



STATUTORY INSTRUMENTS.

S.I. No. 396 of 2022

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 3) (CALCULATION OF MEANS) REGULATIONS 2022

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 3) (CALCULATION OF MEANS) REGULATIONS 2022

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (adapted by the Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)) of the Social Welfare Consolidation Act 2005, and by reference 19 (amended by section 26 of the Social Welfare and Pensions Act 2010 (No. 37 of 2010)) in Table 2 to Schedule 3 to, the Social Welfare Consolidation Act 2005, with the consent of the Minister of 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. 3) (Calculation of Means) Regulations 2022.

(2) These Regulations and the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2022 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2022.

Assessment of means

2. (1) The Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 (S.I. No. 412 of 2007) are amended—

(a) in article 3 (amended by the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 5) (Rent Supplement) Regulations 2014 (S.I. No. 604 of 2014)) by the insertion of the following definitions:

““home”” means a residential premises situated in the State which is owned and personally used and enjoyed by the person as his or her sole or main residence;”

““immediate family member”” means for the purposes of these Regulations:

- (a) a spouse, civil partner, or cohabitant,
- (b) a child, son-in-law or daughter-in-law,
- (c) a parent, step-parent, mother-in-law or father-in-law,
- (d) a brother, sister, step-brother, step-sister, brother-in-law or sister-in-law,
- (e) a grandparent or grandchild,
- (f) an aunt or uncle, or

(g) a nephew or niece;”

“residential premises” means a building or part of a building used as a dwelling;”,

and

- (b) in article 36 (amended by article 3 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Calculation of Means) Regulations 2022 (S.I. No. 292 of 2022))—
 - (a) by the deletion of “or” after paragraph (ga),
 - (b) by the substitution of “Grant,” for “Grant.” in paragraph (h), and
 - (c) by the insertion of the following paragraph after paragraph (h):

“or

 - (i) Subject to the conditions specified in subparagraphs (i), (ii) and (iii), any income arising to a person in respect of the lawful rental of living accommodation of a room, or rooms, in his or her home to another person or persons, where that other person, or persons have the use of the room or rooms for a period of not less than 28 consecutive days.
 - (i) The income disregard in this paragraph shall be subject to a maximum of €269.23 per week.
 - (ii) The income disregard in this paragraph shall apply only as long as the person or persons to whom the use of living accommodation of a room, or rooms have been made available, continue to use the room or rooms.
 - (iii) The income disregard in this paragraph shall not apply where the income arising to the person is received from an employee or an immediate family member of that person.”.

Period of operation of these regulations

(2) These Regulations shall cease to have effect on 17 March 2023, or such other date as specified by the Minister after consultation with the Minister for Public Expenditure and Reform.

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



GIVEN under my Official Seal,
12 July, 2022.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
12 July, 2022.

HEATHER HUMPHREYS,
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 that certain income received (up to a maximum of €269.23 weekly which equates to €14,000 per annum) by a person by renting out a room in their home to a person who is not an employee or immediate family member will be disregarded in the assessment of means for the purposes of Supplementary Welfare Allowance.

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