



STATUTORY INSTRUMENTS.

S.I. No. 505 of 2011



SOCIAL WELFARE (APPEALS) (AMENDMENT) REGULATIONS 2011

(Prn. A11/1805)

SOCIAL WELFARE (APPEALS) (AMENDMENT) REGULATIONS 2011

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4, 310, 311 and 330 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), and by section 257, as applied and modified by the Social Welfare (Rent Allowance) Regulations 1998 (S.I. No. 188 of 1998), of the Social Welfare (Consolidation) Act 1993 (No. 27 of 1993), hereby make the following Regulations:

Short title, collective citation and construction.

1. (1) These Regulations may be cited as the Social Welfare (Appeals) (Amendment) Regulations 2011.

(2) The Principal Regulations and these Regulations shall be construed together as one and may be cited together as the Social Welfare (Appeals) Regulations 1998 and 2011.

Definition.

2. In these Regulations “Principal Regulations” means the Social Welfare (Appeals) Regulations 1998 (S.I. No. 108 of 1998).

Commencement.

3. These Regulations come into operation on 1 October 2011.

Part I of Principal Regulations — amendments.

4. Article 3 of the Principal Regulations is amended—

(a) by deleting the definition of “designated officer”, and

(b) by inserting the following new definition before the definition of “hearing”:

“‘designated person’ has the meaning assigned to it in section 2(1);”.

Submission of appeal and information to be supplied by appellant.

5. Part III of the Principal Regulations is amended—

(a) by substituting the following articles for article 9 and 10:

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

9. (1) Any person (in these Regulations referred to as the appellant) who is dissatisfied with the decision of a deciding officer or the determination of a designated person and who wishes to appeal against such

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th October, 2011.

decision or determination, as the case may be, shall give notice in that behalf, in writing, to the Chief Appeals Officer.

(2) 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 decision of a deciding officer or determination of a designated person, as the case may be, to the appellant.

(3) Notwithstanding sub-article (2), notice of an appeal given after the expiration of 21 days from the date of the notification of the decision of a deciding officer or determination of a designated person to the appellant may, with the approval of the Chief Appeals Officer, be accepted.

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

(5) The appellant shall send to the Chief Appeals Officer 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.

(6) Any person wishing to withdraw an appeal may do so by sending a written notice to that effect to the Chief Appeals Officer.

Notification of appeal and information to be supplied.

10. In the case of an appeal against the decision of a deciding officer or the determination of a designated person under section 311, the Chief Appeals Officer shall cause notice of the appeal to be sent to the Minister who shall, as soon as may be, furnish to the Chief Appeals Officer—

- (a) a statement from the deciding officer or the designated person or on his or her behalf showing the extent to which the facts and contentions advanced by the appellant are admitted or disputed, and
- (b) any information, document or item in the power or control of the deciding officer or the designated person, as the case may be, that is relevant to the appeal.”,

(b) in article 12 by substituting the following paragraph for paragraph (a):

- “(a) require the appellant, the deciding officer or the designated person, as the case may be, or any other person appearing to the appeals officer to be concerned, to furnish to him or her, in writing, further particulars regarding the appeal,”,

(c) by substituting the following article for article 14:

“Hearings.

14. Where, in the opinion of the appeals officer, a hearing is required he or she shall, as soon as may be, fix a date and place for the hearing, and give reasonable notice of the said hearing to the appellant, the deciding officer or designated person, as the case may be, and any other person appearing to the appeals officer to be concerned in the appeal.”,

(d) in article 15 by substituting the following sub-article for sub-article (3):

“(3) The deciding officer or designated person, as the case may be, may appear at the hearing in person or he or she may be represented by another officer of the Minister.”, and

(e) in article 19 by substituting the following sub-article for sub-article (3):

“(3) The Chief Appeals Officer shall, as soon as may be after the receipt of the decision of the appeals officer, cause a memorandum of—

(a) the decision, and

(b) where in accordance with sub-article (2) of this article the decision is not in favour of the appellant, the reasons for that decision,

to be sent to—

(i) the appellant and to any other person concerned, and

(ii) the Minister.”.



GIVEN under my Official Seal,
30 September 2011.

JOAN BURTON,
Minister for Social Protection.

EXPLANATORY NOTE

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

These Regulations amend the procedures for social welfare appeals in the light of the transfer of administrative responsibility for the Supplementary Welfare Allowance scheme from the Health Service Executive to the Department of Social Protection, with effect from 1st October 2011.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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