



STATUTORY INSTRUMENTS.

**S.I. No. 411 of 2014**

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SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE  
ALLOWANCE) (AMENDMENT) (NO. 3) (RENT SUPPLEMENT)  
REGULATIONS 2014

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 3) (RENT SUPPLEMENT) REGULATIONS 2014

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by section 198 (amended by section 54 of the Housing (Miscellaneous Provisions) Act 2014 (No. 21 of 2014)) of the Social Welfare Consolidation Act 2005, with the consent of the Minister for Public Expenditure and Reform, hereby make the following Regulations:

*Citation and construction*

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) (Rent Supplement) Regulations 2014.

(2) These Regulations and the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2014 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2014.

*Definitions*

2. In these Regulations—

“Principal Regulations” means the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 (S.I. No. 412 of 2007);

“Regulations of 2009” means the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Rent Supplement) Regulations 2009 (S.I. No. 265 of 2009).

*Commencement*

3. These Regulations come into operation on 15 September 2014.

*Entitlement to rent supplement*

4. Article 9(1) of the Principal Regulations is amended by substituting “Subject to Chapter 9 of Part 3 of the Principal Act and to these Regulations,” for “Subject to these Regulations,”.

*Prescribed periods for purposes of section 198*

5. The Principal Regulations are amended by substituting the following article for article 9A (inserted by article 5 of the Regulations of 2009):

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 19th September, 2014.*

*“Prescribed periods for purposes of section 198*

9A. (1) For the purposes of section 198(3F), the prescribed period shall be the period of not less than 183 days during the 12 months immediately preceding the date of the making of the application.

(2) For the purposes of paragraph (a) of section 198(3FA), the specified period prescribed shall be the period of 12 months immediately preceding the date of the making of the application.

(3) For the purposes of paragraphs (b) and (c) of section 198(3FA), the prescribed period shall be the period of not less than 183 days during the 12 months immediately preceding the date of the making of the application.

(4) For the purposes of paragraph (a)(i) of section 198(3G), the prescribed period shall be the period of 18 months.”.

The Minister for Public Expenditure and Reform consents to the foregoing Regulations.



GIVEN under my Official Seal,  
15 September 2014.

BRENDAN HOWLIN,  
Minister for Public Expenditure and Reform.

JOAN BURTON,  
Minister for Social Protection.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The Housing (Miscellaneous Provisions) Act 2014 provides for a range of changes to the framework of social housing support, including the introduction of a housing assistance payment, which will bring together all long-term social housing supports provided by the State under the local authority system. Among the implications of these provisions will be the discontinuation of the payment of Rent Supplement, which is administered by the Department of Social Protection, in the case of persons with long-term housing needs who have been determined to be qualified for social housing support under a social housing assessment carried out by a housing authority. The Rent Supplement scheme will continue to be available to people who have short-term housing needs.

The housing assistance payment is being introduced on a phased basis, initially in Cork County, Limerick City and County and Waterford City and County from 15th September 2014. Entitlement to Rent Supplement for relevant claimants will now be subject to the following conditions.

In the case of new applications for Rent Supplement in an area in which the housing assistance payment has been introduced, the Supplement will, subject to certain conditions, only be payable where the housing assistance payment is not being paid and where the claimant has been—

- residing in rented accommodation for a prescribed period and paying rent and subsequent to the commencement of the tenancy experiences a substantial change in circumstances,
- residing for a prescribed period in either accommodation for homeless persons or in an institution,
- in receipt of Rent Supplement in respect of another tenancy immediately before making the claim, or
- in receipt of Rent Supplement within a prescribed period before making the claim.

Existing recipients of Rent Supplement who have been in receipt of the Supplement for a minimum period that is prescribed can be obliged to apply for a social housing assessment (including suitability for the housing assistance payment) and provide confirmation of such application. Where such confirmation is not received within a reasonable period, Rent Supplement will be discontinued.

These Regulations prescribe the various periods required for the operation of the new arrangements. In the case of new applications for Rent Supplement in the areas in which the housing assistance payment is in operation, the claimant is required to have been—

- residing in rented accommodation, accommodation for homeless persons or in an institution for the period of not less than 183 days during the 12 months immediately before making the claim, or
- in receipt of Rent Supplement within the period of 12 months before making the claim.

These Regulations also provide that in the case of existing recipients of Rent Supplement they can be obliged to apply for a social housing assessment where they have been in receipt of the Supplement for at least 18 months.

As an interim measure, applicants for Rent Supplement in an area in which the housing assistance payment has been introduced who have been in receipt of that Supplement in respect of another tenancy immediately before making the application or who have been in receipt of the Supplement within the period of 12 months before making the application will continue to be eligible for Rent Supplement until the arrangements for the housing assistance payment have been implemented in full. This will ensure that recipients of Rent Supplement who change address or who take up employment or work opportunities for short periods will continue to be eligible to apply for the Supplement.

These Regulations come into operation on 15th September 2014, at the same time as the Minister for the Environment, Community and Local Government is commencing the relevant provisions relating to the housing assistance payment contained in the Housing (Miscellaneous Provisions) Act 2014.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
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