



STATUTORY INSTRUMENTS.

S.I. No. 291 of 2022

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENT AND
CONTROL) (AMENDMENT) (NO. 9) (INCOME DISREGARD)
REGULATIONS 2022

**SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENT AND CONTROL) (AMENDMENT) (NO. 9) (INCOME DISREGARD)
REGULATIONS 2022**

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (as 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)), and by sections 232 and 297 of, and Reference 19 of Table 2 to Schedule 3 to, the Social Welfare Consolidation Act 2005 (No. 26 of 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, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payment and Control) Regulations 2007 to 2022 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2022.

Definitions

2. In these Regulations—

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

“Regulations of 2019” means the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2019 (S.I. No. 202 of 2019).

Income disregard

3. The Principal Regulations are amended—

(a) in article 8(3) (amended by article 3(a) of the Regulations of 2019)—

(i) by the insertion of the following paragraph after paragraph (bc):

“(bd) any income derived from the scheme to compensate persons who suffered harm or injury while in the care of Kerry CAMHS in the period 1st July 2016 to 19th April 2021, as identified through the Maskey Report and who have been notified by the Child and Adolescent Mental Health Services,”,

- (ii) by the insertion of the following paragraphs after paragraph (da):
 - “(db) any payments made under the Tusla Educational Support for Children in Care and Aftercare Bursary scheme,
 - (dc) any payments made from the KickStart Scholarship Fund administered by the Probation Service,”,

and
- (iii) by the insertion of the following paragraph after paragraph (g):
 - “(ga) any income derived from the Troubles Permanent Disablement Payment Scheme in accordance with the Victims’ Payments Regulations 2020 (2020 No. 103) (Northern Ireland),”,
- (b) in article 155 (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Income Disregard) Regulations 2022 (S.I. No. 125 of 2022))—
 - (i) by the insertion of the following paragraph after paragraph (bc):
 - “(bca) any income derived from the scheme to compensate persons who suffered harm or injury while in the care of Kerry CAMHS in the period 1st July 2016 to 19th April 2021, as identified through the Maskey Report and who have been notified by the Child and Adolescent Mental Health Services,”,
 - (ii) by the insertion of the following paragraphs after paragraph (da):
 - “(da) any payments made under the Tusla Educational Support for Children in Care and Aftercare Bursary scheme,
 - (dab) any payments made from the KickStart Scholarship Fund administered by the Probation Service,”,

and
 - (iii) by the insertion of the following paragraph after paragraph (g):
 - “(ga) any income derived from the Troubles Permanent Disablement Payment Scheme in accordance with the Victims’ Payments Regulations 2020 (2020 No. 103) (Northern Ireland),”,

and
- (c) in article 174 (amended by article 3(c) of the Regulations of 2019)—

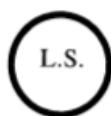
- (i) by the insertion of the following paragraph after paragraph (fd):
 - “(fe) any income derived from the scheme to compensate persons who suffered harm or injury while in the care of Kerry CAMHS in the period 1st July 2016 to 19th April 2021, as identified through the Maskey Report and who have been notified by the Child and Adolescent Mental Health Services,”,
- (ii) by the insertion of the following paragraphs after paragraph (ia):
 - “(ib) any payments made under the Tusla Educational Support for Children in Care and Aftercare Bursary scheme,
 - (ic) any payments made from the KickStart Scholarship Fund administered by the Probation Service,”,
and
- (iii) by the insertion of the following paragraph after paragraph (l):
 - “(la) any income derived from the Troubles Permanent Disablement Payment Scheme in accordance with the Victims’ Payments Regulations 2020 (2020 No. 103) (Northern Ireland),”.

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



GIVEN under my Official Seal,
9 June, 2022.

MICHAEL MCGRATH,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
16 June, 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.)

In any claim for a social assistance payment, the means of a claimant and any qualified adult (spouse, civil partner, or co-habitant) are calculated in accordance with the rules in Schedule 3 to the Social Welfare Consolidation Act 2005 to determine eligibility. Schedule 3, as well as specifying those payments which are not to be regarded as means, also provides that the Minister may, through Regulations, prescribe other payments which are to be disregarded in the calculation of a claimant's means.

The purpose of these Regulations is to amend articles 8, 155 and 174 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) to provide that the following payments shall be included in those disregarded in calculating a claimant's means in respect of all social assistance schemes, increases for Qualified Adults on social insurance schemes (where the Qualified Adult is in receipt of specified disregarded means), and the Working Family Payment.

- The Tusla Bursary Scheme for Children in Care and Aftercare
This Bursary Scheme caters to young adults who have had a care experience of at least 6 months and are aged between 18 and 30 years old. The funding supports and assists such persons to achieve their full potential in education or training and to support their career development.
- The Probation Service's KickStart Scholarship scheme
This scheme supports persons with a criminal justice history, who are experiencing socio-economic disadvantage, to access Higher Education and to increase their chances of gaining future employment.
- Compensation scheme for young people who suffered harm while in the care of Kerry Child and Adolescent Mental Health Service (CAMHS)
This is a scheme to compensate young people who suffered harm or injury whilst in the care of Kerry CAMHS, as identified through the Maskey Report and who have been notified by CAMHS, in the period 1 July 2016 to 19 April 2021.
- The Troubles Permanent Disablement Payment Scheme (Northern Ireland)
This scheme provides those living with permanent disablement - either physical or psychological - caused by injury (through no fault of their own) in a Troubles-related incident, in which the injury sustained took place on or after 1 January 1966, but before 12 April 2010, with payments primarily in acknowledgement of the acute harm which they have suffered.

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