



STATUTORY INSTRUMENTS.

S.I. No. 106 of 2019



HEALTH (RESIDENTIAL SUPPORT SERVICES MAINTENANCE AND
ACCOMMODATION CONTRIBUTIONS) (AMENDMENT)
REGULATIONS 2019

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I, SIMON HARRIS, Minister for Health, in exercise of the powers conferred on me by section 67C(2) (as amended by section 43(b) of the Health (Miscellaneous Provisions) Act 2014 (No. 33 of 2014)) of the Health Act 1970 (No. 1 of 1970), with the consent of the Minister for Public Expenditure and Reform, hereby make the following regulations:

1. (1) These Regulations may be cited as the Health (Residential Support Services Maintenance and Accommodation Contributions) (Amendment) Regulations 2019.

(2) The Principal Regulations and these Regulations may be cited together as the Health (Residential Support Services Maintenance and Accommodation Contributions) Regulations 2016 and 2019 and shall be construed together as one.

(3) Subject to paragraph (4), these Regulations come into operation on 20 March 2019.

(4) Regulations 5 and 6 come into operation on 29 March 2019.

2. In these Regulations—

“Act of 2005” means the Social Welfare Consolidation Act 2005 (No. 26 of 2005);

“Principal Regulations” means the Health (Residential Support Services Maintenance and Accommodation Contributions) Regulations 2016 (S.I. No. 467 of 2016);

“rate change date” means, in relation to a relevant benefit, the date specified in Regulation 3 in relation to that relevant benefit;

“Regulations of 2018” means the Health (Residential Support Services Maintenance and Accommodation Contributions) (Amendment) Regulations 2018 (S.I. No. 94 of 2018);

“relevant benefit” means a benefit, payment, pension, gratuity, assistance or allowance specified in Regulation 3;

“relevant benefit increase” means, in relation to a relevant benefit recipient, the difference between the rate of the relevant benefit which applies on the rate change date and the rate of that relevant benefit that applied immediately before the rate change date;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 26th March, 2019.*

“relevant benefit recipient” means an RSS recipient whose income includes a relevant benefit;

“RSS recipient” has the meaning assigned to it by the Principal Regulations;

“transitional contribution amount” means, in relation to a relevant benefit recipient, the daily amount specified in column (3) of the relevant Schedule (as amended by Regulation 5 of the Regulations of 2018) to the Principal Regulations opposite the mention of the relevant weekly income band specified in column (2) of that Schedule within which that recipient’s weekly income, excluding the relevant benefit increase or the total amount of all such relevant benefit increases, falls.

3. (1) The rate change date, in relation to a relevant benefit recipient in respect of a relevant benefit payable to that recipient, is the rate change date specified in paragraph (2) for a relevant benefit set out in that paragraph or, where more than one rate change date applies to a relevant benefit recipient, the earliest occurring rate change date.

(2) The rate change date is—

- (a) in relation to maternity benefit, 25 March 2019,
- (b) in relation to adoptive benefit, 25 March 2019,
- (c) in relation to paternity benefit, 25 March 2019,
- (d) in relation to jobseeker's benefit, 21 March 2019,
- (e) in relation to—
 - (i) illness benefit,
 - (ii) health and safety benefit, and
 - (iii) injury benefit,
 25 March 2019,
- (f) in relation to—
 - (i) carer’s benefit,
 - (ii) invalidity pension, and
 - (iii) a payment referred to in paragraph (a) of the definition of “relevant payment” in section 178(1) of the Act of 2005,
 28 March 2019,

- (g) in relation to—
 - (i) death benefit under Chapter 13 (other than section 84) of the Act of 2005,
 - (ii) widow's (contributory) pension,
 - (iii) widower's (contributory) pension,
 - (iv) surviving civil partner's (contributory) pension,
 - (v) State pension (contributory),
 - (vi) guardian's payment (contributory),
 - (vii) disablement pension, and
 - (viii) disablement gratuity,

29 March 2019,
- (h) in relation to—
 - (i) jobseeker's allowance (other than where payable in accordance with section 148A (as amended by section 5 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2015 (No. 12 of 2015)) of the Act of 2005), and
 - (ii) farm assist,

20 March 2019,
- (i) in relation to supplementary welfare allowance under subsection (1), (2) or (4) of section 197 (as amended by section 17 of the Social Welfare, Pensions and Civil Registration Act 2018 (No. 37 of 2018)) of the Act of 2005, 25 March 2019,
- (j) in relation to disability allowance, 27 March 2019,
- (k) in relation to—
 - (i) one-parent family payment (other than where payable in respect of a widow, widower or surviving civil partner),
 - (ii) jobseeker's allowance payable in accordance with section 148A (as amended by section 5 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2015) of the Act of 2005,

- (iii) a payment referred to in paragraph (b) or (c) of the definition of “relevant payment” in section 178(1) of the Act of 2005, and
 - (iv) carer's allowance,
- 28 March 2019, and
- (l) in relation to—
 - (i) State pension (non-contributory),
 - (ii) blind pension,
 - (iii) guardian’s payment (non-contributory),
 - (iv) widow’s (non-contributory) pension,
 - (v) widower’s (non-contributory) pension,
 - (vi) surviving civil partner’s (non-contributory) pension, and
 - (vii) one-parent family payment (payable in respect of a widow, widower or surviving civil partner),
- 29 March 2019.

(3) A word or expression which is used in paragraph (2) and which is also used in section 5, 6, 7, 8, 18 or 23 of the Social Welfare, Pensions and Civil Registration Act 2018 shall, unless the context otherwise requires, have the same meaning in that paragraph as it has in section 5, 6, 7, 8, 18 or 23, as the case may be, of that Act.

4. (1) Notwithstanding Regulation 9(2) of the Principal Regulations, during the transitional period, in the case of a relevant benefit recipient, the contribution required to be paid by such recipient under that Regulation shall be the transitional contribution amount.

(2) For the purposes of this Regulation, “transitional period” means, in relation to a relevant benefit recipient, the period which commences on the rate change date for the relevant benefit concerned that is paid to that recipient and ends on 29 March 2019.

5. The Principal Regulations are amended by substituting for Schedules 1, 2 and 3 (as amended by Regulation 5 of the Regulations of 2018) the Schedules set out in the Schedule to these Regulations.

6. The Regulations of 2018 are revoked.

Schedule

Regulation 5

New Schedules 1, 2 and 3 to Principal Regulations

“Schedule 1

*Part 3***Contributions (Category A accommodation)**

Reference Number	Weekly Income*	Daily Amount	Weekly Equivalent Amount
(1)	(2)	(3)	(4)
1.	€223.00 or any greater amount	€25.58	€179.00
2.	€218.00 to €222.99	€24.86	€174.00
3.	€213.00 to €217.99	€24.15	€169.00
4.	€208.00 to €212.99	€23.43	€164.00
5.	€203.00 to €207.99	€22.72	€159.00
6.	€198.00 to €202.99	€22.00	€154.00
7.	€193.00 to €197.99	€21.29	€149.00
8.	€188.00 to €192.99	€20.58	€144.00
9.	€183.00 to €187.99	€19.86	€139.00
10.	€178.00 to €182.99	€19.15	€134.00
11.	€173.00 to €177.99	€18.43	€129.00
12.	€168.00 to €172.99	€17.72	€124.00
13.	€163.00 to €167.99	€17.00	€119.00
14.	€158.00 to €162.99	€16.29	€114.00
15.	€153.00 to €157.99	€15.58	€109.00
16.	€148.00 to €152.99	€14.86	€104.00
17.	€143.00 to €147.99	€14.15	€99.00
18.	€138.00 to €142.99	€13.43	€94.00
19.	€133.00 to €137.99	€12.72	€89.00
20.	€128.00 to €132.99	€12.00	€84.00
21.	€123.00 to €127.99	€11.29	€79.00
22.	€118.00 to €122.99	€10.58	€74.00
23.	€113.00 to €117.99	€9.86	€69.00
24.	€108.00 to €112.99	€9.15	€64.00
25.	€103.00 to €107.99	€8.43	€59.00
26.	€98.00 to €102.99	€7.72	€54.00
27.	€93.00 to €97.99	€7.00	€49.00
28.	€88.00 to €92.99	€6.29	€44.00
29.	€83.00 to €87.99	€5.58	€39.00
30.	€78.00 to €82.99	€4.86	€34.00
31.	€73.00 to €77.99	€4.15	€29.00
32.	€68.00 to €72.99	€3.43	€24.00

33.	€63.00 to €67.99	€2.72	€19.00
34.	€58.00 to €62.99	€2.00	€14.00
35.	€53.00 to €57.99	€1.29	€9.00
36.	€48.00 to €52.99	€0.58	€4.00
37.	€47.99 or any lesser amount	Nil	Nil

* This column does not apply where the RSS recipient is required to pay a contribution under Regulation 8.

Schedule 2

Part 3

Contributions (Category B accommodation)

Reference Number	Weekly Income*	Daily Amount	Weekly Equivalent Amount
(1)	(2)	(3)	(4)
1.	€209.00 or any greater amount	€19.15	€134.00
2.	€204.00 to €208.99	€18.43	€129.00
3.	€199.00 to €203.99	€17.72	€124.00
4.	€194.00 to €198.99	€17.00	€119.00
5.	€189.00 to €193.99	€16.29	€114.00
6.	€184.00 to €188.99	€15.58	€109.00
7.	€179.00 to €183.99	€14.86	€104.00
8.	€174.00 to €178.99	€14.15	€99.00
9.	€169.00 to €173.99	€13.43	€94.00
10.	€164.00 to €168.99	€12.72	€89.00
11.	€159.00 to €163.99	€12.00	€84.00
12.	€154.00 to €158.99	€11.29	€79.00
13.	€149.00 to €153.99	€10.58	€74.00
14.	€144.00 to €148.99	€9.86	€69.00
15.	€139.00 to €143.99	€9.15	€64.00
16.	€134.00 to €138.99	€8.43	€59.00
17.	€129.00 to €133.99	€7.72	€54.00
18.	€124.00 to €128.99	€7.00	€49.00
19.	€119.00 to €123.99	€6.29	€44.00
20.	€114.00 to €118.99	€5.58	€39.00
21.	€109.00 to €113.99	€4.86	€34.00
22.	€104.00 to €108.99	€4.15	€29.00
23.	€99.00 to €103.99	€3.43	€24.00
24.	€94.00 to €98.99	€2.72	€19.00
25.	€89.00 to €93.99	€2.00	€14.00
26.	€84.00 to €88.99	€1.29	€9.00
27.	€79.00 to €83.99	€0.58	€4.00
28.	€78.99 or any lesser amount	Nil	Nil

* This column does not apply where the RSS recipient is required to pay a contribution under Regulation 8.

Schedule 3

Part 3

Contributions (Category C accommodation)

Reference Number	Weekly Income*	Daily Amount	Weekly Equivalent Amount
(1)	(2)	(3)	(4)
1.	€203.00 or any greater amount	€10.58	€74.00
2.	€199.50 to €202.99	€10.08	€70.50
3.	€196.00 to €199.49	€9.58	€67.00
4.	€192.50 to €195.99	€9.08	€63.50
5.	€189.00 to €192.49	€8.58	€60.00
6.	€185.50 to €188.99	€8.08	€56.50
7.	€182.00 to €185.49	€7.58	€53.00
8.	€178.50 to €181.99	€7.08	€49.50
9.	€175.00 to €178.49	€6.58	€46.00
10.	€171.50 to €174.99	€6.08	€42.50
11.	€168.00 to €171.49	€5.58	€39.00
12.	€164.50 to €167.99	€5.08	€35.50
13.	€161.00 to €164.49	€4.58	€32.00
14.	€157.50 to €160.99	€4.08	€28.50
15.	€154.00 to €157.49	€3.58	€25.00
16.	€150.50 to €153.99	€3.08	€21.50
17.	€147.00 to €150.49	€2.58	€18.00
18.	€143.50 to €146.99	€2.08	€14.50
19.	€140.00 to €143.49	€1.58	€11.00
20.	€136.50 to €139.99	€1.08	€7.50
21.	€133.00 to €136.49	€0.58	€4.00
22.	€132.99 or any lesser amount	Nil	Nil

* This column does not apply where the RSS recipient is required to pay a contribution under Regulation 8.”.

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



GIVEN under the Official Seal of the Minister for
Public Expenditure and Reform,
20 March 2019

PASCHAL DONOHOE,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
20 March 2019

SIMON HARRIS,
Minister for Health.

EXPLANATORY NOTE

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

These Regulations amend three Schedules to the Health (Residential Support Services Maintenance and Accommodation Contributions) Regulations 2016 (“the Principal Regulations”) by adjusting the amount of the contribution required to be made under the Principal Regulations by a recipient of “residential support services” (as defined in section 67A(1) of the Health Act 1970).

The main effect of these amendments is to increase by €2 per week the contribution rates required to be paid by recipients of residential support services, based on each individual’s weekly income, in each of three accommodation categories covered by the said three Schedules.

The rate increases provided for in these Regulations come into operation on 29 March 2019.

The Regulations include a transitional provision ensuring that specified social welfare payment rate increases, which come into operation between 20 March 2019 and 29 March 2019 inclusive, will not trigger contribution rate increases until 29 March 2019.

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