

SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

**2nd Meeting, 2021 (Session 6), Thursday, 2
September 2021**

Subordinate legislation

Introduction

1. This paper sets out details of one negative instrument for consideration at today's meeting:
[The Welfare Foods \(Best Start Foods\) \(Scotland\) Amendment Regulations 2021](#)
2. The instrument and policy note are attached.

Purpose of the regulations

3. The regulations increase payments and uplift the income thresholds for some of the qualifying benefits under [The Welfare Foods \(Best Start Foods\) \(Scotland\) Regulations 2019](#).
4. Best Start Foods provides pregnant women and families with children under the age of three, who receive certain benefits (some of these benefits have an income threshold) with either a payment of £4.25 or £8.50 per week via a payment card to purchase healthy foods. To provide additional support to low income families, these regulations will increase the value of payments to either £4.50 or £9.00 per week.
5. These regulations also make amendments to increase income threshold amounts for certain qualifying benefits. This change ensures that families on the lowest incomes retain their eligibility to Best Start Foods.

Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument on 9 March 2021 and agreed that no points arose in relation to the instrument.

Procedure

7. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Standing Orders Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament. If that is also agreed to, Scottish Ministers must revoke the instrument.
8. Each negative instrument appears on a committee agenda after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendations on it. The Committee is not required to report on negative instruments.

For decision

9. **The Committee is invited to consider if it is content to note the instrument.**

**Clerks to the Committee
27 August 2021**

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 221

FOOD

**The Welfare Foods (Best Start Foods) (Scotland) Amendment
Regulations 2021**

| | |
|--|------------------------|
| <i>Made</i> - - - - | <i>25th May 2021</i> |
| <i>Laid before the Scottish Parliament</i> | <i>27th May 2021</i> |
| <i>Coming into force</i> - - | <i>1st August 2021</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 13 of the Social Security Act 1988(a) and all other powers enabling them to do so.

In accordance with section 13(2) of the Social Security Act 1988, the Scottish Ministers have consulted the National Assembly for Wales.

Citation and commencement

1. These Regulations may be cited as the Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2021 and come into force on 1 August 2021.

Amendments to the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019

2. The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019(b) are amended in accordance with regulations 3, 4 and 5.

3. In regulation 10(1) (kinds of assistance)—

- (a) in sub-paragraph (a), for “£16,190” substitute “£16,480”,
- (b) in sub-paragraph (b)(i), for “£7,320” substitute “£7,500”,
- (c) in sub-paragraph (c), for “£311” substitute “£317”, and
- (d) in sub-paragraph (h), in both place where it occurs, for “£610” substitute “£625”.

4. In regulation 13 (value of benefit)—

- (a) in paragraph (1), for “£4.25” substitute “£4.50”,
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a), for “£8.50” substitute “£9.00”,
 - (ii) in sub-paragraph (b), for “£4.25” substitute “£4.50”, and

(a) 1988 c.7. Section 13 was substituted by section 185(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c.43) and amended by section 27(5) of the Scotland Act 2016 (c.11). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) as read with section 32 of the 2016 Act.

(b) S.S.I. 2019/193.

(c) in paragraph (3), for “£8.50” substitute “£9.00”.

5. In regulation 20(4) (transitional arrangements), for “£4.25” substitute “£4.50”.

BEN MACPHERSON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
25th May 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (S.S.I. 2019/193) (“the 2019 Regulations”) which make provision for a scheme to provide benefits for pregnant women, mothers and children. These Regulations provide for an increase in various thresholds and values of the benefits payable under the scheme set out in the 2019 Regulations.

Regulation 3 increases the thresholds below which qualifying forms of assistance allow relevant persons to qualify for the Best Start Foods scheme.

Regulations 4 and 5 increase the amounts of the various values at which Best Start Food benefits are paid.

POLICY NOTE

The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2021

SSI 2021/221

1. The above instrument was made in exercise of the powers conferred by section 13 of the Social Security Act 1988. The instrument is subject to negative procedure.

These regulations will make amendments to The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019 (S.S.I. 2019/193) to increase the payment value and uplift the income thresholds for some of the qualifying benefits.

Policy Objectives

2. Best Start Foods provides pregnant women and families with children under the age of three, who receive certain benefits (some of these benefits have an income threshold) with either a payment of £4.25 or £8.50 per week via a payment card to purchase healthy foods. To provide additional support to low income families, these regulations will increase the value of payments to either £4.50 or £9.00 per week.
3. These regulations also make amendments to increase income threshold amounts for certain qualifying benefits. This change will ensure that families on the lowest incomes retain their eligibility to Best Start Foods.

Consultation

4. There has been no specific consultation with stakeholders on these amendment regulations. However, as part of the policy development work for Best Start Foods, the Scottish Government consulted and engaged with a range of stakeholders. This included:
 - A public consultation between 5 April and 28 June 2018 on the proposals for Best Start Foods as part of the wider consultation on the Scottish Government's approach to Welfare Foods: *Welfare Foods: a consultation on meeting the needs of children and families in Scotland*.
 - A Short-Term Working group comprised of health practitioners, welfare rights experts, Local Government representation and third sector organisations.
 - Retailers
 - Healthy Start Voucher (HSV) recipients – the Scottish Government engaged with a range of HSV recipients, pre and post consultation and continues to undertake user research.

Impact Assessments

5. It is not considered necessary to carry out impact assessments for this instrument. These Regulations do not seek to substantively change the policy intent of the regulations. As part of the policy development work for Best Start Foods, the following impact assessments were completed:

- Business Regulatory Impact Assessment
- Equalities Impact Assessment
- Islands Impact Assessment
- Child Rights and Wellbeing Impact Assessment

Financial Effects

6. No Business and Regulatory Impact Assessment (BRIA) has been completed for these regulations, however one was completed for the principal regulations.
7. Scottish Fiscal Commission has noted these regulations and will include them in their next forecast in August, as the expected costs are below the Commission's £2 million costing threshold and not large enough to merit a supplementary costing publication. Anticipated costs in Financial Year 2021-2022 will be around £0.4 million.

Scottish Government
Social Security Directorate

May 2021