



STATUTORY INSTRUMENTS.

S.I. No. 728 of 2011

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (No. 8) (FAMILY INCOME
SUPPLEMENT) REGULATIONS 2011

(Prn. A11/2442)

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (No. 8) (FAMILY INCOME
SUPPLEMENT) REGULATIONS 2011

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by section 4 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)), and by section 232 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 Claims, Payments and Control) (Amendment) (No. 8) (Family Income Supplement) Regulations 2011.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2011 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2011.

Definition.

2. In these Regulations “Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

Commencement.

3. These Regulations come into operation on 1 January 2012.

Sums disregarded in determining weekly family income.

4. (1) Article 174 of the Principal Regulations is amended—

(a) by substituting the following paragraphs for paragraph (a):

“(a) any sums received by way of death benefit by virtue of orphan’s pension, guardian’s payment (contributory), guardian’s payment (non-contributory), supplementary welfare allowance, child benefit or family income supplement,

(aa) for any period commencing on or after 1 January 2012 but before 1 January 2013, two thirds of any sums received by way of carer’s benefit or carer’s allowance,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th January, 2012.*

(ab) for any period commencing on or after 1 January 2013 but before 1 January 2014, one third of any sums received by way of carer's benefit or carer's allowance,”

(b) in paragraph (g) by substituting “making grants of money to them.” for “making grants of money to them, and”, and

(c) by deleting paragraph (h).

(2) Paragraph (c) of sub-article (1) shall not apply in the case of any period of 52 weeks entitlement to family income supplement in accordance with section 230(1) commencing before 1 January 2012.

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



GIVEN under my Official Seal,
22 December 2011.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
22 December 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 provide for a number of amendments to the regulatory provisions relating to the Family Income Supplement (FIS) scheme. In assessing weekly family income for FIS purposes most weekly social welfare payments are taken into account when assessed means. These Regulations provide that Carer's Benefit and Carer's Allowance will be assessed as weekly income for FIS purposes in the same manner as other weekly social welfare payments. This change is being phased-in over a 3 year period, with 1/3rd of the Carer's Benefit or Carer's Allowance payment, as appropriate, being assessed during 2012, 2/3rds of the payment being assessed during 2013 and the full amount of the Carer's Benefit or Carer's Allowance payment being assessed from 1 January 2014 onwards.

The Social Welfare Act 2011 provides for the abolition of the disregard of income from employment by the HSE as a Home Help in the assessment of means for social assistance payments generally. These Regulations similarly abolish this income disregard in relation to employment by the HSE as a Home Help in the assessing weekly income for FIS purposes. This amendment will apply to new FIS claims with effect from 1 January 2012.

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