



STATUTORY INSTRUMENTS.

S.I. No. 669 of 2016

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE
ALLOWANCE) (AMENDMENT) (NO. 2) (RENT SUPPLEMENT)
REGULATIONS 2016

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ALLOWANCE) (AMENDMENT) (NO. 2) (RENT SUPPLEMENT)
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I, LEO VARADKAR, 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 7 of the Social Welfare and Pensions Act 2010 (No. 37 of 2010)) 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. 2) (Rent Supplement) Regulations 2016.

(2) These Regulations and the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2016 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2016.

Commencement

2. These Regulations come into operation on 2 January 2017.

Amount of supplement

3. The Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 (S.I. No. 412 of 2007) are amended by the substitution of the following article for article 12 (amended by article 3 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 5) (Rent and Mortgage Interest Supplement) Regulations 2013 (S.I. No. 516 of 2013)):

“Amount of supplement

12. (1) Subject to these Regulations, the amount of a supplement payable under Part 3 of these Regulations in respect of a week—

(a) to a claimant who is a single person, and who is not a person to whom sub-article (2), (3) or (4) applies, shall be determined by the following formula—

$(N-A)-(M-R)$,

and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th January, 2017.*

(b) to a claimant who is not a single person, and who is not a person to whom sub-article (2), (3) or (4) applies, shall be determined by the following formula—

$(N-B)-(M-R)$,

where—

N is the claimant's weekly needs, as provided for in section 196,

M is the claimant's weekly means, as provided for in section 196,

R is the weekly amount of rent or mortgage interest, as the case may be,

payable by the claimant,

A is €30, and

B is €40.

(2) In the case of a person to whom section 142A(1) or section 197(2) applies, the amounts specified in sub-article (1) shall be construed—

(a) as if '€10' were substituted for '€30' in the amount represented by A in the formula in paragraph (a) of that sub-article, and

(b) as if '€20' were substituted for '€40' in the amount represented by B in the formula in paragraph (b) of that sub-article.

(3) In the case of a person to whom section 142B(1) or section 197(4) applies, the amounts specified in sub-article (1) shall be construed—

(a) as if '€20' were substituted for '€30' in the amount represented by A in the formula in paragraph (a) of that sub-article, and

(b) as if '€30' were substituted for '€40' in the amount represented by B in the formula in paragraph (b) of that sub-article.

(4) In the case of a person participating in a scheme administered by the Minister and known as Back to Education Allowance who is in receipt of a payment on that scheme at the weekly rate of €160, the amounts specified in sub-article (1) shall be construed—

(a) as if '€20' were substituted for '€30' in the amount represented by A in the formula in paragraph (a) of that sub-article, and

(b) as if '€30' were substituted for '€40' in the amount represented by B in the formula in paragraph (b) of that sub-article.

(5) Where the weekly amount of a supplement determined in accordance with sub-article (1), (2), (3) or (4) is a negative amount, no supplement shall be paid.

(6) The amount of supplement payable referred to in sub-article (1), (2), (3) or (4) shall not exceed such amount as a designated person considers reasonable to meet the residential needs of the claimant.

(7) Where a person, other than a qualified adult or a qualified child of the claimant, resides with the claimant other than as a sub-tenant, a designated person shall reduce the amount of the supplement payable, by such amount, which in the opinion of a designated person, is reasonably attributable to that other person.

(8) In the case of a person to whom article 6(7) of the Social Welfare (Supplementary Welfare Allowance) Regulations 1977 to 1994 applied on commencement of the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 1995 (S.I. No. 382 of 1995) sub-article (1) shall be construed—

(a) as if '€5.71' were substituted for '€30' in the amount represented by A in the formula in paragraph (a) of that sub-article, and

(b) as if '€5.71' were substituted for '€40' in the amount represented by B in the formula in paragraph (b) of that sub-article.”.

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



GIVEN under my Official Seal,
22 December 2016.

PASCAL DONOHOE,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
22 December 2016.

LEO VARADKAR,
Minister for Social Protection.

EXPLANATORY NOTE

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

Article 12 of the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 sets out the manner in which the minimum weekly contribution is calculated for the purposes of the Rent Supplement scheme.

These Regulations provide for a reduction in the minimum weekly contribution towards the cost of rent in the case of persons who are in receipt of Rent Supplement and who, by virtue of being aged between 18 and 25 years or between 25 and 26 years, are in receipt of reduced rate payments of Jobseeker's Allowance, Supplementary Welfare Allowance or Back to Education Allowance.

The new minimum weekly contributions will take effect from 2 January 2017.

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