



STATUTORY INSTRUMENTS.

S.I. No. 38 of 2024

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE
ALLOWANCE) (AMENDMENT) (NO. 1) (CALCULATION OF MEANS)
REGULATIONS 2024

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 1) (CALCULATION OF MEANS) REGULATIONS 2024

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 of 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 Supplementary Welfare Allowance) (Amendment) (No. 1) (Calculation of Means) Regulations 2024.

(2) These Regulations and the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2023 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2024.

Definitions

2. (1) The Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 (S.I. No. 412 of 2007) are amended in article 3, by the substitution of the following definition for the definition of “home” (inserted by article 2 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) (Calculation of Means) Regulations 2022 (S.I. No. 396 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 article 36 of these Regulations, this paragraph shall come into operation on 1 February 2024, or
- (c) 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 known as the Room for a Student – Local Authority Scheme, and for the purposes of article 36 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 HUMPHREYS,
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 Supplementary Welfare Allowance) (Amendment) (No. 3) (Calculation of Means) Regulations 2022 (S.I. No. 396 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 by renting out a room in their home to a person who is not an employee or immediate family member was to be disregarded in the assessment of means for the purposes of Supplementary Welfare Allowance.

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

- (a) from 1 February 2024, the residence of a person who moves out of their home under the Nursing Homes Support Scheme, (alternatively known as Fair Deal),
and
- (b) from 1 December 2023, the residence of a Local Authority tenant who rents out a room to a student under the “Room for a Student – Local Authority Scheme”.

The effect of these amendments to the definition is to extend the circumstances whereby a person can rent out a room in their home while still availing of the income disregard in respect of the rental income from the room.

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