



STATUTORY INSTRUMENTS.

**S.I. No. 37 of 2024**

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 1) (INCOME DISREGARD)  
REGULATIONS 2024

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 1) (INCOME DISREGARD)  
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I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by section 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)) of the Social Welfare Consolidation Act 2005, and sections 2(2)(c), 232 and 297 of, and Reference 19 in Table 2 to Schedule 3 to, the Social Welfare Consolidation Act 2005, with the consent of the Minister for Public Expenditure, National Development Plan Delivery 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. 1) (Income Disregard) Regulations 2024.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2023 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2024.

***Definitions***

2. (1) The Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 are amended in article 3, by the substitution of the following definition for the definition of “home”, (inserted by article 3 of Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022 (S.I. No. 397 of 2022)):

“‘home’ means a residential premises situated in the State which —

- (a) is owned and personally used and enjoyed by the person as his or her sole or main residence, or
- (b) is owned and was personally used and enjoyed by the person as his or her sole or main residence immediately prior to moving out of their home under the Nursing Homes Support Scheme, and for the purposes of articles 8, 155 and 174 of these Regulations, this paragraph shall come into operation on 1 February 2024, or
- (c) which is held under a Local Authority tenancy agreement and is personally used and enjoyed by the tenant as his or her sole or main residence, while he or she is a participant in a scheme administered by the Minister for Housing, Local Government and Heritage and known as the Room for a Student – Local Authority Scheme, and for the

purposes of articles 8, 155 and 174 of these Regulations, this paragraph shall come into operation on 1 December 2023.”.

The Minister for Public Expenditure, National Development Plan Delivery and Reform consents to the making of the foregoing Regulations.

GIVEN under my Official Seal,  
30 January, 2024.

PASCHAL DONOHOE,  
Minister for Public Expenditure, National Development  
Plan Delivery and Reform.

GIVEN under my Official Seal,  
30 January, 2024.

HEATHER HUMPREYS,  
Minister for Social Protection.

#### EXPLANATORY NOTE

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

The Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022 (S.I. No. 397 of 2022) provided that certain income received (up to a maximum of €269.23 weekly which equates to €14,000 per annum) by a person through renting out a room in their home to a person who is not an employee or an immediate family member was to be disregarded in the assessment of means for the purposes of weekly social assistance payments, increases for qualified adults and the Working Family Payment.

These Regulations amend the definition of “home” in article 3 to extend the definition to include:

- (a) those who move out of their home under the Nursing Homes Support Scheme (alternatively known as Fair Deal),  
and
- (b) Local authority tenants who rent out a room to a student under the “Room for a Student – Local Authority Scheme”.

The effect of this amendment is to extend the circumstances whereby a person can rent out a room in their home while still availing of the income disregard for the rental of the room.

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