



STATUTORY INSTRUMENTS.

S.I. No. 397 of 2022

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 10) (INCOME DISREGARD)
REGULATIONS 2022

**SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 10) (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)) of the Social Welfare Consolidation Act 2005, and by section 2(2) (c), 232 and 297 of, and Reference 19 in Table 2 to Schedule 3 to, the Social Welfare Consolidation Act 2005 (No. 26 of 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 Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments 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.

Definition

2. In these Regulations “Regulations of 2022” means the Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022 (S.I. No. 291 of 2022).

Income disregard

3. (1) The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 are amended—

(a) in article 3 (amended by article 3 of Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021(S.I. No. 623 of 2021)) 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 paragraph (i) of article 8(3), paragraph (i) of article 155 and paragraph (o) of article 174 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;”,
- (b) in article 8(3) (amended by article 3 of the Regulations of 2022) —
 - (i) by the deletion of “or” after paragraph (ga),
 - (ii) by the substitution of “Grant,” for “Grant.” in paragraph (h), and
 - (iii) 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.”,
 - (c) in article 155 (amended by article 3 of the Regulations of 2022) —
 - (i) by the deletion of “or” after paragraph (ga),
 - (ii) by the substitution of “Grant,” for “Grant.” in paragraph (h), and

(iii) 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.”,

and

(d) in article 174 (amended by article 3(c) of the Regulations of 2022) —

(i) by the deletion of “or” after paragraph (m),

(ii) by the substitution of “Grant,” for “Grant.” in paragraph (n), and

(iii) by the insertion of the following paragraph after paragraph (n):

“or

(o) 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 making of 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 an immediate family member will be disregarded in the assessment of means for the purposes of weekly social assistance payments, increases for qualified adults and the Working Family Payment.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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