1977 No. 7

WELFARE FOODS

Welfare Foods Regulations (Northern Ireland) 1977

Made . . . . . *11th January* 1977

Coming into operation . . . *27th February* 1977

The Department of Health and Social Services(a) in exercise of the powers conferred upon it by section 1(3) of the Welfare Foods Act (Northern Ireland) 1968(b) with the consent of the Department of Finance(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I
PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Welfare Foods Regulations (Northern Ireland) 1977 and shall come into operation on 27th February 1977.

Interpretation

2.—(1) In these regulations—

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

"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;

"Department" means the Department of Health and Social Services;

"dried milk" means one of the modified dried milks specified in column (1) of Schedule 2 manufactured by the person specified in column (2) thereof, being a modified dried milk approved by the Department for the purposes of these regulations;

"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;

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1968 c. 26 (N.I.)
(c) S.I. 1972/1263 (N.I. 12)

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

"Milk Order" means the Milk (Northern Ireland) Order 1971(**d**);

"nursing mother" means a woman who has given birth to a child within the preceding 30 weeks and is herself suckling the child;

"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 Department under regulation 8 and includes a book of tokens or any part of such a book;

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

"welfare food" means milk, dried milk, 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 these regulations;

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

(2) Where any provision herein (other than a provision in regulation 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.

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 Department in accordance with the provisions of paragraphs 3, 4(1)(*a*), 7 and 8, 8A(1)(*a*), 8A(1)(*b*)(i), 8A(1)(*c*), 9, 10(**f**) and 12 and 13, 15 to 23(1), 23(1A)(**g**), and 23(1B)(**g**) and 24 to 29 of Schedule 2 to the said Act of 1966 and as if—

(i) in paragraph 23(1) of the said Schedule (calculation of weekly earnings) for the amount specified in sub-paragraph (*a*) there were substituted the amount specified in sub-paragraph (*b*); and

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(**d**) S.I. 1971/1037 (1971 II, p. 3105) as amended by S.I. 1974/1548 (1974 III, p. 5867); S.I. 1976/2060

(**e**) 1966 c. 28 (N.I.)

(**f**) Inserted by section 6 of and paragraph 3 of Schedule 4 to the National Insurance and Supplementary Benefit Act 1973 (c. 42). *See* also the Supplementary Benefit (Determination of Requirements) (No. 2) Regulations (N.I.) 1975 No. 212

(**g**) Added by section 11 of and paragraph 4(2)(*b*) of Schedule 3 to the Social Security Benefits Act 1975 (c. 11) as amended by the Supplementary Benefits (Amendment) (Northern Ireland) Order 1976 S.I. 1976/1781 (N.I. 26)

(ii) his requirements were deemed to include also—

(A) the standard price of milk at the rate of one pint per day and the cost of other welfare foods as set out in Schedule 1 plus the sum of £2.50, and

(B) an amount in respect of mortgage repayments as is reasonable in the circumstances;

and in considering what, if any, amount to allow under paragraph 4(1)(*a*) of Schedule 2 to the said Act of 1966 regard shall be had to the provisions made by paragraphs 8A(2) and 8A(3)(**h**) of that Schedule.

(2) Where by virtue of paragraph 3 of the said Schedule 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 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 not exceeding 12 months as the Department may allow or, where the beneficiary is a child, until he attains the age of 5 years and 1 month, whichever is the earlier.

(4) For the purposes of paragraph (3) where a mother in a family in special circumstances becomes an expectant mother during such period as is mentioned in that paragraph, she shall be deemed to be a beneficiary in that family during that period without making a further application under these regulations.

(5) 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(**i**).

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—

(*a*) of 7 pints per week of liquid milk, or

(*b*) where the beneficiary is a young child under one year of age, of 2 packs per week of dried milk.

(2) Where a nursing mother applies for welfare milk in respect of a young child whom she is suckling, she shall not be entitled under paragraph (1) to welfare milk in respect of both herself and the child; but nothing in regulation 20 shall prohibit her from consuming any welfare milk obtained for the child.

(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 welfare milk

5.—(1) Subject to paragraph (2), a person of a class specified in column (1) of Schedule 1 may buy the welfare food specified in respect of him in column (2) at the price so specified in column (3) and where any such 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 specified in column (4).

(**h**) Inserted by section 6 of and paragraph 3 of Schedule 4 to the National Insurance and Supplementary Benefit Act 1973 (c. 42). *See* also the Supplementary Benefit (Determination of Requirements) (No. 2) Regulations (N.I.) 1975 No. 212

(**i**) 1971 c. 8 (N.I.)

(2) Where by reason of any shortage of any welfare food, stocks of any such food are not available in sufficient quantities for the purposes of paragraph (1), the Department may, if necessary, limit or suspend the sale of any such food during any period of such shortage.

Milk for young children in day care

6.—(1) The Department may make arrangements for each young child attending any premises which are registered under section 11 of the Children and Young Persons Act (Northern Ireland) 1968(j) to receive free of charge (without prejudice to his entitlement under regulation 4) one-third of a pint of milk, or, where a young child is under one year of age, dried milk made up to provide one-third of a pint, in respect of each day of attendance.

(2) The Department may make arrangements for a child who has not started school at the age of 5 years and 1 month to continue to receive milk under paragraph (1) for such period as may elapse until he starts full-time education.

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 Department.

Issue of tokens

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

Use of tokens

9.—(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 two packs of dried milk for a young child under one year of age 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) 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 1.

(j) 1968 c. 34 (N.I.)

PART IV

DISTRIBUTION OF MILK

Suppliers of and charges for milk

10.—(1) Subject to paragraph (2) 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.

(2) Where a supplier would be entitled under the Milk Order to charge for the milk supplied in accordance with paragraph (1) 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.

(3) A supplier may accept tokens from a beneficiary before they have became valid; but he shall on demand return to the beneficiary all tokens in respect of which milk has not been supplied.

(4) 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

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 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

13. A supplier shall, in such manner as the Department 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 11.

PART V

TOKENS

Property in tokens

14. Every token is and shall remain the property of the Department.

Replacement of tokens

15.—(1) The Department 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.

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 these regulations.

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

Return of tokens

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

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

(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.

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 regulation 10, loses possession of it he shall notify the Department forthwith.

(2) Where a supplier loses possession of a token and the Department replaces that token pursuant to regulation 15(1), the Department 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

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 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 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 regulation 4(2).

Great Britain tokens to be valid in Northern Ireland

21. Any token issued by the Secretary of State for Social Services under the provisions of the Welfare Food Order 1977(k) shall be deemed to be valid in Northern Ireland for the purpose of these regulations.

Revocations

22. The Welfare Foods Regulations (Northern Ireland) 1975(l), the Welfare Foods (Amendment) Regulations (Northern Ireland) 1976(m), the Welfare Foods (Amendment No. 2) Regulations (Northern Ireland) 1976(n) and the Welfare Foods (Amendment No. 3) Regulations (Northern Ireland) 1976(o) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 11th January 1977.

(L.S.) *W. J. Sloane*
Assistant Secretary

The Department of Finance for Northern Ireland hereby consents to these regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 11th January 1977.

(L.S.) *A. J. Green*
Assistant Secretary

(k) S.I. 1977/25
(l) S.R. (N.I.) 1975/287 (II, p. 1378)
(m) S.R. (N.I.) 1976/116
(n) S.R. (N.I.) 1976/309
(o) S.R. (N.I.) 1976/326

SCHEDULE 1 Regulation 5

Entitlement to welfare food other than welfare 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)
Young child	Children's Vitamin drops	8p per bottle containing not less than 10 millilitres	At the rate of 2 bottles every 13 weeks
Expectant mother	Vitamin tablets	10p per container of 45 tablets	At the rate of 2 containers of 45 tablets every 13 weeks
Nursing mother	Vitamin tablets	10p per container of 45 tablets	5 containers of 45 tablets

SCHEDULE 2 Regulation 2(1)

Dried milk approved for the purposes of these regulations

Dried milk (1)	*Manufacturer* (2)
Cow and Gate Baby Milk Plus	Unigate Foods Ltd.
Cow and Gate Premium Baby Food	Unigate Foods Ltd.
C. and G. V Formula	Unigate Foods Ltd.
New Improved Formula Ostermilk 2	Farley Health Products Ltd.
Ostermilk Complete Formula	Farley Health Products Ltd.
S.M.A. Gold Cap	John Wyeth and Brother Ltd.
S.M.A. Regular (Powder)	John Wyeth and Brother Ltd.

EXPLANATORY NOTE

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

These regulations consolidate and amend the regulations relating to the Welfare Food Scheme operated in Northern Ireland by the Department of Health and Social Services.

The provisions relating to National Dried Milk are not reproduced in these regulations. Accordingly, on the operative date, the 27th February 1977 the entitlement to, or benefit of, National Dried Milk, ceases.

The principal matters dealt with in the regulations include—

(*a*) a description of the beneficiaries and the welfare milk and vitamins 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 obtainable;

(*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 vitamin drops and vitamin tablets may be purchased.