milk under the scheme;

(*e*) the restrictions on the use of any Welfare food by non-beneficiaries; and

(*f*) the prices at which Welfare Food, other than liquid milk, might be purchased.

These regulations also take account of changes in titles etc. occasioned by the reorganisation of local Government in Northern Ireland from 1st October 1973.