



STATUTORY INSTRUMENTS.

**S.I. No. 412 of 2007**



SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE  
ALLOWANCE) REGULATIONS 2007

**(Prn. A7/1245)**

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE  
ALLOWANCE) REGULATIONS 2007

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S.I. No. 412 of 2007

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) REGULATIONS 2007

The Minister for Social and Family Affairs, in exercise of the powers conferred on him by sections 4, 188, 190, 191, 194, 195, 198, 241, 242, 244, 251, 294, 295, 312 and 330, Rules 1(2), 1(2)(b)(iv) and 1(5)(a) of Part 4, and reference 19 of Table 2 of Schedule 3 to the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby makes the following Regulations:

PART 1

PRELIMINARY

*Citation.*

1. These Regulations may be cited as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007.

*Commencement.*

2. These Regulations come into operation on 2 July 2007.

*Definitions.*

3. In these Regulations, save where the context otherwise requires—

“bank” means the holder of a licence under section 9 of the Central Bank Act 1971, or a trustee savings bank certified under the Trustee Savings Banks Act 1989;

“beneficiary” means a person who is entitled to supplementary welfare allowance;

“building society” means a building society within the meaning of the Building Societies Act 1989;

“claimant” means a person who has made a claim for supplementary welfare allowance;

“credit union” means a society which is—

(a) registered as a credit union under the Industrial and Provident Societies Acts 1893 to 1978, by virtue of the Credit Union Act 1997, or

(b) registered under the Industrial and Provident Societies Acts (Northern Ireland) 1969 and 1976 of the British Parliament;

“Executive” means the Health Service Executive;

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 10th July, 2007.*

“hospital consultant” means a registered medical practitioner in hospital practice who, by reason of his or her training, skill and experience in a designated speciality, is consulted by other registered medical practitioners and undertakes full clinical responsibility for patients in his or her care on which he or she has been consulted, without supervision in professional matters by any other person;

“housing authority” has the meaning assigned to it by section 23 of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992);

“institution” means a hospital, convalescent home or home for persons suffering from physical or mental disability or accommodation ancillary thereto and any other similar establishment providing residence, maintenance or care for the persons therein, a prison or place of detention;

“loan” means any loan or advance or any other arrangement by virtue of which interest is paid or payable to a bank, building society, credit union, housing authority or the Housing Finance Agency plc;

“Minister” means the Minister for Social and Family Affairs;

“mortgage interest” means such proportion of a loan as is for the time being attributable to interest, other than interest payable by virtue of a delay or default in making a repayment under the loan agreement, entered into by the claimant for the purpose of defraying money employed in the purchase, repair or improvement of a residence or in paying off another loan used for such purpose;

“qualified dietitian” means a member of, or a person who holds a qualification that is recognised by, the Irish Nutrition and Dietetic Institute;

“refusal”, for the purposes of paragraph (f) of article 9(2), includes a failure to accept within such time limit or in such manner as is specified by the relevant housing authority or other approved body for acceptance;

“registered medical practitioner” means a person whose name is entered on the General Register of Medical Practitioners established under section 26 of the Medical Practitioners Act 1978 (No. 4 of 1978);

“rent” includes any periodical payment in the nature of rent made in return for a special possession of a dwelling or for the use, occupation or enjoyment of a dwelling, but does not include so much of any rent or payment as—

- (a) relates to the provision of goods or services,
- (b) is paid or made to defray the cost of maintenance of, or repairs to, a dwelling for which in the absence of agreement to the contrary the tenant would be liable, or
- (c) relates to any right or benefit other than the bare right to use, occupy and enjoy the dwelling as a residence;

“residence” means a residential premises, other than an institution, that is used as the sole or main residence of the claimant;

“residential premises” means a building or part of a building, used or suitable for use, as a dwelling and any land which the occupier of a building or part of a building used as a dwelling has for his or her own occupation and enjoyment with the said building or part thereof as its garden;

“supplement” means a supplement payable by virtue of article 9, 10, 15, or 38, as the case may be;

“supplementary welfare allowance” means an allowance in cash or in kind granted under Chapter 9 of Part 3 of the Principal Act;

“tenant” means a person for the time being entitled to the occupation of any residential premises by virtue of any contract, agreement or license under or in respect of which rent is paid;

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

*Interpretation.*

4. In these Regulations, save where the context otherwise requires—

- (a) a reference to a Part, Chapter or section, is to a Part, Chapter or section of the Principal Act,
- (b) a reference to a Schedule is to a Schedule to these Regulations,
- (c) a reference to an article is to an article of these Regulations,
- (d) a reference to a sub-article is to a sub-article of the article in which the reference occurs, and
- (e) a reference to a paragraph is to a paragraph of the sub-article or article in which the reference occurs.

*Revocations.*

5. The Regulations specified in column (2) of Schedule 4 to these Regulations are hereby repealed to the extent specified in column (3) of that Schedule.

## PART 2

### GENERAL PROVISIONS

*Persons in full-time work.*

6. (1) Section 191(1) shall not apply to a person on becoming engaged in remunerative full-time work until the expiration of a period of 30 days after the commencement of the engagement or the date on which the claimant first receives remuneration, whichever is the earlier.

(2) A person shall not be disqualified for receiving supplementary welfare allowance while engaged in remunerative full-time work where that person is participating in—

- (a) a scheme, known as the Area Allowance Enterprise Scheme, approved by a company, known as an Area Partnership, in consultation with the Minister,
- (b) a scheme, administered by An Foras Áiseanna Saothair and known as Community Employment, or
- (c) a scheme administered by the Minister and known as the Back to Work Allowance Scheme.

(3) A person shall be regarded as being engaged in remunerative full-time work where he or she is so engaged for not less than 30 hours per week.

*Persons in full-time education.*

7. A person shall not be disqualified for receiving supplementary welfare allowance while attending a course of study within the meaning of section 148 where that person is participating in—

- (a) a scheme administered by the Minister for Education and Science and known as the Vocational Training Opportunities Scheme,
- (b) a scheme administered by the Minister and known as—
  - (i) the Second Level Initiative,
  - (ii) the Third Level Allowance,
  - (iii) the Part-time Education Initiative, or
- (c) such other course of education as the Minister may, from time to time, approve.

*Registration for employment.*

8. (1) The provisions of section 195(a) which enable the Executive to determine that a person shall not be entitled to supplementary welfare allowance unless he or she is registered for employment shall not apply to a person who satisfies the Executive that he or she is incapable of work by reason of some specific disease or physical or mental disability.

(2) Where the Executive determines under section 195(a) that the entitlement of any person to supplementary welfare allowance shall be subject to the condition that he or she is registered for employment he or she shall be required to prove unemployment in accordance with Regulations made under section 141(1)(b).



## PART 3

## RENT AND MORTGAGE SUPPLEMENTS

*Entitlement to rent supplement.*

9. (1) Subject to these Regulations, a person shall be entitled to a supplement towards the amount of rent payable by him or her in respect of his or her residence.

(2) It shall be a condition of any claimant's entitlement to a supplement under sub-article (1) that—

- (a) he or she is a *bona fide* tenant,
- (b) at the time of application for a supplement under sub-article (1), the Executive is satisfied that the claimant—
  - (i) (I) could reasonably have afforded the rent at the commencement of the tenancy,
  - (II) in so far as was reasonable in all the circumstances, had at the commencement of the tenancy, an expectation that he or she would be able to afford the rent into the future, and
  - (III) has experienced a substantial change in his or her circumstances leading to an inability to afford the rent, such change in circumstances not having occurred by any design on the part of the claimant,

or

- (ii) (I) is regarded by a housing authority as being homeless in accordance with section 2 of the Housing Act 1988 (No. 28 of 1988),
- (II) is assessed by a housing authority as having a housing need,
- (III) is a tenant of a body approved by the Minister for the Environment, Heritage and Local Government for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992),
- (IV) is aged 65 years or over,
- (V) is in receipt of a disability allowance, invalidity pension or blind pension from the Department of Social and Family Affairs or an equivalent payment from another Member State or a country with which Ireland has a reciprocal social security agreement under section 287, or
- (VI) is subject to any other circumstance in respect of which, in the opinion of the Executive, the provisions of article 38 apply,

- (c) he or she has made application, on being so required by the Executive, to a housing authority to be assessed for a housing need under section 9 of the Housing Act 1988,
- (d) his or her name has not been excluded from an assessment made by a housing authority pursuant to section 9 of the Housing Act 1988 by reason of his or her failure to accept an offer of accommodation or if his or her name has been so excluded, the Executive is satisfied that there was valid reason for his or her failure to accept such offer,
- (e) he or she has not vacated accommodation provided by a housing authority or if he or she has vacated such accommodation the Executive is satisfied that he or she had good cause for so doing,
- (f) the claimant has not refused for a third time, within any continuous 18 month period commencing on or after 31 January 2004, an offer of accommodation provided by either a housing authority or a body approved by the Minister for the Environment, Heritage and Local Government for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992 (including accommodation provided under the scheme known as the Rental Accommodation Scheme) and, where such refusal has occurred, a supplement under sub-article (1) shall not be payable for a period of 12 months from the date of the refusal,
- (g) he or she is not in receipt of, or entitled to, an allowance in accordance with regulations made under section 23 of the Housing (Private Rented Dwellings) Act 1982 (No. 6 of 1982),
- (h) the person beneficially entitled to the rent payable under the tenancy is not—
  - (i) a housing authority,
  - (ii) the Executive,
  - (iii) a body which provides services on behalf of, or similar or ancillary to, the Executive using residential care staff and which receives a subvention from the Minister for Health and Children in respect of the claimant, or
  - (iv) a voluntary housing body which receives a subsidy under the scheme, known as the “rental subsidy scheme”, administered by housing authorities under section 7 of the Housing (Miscellaneous Provisions) Act 1992,
- (i) the Executive is satisfied that—
  - (i) the claimant is in need of accommodation and is unable to provide for it from his or her own resources,

- (ii) the residence is reasonably suited to the residential and other needs of the claimant, and
- (iii) the rent payable by the claimant is just and proper having regard to the nature, character and location of the residence,

and for this purpose, the appropriate maximum amount of rent in respect of which a supplement is payable for the period commencing on 26 January 2007 and ending on 30 June 2008, shall be—

(I) (A) the monthly amount set out in columns (6), (7) and (8) of Schedule 1 to these Regulations opposite that reference in respect of each of the counties Dublin, Wicklow and Kildare, or

(B) in all other cases the weekly amount, set out in Schedule 1 to these Regulations in respect of such class or classes of persons referred to in row (1) of the said Schedule, and

(II) the amount as determined by the Minister in respect of any other class or classes of persons,

having regard to the family circumstances and the location of the residence of such persons, and

- (j) where the person beneficially entitled to the rent payable under the tenancy is an approved body in receipt of assistance under the scheme of capital assistance for the provision of housing accommodation operated under section 6 of the Housing (Miscellaneous Provisions) Act 1992 and section 15 of the Housing Act 1988, the Executive receives confirmation from the relevant housing authority that the rent has been fixed in accordance with the terms of the scheme.

(3) A rent supplement shall not be payable where the amount of rent exceeds the appropriate maximum amount of rent as determined under paragraph (i) of sub-article (2).

*Entitlement to mortgage supplement.*

10. (1) (a) Subject to paragraph (b) and these Regulations, a person shall be entitled to a supplement towards the amount of mortgage interest payable by him or her in respect of his or her residence,

(b) A supplement towards the amount of mortgage interest payable by a person referred to in paragraph (a) may be payable where—

- (i) the loan agreement was entered into at a time when, in the opinion of the Executive, the claimant was in a position to meet the repayments thereunder, and
- (ii) the residence in respect of which the loan is payable, is not offered for sale.

(2) Subject to sub-article (3), it shall be a condition of any claimant's entitlement to a supplement under sub-article (1), that the Executive is satisfied that—

- (a) the amount of the mortgage interest payable by the claimant does not exceed such amount as the Executive considers reasonable to meet his or her residential and other needs, and
  - (b) it is reasonable to award a supplement having regard to the amount of any arrears outstanding on the loan.
- (3) (a) Notwithstanding sub-article (2) and subject to paragraph (b), the Executive may award a supplement where the amount of mortgage interest payable by the claimant exceeds such amount as the Executive considers reasonable to meet his or her residential and other needs.
- (b) No supplement referred to in paragraph (a) shall be paid in respect of any period more than 12 months from the date on which the claim therefor is made.

*Duration of supplement.*

11. (1) Subject to these Regulations, a supplement payable under Part 3 of these Regulations shall continue to be payable for the period in which the beneficiary resides continuously in the residence in respect of which the supplement is awarded.

(2) In determining whether a beneficiary resides continuously in a residence for the purposes of sub-article (1), any period of absence from his or her residence by virtue of his or her temporary residence, for any period which does not exceed 13 weeks, in an institution, shall be disregarded.

*Amount of supplement.*

12. (1) Subject to these Regulations, the amount of a supplement payable under Part 3 of these Regulations to a claimant in respect of a week shall be the difference between his or her weekly needs less €13 and his or her weekly means, less the weekly amount of rent or mortgage interest, as the case may be, payable by him or her.

(2) The amount of supplement payable referred to in sub-article (1) shall not exceed such amount as the Executive considers reasonable to meet the residential needs of the claimant.

(3) 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, the Executive shall reduce the amount of the supplement payable, by such amount, which in the opinion of the Executive, is reasonably attributable to that other person.

(4) 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 as if “€5.71” were substituted for “€13.00”.

*Amount of supplement in certain cases.*

13. In the case of a claimant whose tenancy is with an approved body which is in receipt of assistance under the scheme of capital assistance referred to in article 9(2)(j), the maximum supplement payable under Part 3 of these Regulations shall be—

- (a) €60.00, in any case where the claimant is a spouse within the meaning of section 3(10), and
- (b) €55.00, in any other case.

*Saver.*

14. Notwithstanding the provisions of these Regulations, in the case of a claimant who is, on the commencement of these Regulations, in receipt of a supplement in respect of his or her rent or mortgage interest under Part 3 of the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 1995, the provisions of these Regulations shall not have the effect of reducing the rate of supplement payable under this Part below that to which he or she was previously entitled.

## PART 4

### DIET SUPPLEMENT

*Entitlement to diet supplement.*

15. (1) Subject to these Regulations, a claimant shall be entitled to a supplement towards the cost of a diet, being a diet specified for the purposes of this article, which the claimant, or his or her qualified adult or qualified child has been prescribed by virtue of a specified medical condition.

(2) The following diets are specified for the purposes of this article—

- (a) low lactose, milk free diet,
- (b) gluten free diet,
- (c) high protein, high calorie diet,
- (d) altered consistency (liquidised) diet.

(3) It shall be a condition of any claimant’s entitlement to a supplement under sub-article (1) that—

- (a) it is certified by a registered medical practitioner, in his or her capacity as a hospital consultant or a hospital registrar, that the claimant or a qualified adult or any qualified child of his or hers has been prescribed a diet specified for the purposes of this article by virtue of a specified medical condition, or

- (b) it is specified by a registered medical practitioner that the claimant or a qualified adult or any qualified child (of or over the age of 18 years) of his or hers has been prescribed a diet specified for the purposes of sub-article (2)(b) by virtue of a specified medical condition, and
  - (c) the nature and duration of the diet which has been prescribed is verified by the said medical practitioner or by a qualified dietitian.
- (4) A supplement under sub-article (1) shall not be payable for any period during which the person, for whom the diet has been prescribed, is residing in an institution.

(5) In this Part, save where the context otherwise requires, a “qualified child” means in relation to any claimant, any child, not being a qualified adult who is dependent on that claimant for support and who is—

- (a) under the age of 18 years, or
- (b) of or over the age of 18 years and under the age of 22 years and is receiving full-time education within the meaning of article 14 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

*Amount of supplement.*

16. (1) Subject to this article, the amount of weekly supplement payable, other than in respect of a qualified child, regarding a diet which is specified in article 15(2) shall be at the amount set out in column (2) opposite the specified diet shown in column (1) of Schedule 2, less,

- (a) where the claimant is not in receipt of a supplement under Part 3 of these Regulations—
  - (i) one sixth of the claimant’s weekly means exclusive of any increase in any benefit or assistance payable under the Principal Act in respect of a qualified child (within the meaning of the Principal Act), in any case where the claimant is a spouse within the meaning of section 3(10) of the Principal Act,
  - (ii) one third of the claimant’s weekly means exclusive of any increase in any benefit or assistance payable under the Principal Act in respect of a qualified child (within the meaning of the Principal Act), in any other case, or
- (b) where the claimant is in receipt of a supplement under Part 3 of these Regulations—
  - (i) one sixth of the weekly amount of supplementary welfare allowance set out in column (2) of Part 1 of Schedule 4 to the Principal Act, increased by the amount set out in column (3) of the said Part, in any case where the claimant is a spouse within the meaning of section 3(10),

- (ii) one third of the weekly amount of supplementary welfare allowance set out in column (2) of Part 1 of Schedule 4 to the Principal Act, in any other case.

(2) In the case of a claim for a supplement under Part 4 of these Regulations in respect of a qualified child, the amount of the supplement payable in respect of a week shall be—

- (a) in the case of a diet which is specified in paragraph (a) of article 15(2), €3.50,
- (b) in the case of a diet specified in paragraph (b) of article 15(2), €6.50,
- (c) in the case of a diet specified in paragraph (c) of article 15(2), €9.50, and
- (d) in the case of a diet specified in paragraph (d) of article 15(2), €13.00.

(3) Notwithstanding the provisions of these Regulations, in the case of a claimant who is in receipt of an allowance in respect of his or her special dietary needs from the Executive on the commencement of these Regulations, the provisions of this article shall not have the effect of reducing the rate of supplement payable under Part 4 of these Regulations below that to which he or she was previously entitled.

*Duration of supplement.*

17. Subject to these Regulations, a supplement payable under Part 4 of these Regulations shall continue to be payable for so long as the claimant continues to satisfy the conditions set out in article 15.

## PART 5

### CLAIMS AND PAYMENTS

*Claims.*

18. Every claim for supplementary welfare allowance (including any increase thereof) shall be made to the Executive in the form for the time being approved by the Executive or in such other manner as the Executive may accept as sufficient in all the circumstances.

*Information to be given when making claim.*

19. Every claimant shall furnish such certificates, documents, information and evidence as may be required by the Executive for the purpose of deciding the claim and shall, for the purposes of making any such claim, attend at such time and at such office or place as the Executive may direct.

*Prescribed time for making claim.*

20. The prescribed time for making a claim for supplementary welfare allowance shall be the day in respect of which the claim is made.

*Claims made outside prescribed time.*

21. Subject to article 22, where a person fails to make a claim for supplementary welfare allowance within the prescribed time, he or she shall be disqualified for receiving payment in respect of any period before the date on which the claim is made.

*Extension of time for making claim.*

22. (1) Subject to sub-article (2), where a claimant proves to the satisfaction of the Executive that—

- (a) on a date earlier than the date on which his or her claim for supplementary welfare allowance was made, apart from satisfying the condition of making a claim, he or she was entitled thereto, and
- (b) throughout the period between the earlier date and the date on which his or her claim was made there was good cause for the delay in making such a claim,

he or she shall not be disqualified for receiving payment of the amount to which he or she would have been entitled if the claim had been made on the earlier date.

(2) A payment referred to in sub-article (1) shall not be paid to a claimant on account of supplementary welfare allowance in respect of any period more than 6 months before the date on which the claim (including any increase thereof) therefor is made.

*Provision of information.*

23. (1) Every claimant or beneficiary and every person by whom any supplementary welfare allowance is receivable on behalf of a claimant or beneficiary shall—

- (a) furnish in such manner and at such times as an employee of the Executive may determine, such certificates, documents and information affecting the right to supplementary welfare allowance or to the receipt thereof as the said employee may require, and
- (b) notify the Executive of any change in circumstances which may affect the right to supplementary welfare allowance, or to the receipt thereof, as soon as is reasonably practicable thereafter.

(2) The period prescribed for the purposes of section 251(10) shall, in the case of supplementary welfare allowance, be 7 days.

*Administration of payment.*

24. (1) The categories of payment prescribed for the purposes of section 194 shall be payments made under sections 196, 197, 198, 201 and 202.

(2) Sub-article (1) shall apply to such part of a functional area of the Executive as may, from time to time, be agreed between the Minister and the Executive.



*Time and manner of payment.*

25. (1) Subject to sub-article (2), supplementary welfare allowance shall be paid in accordance with a determination under the provisions of the Principal Act as soon as is reasonably practicable thereafter and payment shall be made either by—

- (a) the Minister—
  - (i) by cheque issued directly to the claimant or beneficiary,
  - (ii) by an order payable at a post office designated by the claimant or beneficiary, or where the Minister considers it appropriate, at a post office designated by the Minister,
  - (iii) by direct credit transfer to an account nominated by the claimant or beneficiary and where the said allowance is so paid, the claimant or beneficiary shall be deemed to have received such payment, or
- (b) an employee of the Executive by cheque issued to the claimant or beneficiary on behalf of the Minister.

(2) Other than in the case of payments prescribed for the purpose of section 194, supplementary welfare allowance shall be paid in accordance with a determination under the provisions of the Principal Act as soon as is reasonably practicable thereafter at such time and in such manner as the Executive may determine.

*Extinguishment of right to payment.*

26. Where supplementary welfare allowance has been awarded to a claimant or beneficiary and is being paid to that person, the right to any sum payable by way of such allowance shall be extinguished where payment thereof is not obtained within 6 months.

*Nominated persons.*

27. (1) A claimant or beneficiary may nominate another person to receive payment of supplementary welfare allowance, in whole or in part, on his or her behalf and subject to the consent of the Executive, such supplementary welfare allowance may be payable to the person so nominated.

- (2) Every nomination under sub-article (1)—
  - (a) shall be made to the Executive in the form for the time being approved by the Executive, and
  - (b) may be revoked by the claimant or beneficiary on giving notice in writing of that fact to the Executive.
- (3) The Executive may withdraw its consent to a nomination under sub-article (1).

*Persons unable to act.*

28. (1) Where a claimant or beneficiary is unable for the time being to act, the Executive may, subject to such conditions as it thinks fit, appoint some other person to exercise, on behalf of the claimant or beneficiary, any right or power which the claimant or beneficiary may be entitled to exercise under the Principal Act and any such person may receive and deal with any sum payable by way of supplementary welfare allowance on behalf of the claimant or beneficiary.

(2) An appointment made under sub-article (1) shall terminate on the day on which the Executive receives notice that a Committee of the Estate of the claimant or beneficiary has been appointed.

(3) Anything required to be done by a claimant or beneficiary in relation to supplementary welfare allowance may be done as respects a claimant or beneficiary who is unable to act, by the person appointed under sub-article (1) to act on his or her behalf.

*Payment to appointed persons.*

29. The Executive may, where it appears to it that the circumstances so warrant, appoint a person to receive and deal with supplementary welfare allowance, on behalf of a claimant or beneficiary.

*Payment to appointed person living together with applicant.*

30. (1) Subject to sub-article (2), in the case of a claimant or beneficiary who is entitled to receive an increase of supplementary welfare allowance in respect of his or her spouse as a qualified adult, the Executive may, where it considers that the circumstances so warrant, appoint the qualified adult to receive and deal with on behalf of the claimant or beneficiary so much of the allowance as the Executive considers reasonable.

(2) The amount referred to in sub-article (1), to be received and dealt with as aforesaid, shall not exceed the total amount payable by virtue of section 197(b), together with—

- (a) one-half of the allowance as is payable by virtue of sections 197 and 197(a), and
- (b) the amount of supplement, if any, as is payable under Parts 3 or 4 of these Regulations.

*Provisions relating to appointments.*

31. (1) The Executive may at any time revoke an appointment made under article 28 or 29 and a person appointed may resign on giving to the Executive one month's notice of his or her intention to do so.

(2) The receipt of supplementary welfare allowance by a person nominated under article 27 or appointed under article 28 or 29 shall be a good discharge by the Executive of any amount so paid.

*Offences.*

32. A person who fails to comply with article 23 shall be guilty of an offence and shall be liable on summary conviction to the penalties provided for in section 257(a).

## PART 6

## MISCELLANEOUS

*Earnings disregard — supplementary welfare allowance.*

33. In assessing the means of a person for the purposes of supplementary welfare allowance, the amount to be disregarded in respect of earnings received by that person from employment of a rehabilitative nature shall be the first €120.00 of such weekly earnings.

*Prescribed age for the purposes of benefit and privilege.*

34. The age prescribed for the purposes of Rule 1(5)(a) of Part 4 of Schedule 3 to the Principal Act shall be 25 years.

*Assessment of means — non-cash benefits.*

35. The non-cash benefits prescribed for the purposes of Rule 1(2) of Part 4 of Schedule 3 to the Principal Act shall be the net cash value to the person of meals, accommodation and related services provided under a scheme administered by the Department of Justice, Equality and Law Reform and known as direct provision, where the costs are met in full by the State.

*Calculation of means.*

36. The income prescribed for the purposes of reference 19 of Table 2 of Schedule 3 to the Principal Act shall be the yearly value of all income derived from compensation awarded—

- (a) by the Compensation Tribunal established by the Minister for Health on 15 December, 1995, the Hepatitis C Compensation Tribunal established under section 3 of the Hepatitis C Compensation Tribunal Act 1997 (No. 34 of 1997), the Hepatitis C and HIV Compensation Tribunal established under section 2 of the Hepatitis C Compensation Tribunal (Amendment) Act 2002 (No. 21 of 2002), or by a court of competent jurisdiction, to compensate certain persons who have contracted Hepatitis C or Human Immunodeficiency Virus within the State from the use of Human Immunoglobulin - Anti-D, whole blood or other blood products,
- (b) by the Residential Institutions Redress Board established under section 3 of the Residential Institutions Redress Act 2002 (No. 13 of 2002),
- (c) to persons who have disabilities caused by Thalidomide, or
- (d) under the provisions of the Health (Repayment Scheme) Act 2006 (No. 17 of 2006) to a relevant person (within the meaning of that Act).

*Relevant payment — linked claims.*

37. (1) Subject to sub-article (2), for the purpose of section 188(1)(b) of the Principal Act, any periods during which the applicant was previously entitled to or in receipt of a relevant payment may be taken into account in calculating the 156 days, provided that not more than 13 weeks has elapsed since the applicant's last relevant payment.

(2) Periods referred to in sub-article (1) during which the applicant was entitled to or in receipt of a relevant payment will only be taken into account where successive periods are not separated by more than 13 weeks.

(3) In this article, "relevant payment" has the meaning assigned in section 2(4) of the Principal Act.

*Payment in exceptional circumstances.*

38. (1) Notwithstanding the foregoing articles, the Executive may award a supplement in any case where it appears to the Executive that the circumstances of the case so warrant.

(2) Without prejudice to the generality of sub-article (1), the Executive may award a supplement where—

(a) a claimant is living alone or only with his or her qualified adult or a qualified child (within the meaning of article 15(5)) and has, due to his or her ill-health or infirmity or that of any of the persons living with him or her, exceptional needs by reason of his or her having to maintain a high standard of heating in his or her residence, or

(b) a claimant has exceptional needs other than those specified in these Regulations.

*Application of Principal Act.*

39. The provisions of the enactments mentioned in column (1) of Schedule 3 hereto shall apply to supplementary welfare allowance and in such application shall be modified so that the said provisions shall read as set out in column (2) of the said Schedule.

## PART 7

### DETERMINATIONS AND APPEALS

*Determination by employee of the Executive.*

40. (1) A determination by an employee of the Executive for the purposes of determining a claim to supplementary welfare allowance shall be in writing and signed by the said employee.

(2) Where any determination made by an employee of the Executive is not in favour of the person the said employee shall attach to the determination a note of the reasons for the said determination.

(3) The Executive shall, as soon as may be after the making of the determination, cause a memorandum of—

(a) the determination, and

(b) where in accordance with sub-article (2) of this article the determination is not in favour of the person, the reasons therefor,

to be issued to the person.

*Submission of appeal and information to be supplied by appellant.*

41. (1) Any person (in this and the following articles referred to as “the appellant”) who is dissatisfied with the determination by an employee of the Executive of a claim by him or her for supplementary welfare allowance and wishes to appeal against such determination shall give notice in that behalf, in writing, to an employee of the Executive (in Part 7 of these Regulations referred to as the designated employee) appointed or designated by the Minister under section 323 to determine such appeal.

(2) (a) Subject to paragraph (b), the time within which an appeal may be made shall be any time up to the expiration of 21 days from the date of the notification of the determination to the appellant.

(b) A notice of appeal referred to in paragraph (a) may be accepted after the end of the period referred to therein, with the approval of the designated officer.

(3) The notice of appeal shall contain a statement of the facts and contentions upon which the appellant intends to rely.

(4) The appellant shall send to the designated employee along with the notice of appeal such documentary evidence as the appellant wishes to submit in support of his or her appeal, and the notice shall contain a list of any such documents.

(5) Any person wishing to withdraw an appeal may do so by sending a written notice to that effect to the designated employee.

*Notification of appeal and information to be supplied.*

42. The designated employee shall cause notice of the appeal to be sent to the Executive which shall, as soon as may be, furnish to the designated employee—

(a) a statement from the employee of the Executive who made the determination which is the subject of the appeal, or on his or her behalf, showing the extent to which the facts and contentions advanced by the appellant in relation to his or her appeal are admitted or disputed, and

(b) any information, document or item in the power and control of the Executive that is relevant to the appeal.

*Further information to be supplied and amendment of pleadings.*

43. The designated officer may at any time—

- (a) require the appellant or an employee of the Executive to furnish to him or her in writing, further particulars regarding the appeal,
- (b) allow the amendment of any notice of appeal, statement or particulars at any stage of the proceedings, and
- (c) fix the time for furnishing any such statement or particulars upon such terms as he or she may think fit.

*Determination of designated employee.*

44. (1) The determination of the designated employee shall be in writing and shall be sent to the Executive as soon as may be.

(2) In any case where the determination of the designated employee is not in favour of the appellant, he or she shall attach to his or her determination a note of the reasons for the said determination.

(3) The Executive shall, as soon as may be after the receipt of the determination of the designated employee, cause a memorandum of—

- (a) the determination, and
- (b) where in accordance with sub-article (2) of this article the determination is not in favour of the appellant, the reasons therefor,

to be issued to the appellant.

## SCHEDULE 1

Article 9

## MAXIMUM RENT LIMITS

(1)	Single person in shared accommodation  (2)	Couple in shared accommodation  (3)	Single person  (4)	Couple with no children  (5)	Couple with 1 child or one- parent family with 1 child (6)	Couple with 2 children or one- parent family with 2 children (7)	Couple with 3 children or one- parent family with 3 children (8)
<b>County:</b>							
<b>Dublin</b>	€98	€98	€130	€200	€1,000	€1,200	€1,200
<b>Wicklow</b>	€98	€98	€130	€190	€953	€1,200	€1,200
<b>Kildare</b>	€98	€98	€120	€178	€953	€1,200	€1,200
<b>Longford</b>	€70	€70	€100	€120	€140	€160	€175
<b>Westmeath</b>	€70	€70	€100	€120	€140	€160	€175
<b>Offaly</b>	€70	€70	€100	€120	€140	€160	€175
<b>Laois</b>	€70	€70	€100	€120	€140	€160	€175
<b>Limerick</b>	€70	€70	€110	€130	€150	€170	€185
<b>Tipperary:</b>							
<b>(a) North</b>	€70	€70	€100	€130	€150	€170	€185
<b>(b) South</b>	€80	€80	€115	€130	€150	€170	€170
<b>Clare</b>	€70	€70	€100	€130	€150	€170	€185
<b>Louth</b>	€70	€70	€115	€130	€160	€170	€200
<b>Monaghan</b>	€70	€70	€90	€121	€140	€155	€191
<b>Cavan</b>	€70	€70	€90	€121	€140	€155	€191
<b>Meath</b>	€70	€70	€115	€140	€175	€190	€200
<b>Donegal</b>	€70	€70	€90	€120	€140	€153	€170
<b>Leitrim</b>	€70	€70	€90	€120	€140	€153	€170
<b>Sligo</b>	€70	€70	€100	€120	€150	€170	€170
<b>Wexford</b>	€80	€80	€115	€130	€150	€170	€170
<b>Waterford</b>	€80	€80	€115	€130	€150	€170	€170
<b>Carlow</b>	€80	€80	€115	€130	€150	€170	€170
<b>Kilkenny</b>	€80	€80	€115	€130	€150	€170	€170
<b>Kerry</b>	€75	€75	€100	€153	€153	€190	€203
<b>Cork</b>	€75	€75	€115	€153	€175	€190	€203
<b>Mayo</b>	€70	€70	€115	€115	€175	€200	€200
<b>Galway</b>	€70	€70	€115	€140	€175	€200	€200
<b>Roscommon</b>	€70	€70	€115	€115	€175	€200	€200

## SCHEDULE 2

## AMOUNT OF DIET SUPPLEMENT

Specified Diet (1)	Amount (2)
Low-Lactose Milk Free	€65.43
Gluten Free	€68.43
High Protein High Calorie	€71.43
Altered Consistency (Liquidised)	€74.93

## SCHEDULE 3

## APPLICATION OF PRINCIPAL ACT

Section (1)	Modification (2)
Section 244(1)(c)	(c) where it appears to the Executive that the circumstances so warrant, for enabling a person to be appointed to receive and deal with on behalf of a claimant or beneficiary in respect of supplementary welfare allowance, so much of the allowance as the Executive considers reasonable in the circumstances.
Section 249(6)	(6) A person shall be disqualified for receiving supplementary welfare allowance while he or she is —  (a) resident, whether temporarily or permanently, outside the State, or  (b) undergoing penal servitude, imprisonment or detention in legal custody.
Section 272(3)	(3) Notwithstanding the provisions of subsection (1) or any provision in any enactment specifying the period within which proceedings may be commenced, a prosecution for a summary offence under this Act, in relation to supplementary welfare allowance, may be brought at any time within whichever of the following periods later expires —  (a) 2 years commencing on the date on which the offence was committed, or  (b) 18 months commencing on the date on which it is certified in writing by the chief executive officer of the Executive that evidence sufficient to justify the institution of that prosecution came into his or her possession.
Section 272(4)	(4) For the purposes of subsection (3), a certificate signed by the chief executive officer, as to the date on which such evidence as aforesaid came into his or her possession shall be sufficient evidence thereof until the contrary is shown.



## SCHEDULE 4

Article 5

## REVOCATIONS

S.I. Number (1)	Regulations (2)	Extent of Repeal (3)
S.I. No. 382 of 1995	Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 1995	The whole Regulations
S.I. No. 190 of 1996	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) Regulations 1996	The whole Regulations
S.I. No. 202 of 1996	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) Regulations 1996	The whole Regulations
S.I. No. 334 of 1997	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) Regulations 1997	The whole Regulations
S.I. No. 107 of 1998	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (Determinations and Appeals) Regulations 1998	The whole Regulations
S.I. No. 183 of 1998	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) Regulations 1998	The whole Regulations
S.I. No. 102 of 2000	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) Regulations 2000	The whole Regulations
S.I. No. 101 of 2001	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) Regulations 2001	The whole Regulations
S.I. No. 653 of 2001	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) (Income Disregards) Regulations 2001	The whole Regulations
S.I. No. 119 of 2002	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) Regulations 2002	The whole Regulations
S.I. No. 527 of 2002	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) Regulations 2002	The whole Regulations
S.I. No. 630 of 2002	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) Regulations 2002	The whole Regulations
S.I. No. 324 of 2003	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) Regulations 2003	The whole Regulations

S.I. Number (1)	Regulations (2)	Extent of Repeal (3)
S.I. No. 426 of 2003	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) Regulations 2003	The whole Regulations
S.I. No. 454 of 2003	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) Regulations 2003	The whole Regulations
S.I. No. 727 of 2003	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) Regulations 2003	The whole Regulations
S.I. No. 728 of 2003	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 4) Regulations 2003	The whole Regulations
S.I. No. 54 of 2005	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) Regulations 2005	The whole Regulations
S.I. No. 386 of 2005	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) Regulations 2005	The whole Regulations
S.I. No 146 of 2006	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (Diet Supplement) Regulations 2006	The whole Regulations
S.I. No. 203 of 2006	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) (Training Course Disregard, Benefit and Privilege) Regulations 2006	The whole Regulations
S.I. No. 572 of 2006	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Miscellaneous Provisions) Regulations 2006	The whole Regulations
S.I. No. 697 of 2006	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) (Rent Supplement Means Disregard) Regulations 2006	The whole Regulations
S.I. No. 44 of 2007	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (Diet Supplement and Maximum Rents) Regulations 2007	The whole Regulations
S.I. No. 221 of 2007	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Rent Supplement) Regulations 2007	The whole Regulations
S.I. No. 267 of 2007	Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) Regulations 2007	The whole Regulations



GIVEN under the Official Seal of the Minister for Social and Family Affairs this 29 day of June 2007.

MARTIN CULLEN,  
Minister for Social and Family Affairs.

The Minister for Finance hereby consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Finance this 29 day of June 2007.

BRIAN COWEN,  
Minister for Finance.

#### EXPLANATORY NOTE

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

These Regulations consolidate the regulatory provisions governing Supplementary Welfare Allowance.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2  
nó tríd an bpost ó  
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