



STATUTORY INSTRUMENTS.

S.I. No. 306 of 2018

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 4) (ASSESSMENT OF MEANS)
REGULATIONS 2018

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 4) (ASSESSMENT OF MEANS) REGULATIONS 2018

I, REGINA DOHERTY, Minister for Employment Affairs and Social Protection, in exercise of the powers conferred on me by sections 4 (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 366 of 2017)), and by Rules 1(2) of Part 2, 1(2) of Part 3 and 1(2) of Part 5 of Schedule 3, to the Social Welfare Consolidation Act 2005 (No. 26 of 2005) hereby make the following Regulations:

Citation and construction

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Assessment of Means) Regulations 2018.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2018 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2018.

Assessment of means— non-cash benefits

2. Article 142 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 is amended by the substitution of the following paragraph for paragraph (b):

“(b) where the cost is met in full by the State, the net cash value to the person of housing, food and associated benefits provided in kind by the Department of Justice and Equality to-

(i) a person who, having been granted refugee status, subsidiary protection or permission to remain under the Refugee Act 1996 or the International Protection Act 2015, receives, on an administrative basis, housing, food and associated benefits equivalent to those provided under the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018) after the date of such grant of refugee status, subsidiary protection or permission to remain, or

(ii) a person who is residing in a centre operated by the Department of Justice and Equality for persons who are Programme Refugees within the meaning of section 24 of the Refugee Protection Act 1996 or section 59 of the International Protection Act 2015.

(iii) This paragraph will cease to have effect on 31 December 2018.”.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd August, 2018.



GIVEN under my Official Seal,
24 July 2018.

REGINA DOHERTY,
Minister for Employment Affairs and Social Protection.

EXPLANATORY NOTE

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

These Regulations update the existing provisions dealing with the assessment of means – non-cash benefits – to take account of the European Communities (Reception Conditions) Regulations 2018, which give effect in Irish law to Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (“The Reception Conditions Directive”).

These Regulations provide that for the purposes of certain means tested social welfare payments, the net cash value of housing, food and associated benefits, provided by the Department of Justice and Equality is to be taken into account, in the assessment of means, of those who have been granted refugee status, subsidiary protection or who have refugee status on arrival under UN resettlement programmes.

The effect of these Regulations will cease on 31 December 2018. This amendment is a temporary measure to allow the continuation of the existing arrangements following the introduction of the European Communities (Reception Conditions) Regulations 2018, pending a more detailed examination of the appropriate arrangements for people with status before they move to accommodation in the community.

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