

# Social Justice and Social Security Committee

## SSI cover note

19<sup>th</sup> Meeting, (Session 6), 16 June 2022

**Title of Instrument:** [The Welfare Foods \(Best Start Foods\) \(Scotland\) Amendment Regulations 2022](#)

**Laid Date:** 20 May 2022

**Reporting deadline:** 28 June 2022

**Type of instrument:** Negative

**Parliamentary procedure:**

Under [Rule 10.4](#) of Standing Orders, the Parliament has 40 days to consider a motion to annul a negative instrument from the date the instrument was laid. No motion to annul has been laid, so the Committee is asked to agree on whether it has concluded its consideration of this instrument. Further information on the negative procedure can be found on the [Parliament's website](#). The Committee is asked to consider and agree on whether it has concluded its consideration of this instrument.

## Background and Purpose

1. The purpose of this instrument is to make clear in regulations that partners of pregnant women can be paid and are entitled to Best Start Foods (BSF).
2. It also clarifies that appointees of pregnant women, their partners, or the person responsible for an eligible child can be paid Best Start Grant, in line with the original policy intent for BSF.
3. An application from the pregnant woman will always take precedence over an application from her partner. This will ensure that an eligible pregnant woman is always able to receive BSF in her own right where she chooses to receive BSF and has capacity.
4. Further information is contained in the [Policy Note](#) (annexe A)

## Delegated Powers and Law Reform Committee consideration

5. The Delegated Powers and Law Reform (DPLR) Committee considered the instrument at its meeting on [7 June](#) and made no recommendations in relation to this instrument.

## **For decision**

6. The Committee is invited to consider any issues it wishes to raise regarding this instrument.

**POLICY NOTE****THE WELFARE FOODS (BEST START FOODS) (SCOTLAND) AMENDMENT REGULATIONS 2022****SSI 2022/167**

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.

**Summary Box**

The purpose of the instrument is to make explicit in regulations that partners of pregnant women can be paid and are entitled to Best Start Foods (BSF) as long as they receive and use BSF for the pregnant woman's benefit.

The instrument also makes explicit that appointees can be paid BSF on behalf of a pregnant woman, her partner or the person responsible for an eligible child by creating an appointment system in the principal BSF regulations.

**Policy Objectives**

The instrument will make clear in regulations that partners of pregnant women can be paid and entitled to BSF and that appointees of pregnant women, their partners, or the person responsible for an eligible child can be paid Best Start Grant, in line with the original policy intent for BSF.

As BSF is paid during pregnancy for the benefit of the pregnant woman, an application from the pregnant woman will always take precedence over an application from her partner. This will ensure that an eligible pregnant woman is always able to receive BSF in her own right where she chooses to receive BSF and has capacity.

**Consultation**

To comply with the requirements of section 13(2) of the Social Security Act 1988, Welsh Ministers have been consulted.

No other consultation is necessary given we are aligning the regulations with the original policy intent.

**Impact Assessments**

Full impact assessments were carried out for the original regulations establishing the Best Start Foods scheme. No additional impact assessment are needed given we are aligning the regulations with the original policy intent.

**Financial Effects**

The Minister for Social Security and Local Government confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

The Scottish Fiscal Commission has noted these regulations and agrees that the potential costs are negligible.

Scottish Government  
Social Security Directorate

*18 May 2022*