



STATUTORY INSTRUMENTS

**S.I. No. 265 of 2009**

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SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE  
ALLOWANCE) (AMENDMENT) (NO. 2) (RENT SUPPLEMENT)  
REGULATIONS 2009

**(Prn. A9/0992)**

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 2) (RENT SUPPLEMENT) REGULATIONS 2009

The Minister for Social and Family Affairs, in exercise of the powers conferred on her by sections 4 and 198 (as amended by section 7 of the Social Welfare and Pensions Act 2009 (No. 10 of 2009)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby makes 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 2009.

(2) These Regulations shall be construed as one with the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 (S.I. No. 412 of 2007) and shall be included in the collective citation “the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2009”.

*Commencement.*

2. These Regulations come into operation on 27 July 2009.

*Definitions.*

3. In these Regulations—

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

“Act of 2009” means the Social Welfare and Pensions Act 2009 (No. 10 of 2009).

*Entitlement to rent supplement.*

4. The Principal Regulations are amended in article 9 by the substitution in sub-article (2) for paragraph (f) of the following:

“(f) the claimant has not refused for a second time, within any continuous 12 month period commencing on or after 27 July 2009, 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.”.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 17th July, 2009.*

*Prescribed period of residence*

5. The Principle Regulations are amended by the insertion after article 9 of the following article:

*“Prescribed period of residence.*

9A. 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 on which the claim is made.”.

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



GIVEN under the Official Seal of the Minister for Finance,  
14 July 2009

BRIAN LENIHAN,  
Minister for Finance.



GIVEN under the Official Seal of the Minister for Social and Family  
Affairs,  
15 July 2009

MARY HANAFIN,  
Minister for Social and Family Affairs.

EXPLANATORY NOTE

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

These regulations provide that to qualify for payment of Rent Supplement a person must have been residing in rented accommodation or accommodation for homeless persons (or any combination of these) for a period of 183 days within the preceding 12 month period. This provision will not apply to persons who have been assessed by a local authority as having a housing need under section 9 of the Housing Act 1988 (as amended).

These regulations also provide that, where a person refuses two offers of accommodation provided by a housing authority within any continuous 12 month period, a supplement shall not be payable for a period of 12 months from the date of the second refusal.

These measures come into effect from 27 July 2009.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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