



STATUTORY INSTRUMENTS.

S.I. No. 513 of 2013



SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE
ALLOWANCE) (AMENDMENT) (NO. 6) (MORTGAGE INTEREST
SUPPLEMENT) REGULATIONS 2013

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 6) (MORTGAGE INTEREST SUPPLEMENT) REGULATIONS 2013

I, JOAN BURTON, 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 (No. 26 of 2005), and by section 198 (amended by section 11 of the Social Welfare and Pensions Act 2013 (No. 38 of 2013)) of the Social Welfare Consolidation Act 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 Supplementary Welfare Allowance) (Amendment) (No. 6) (Mortgage Interest Supplement) Regulations 2013.

(2) These Regulations and the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2013 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2013.

Commencement.

2. These Regulations come into operation on 1 January 2014.

Entitlement to rent and mortgage interest supplement.

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

- (a) by substituting the following articles for article 10 (amended by article 5 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) (Rent and Mortgage Supplement) Regulations 2013 (S.I. No. 139 of 2013)) and article 11:

“Entitlement to mortgage interest supplement.

10. (1) Subject to section 198 and to these Regulations, a person shall be entitled to a supplement towards the amount of mortgage interest payable by him or her in respect of his or her residence.

(2) Subject to sub-article (3), it shall be a condition of any claimant’s entitlement to a supplement under sub-article (1) that a designated person is satisfied that—

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd January, 2014.

- (a) the loan agreement was entered into at a time when the claimant was in a position to meet the repayments under that loan agreement,
- (b) the amount of the mortgage interest payable by the claimant does not exceed such amount as a designated person considers reasonable to meet his or her residential and other needs, and
- (c) it is reasonable to award a supplement having regard to the amount of any arrears outstanding on the loan.

(3) Notwithstanding sub-article (2), a designated person may award a supplement where the amount of mortgage interest payable by the claimant exceeds such amount as a designated person considers reasonable to meet his or her residential and other needs, but a supplement awarded under this sub-article shall not be paid in respect of any period more than 12 months from the date on which that claim is made.

Duration of supplement.

11. (1) Subject to these Regulations, the payment of a supplement referred to in section 198(3), which is payable in accordance with Part 3 of these Regulations towards the amount of rent payable by a person in respect of his or her residence, shall continue to be made for the period in which the beneficiary resides continuously in the residence in respect of which that supplement has been awarded.

(2) Subject to subsections (10) and (11) of section 198 and to these Regulations, the payment of a supplement referred to in section 198(5), which is payable immediately before 1 January 2014 in accordance with Part 3 of these Regulations towards the amount of mortgage interest payable by a person in respect of his or her residence, shall continue to be made on and after 1 January 2014 for the period in which that person resides continuously in the residence in respect of which that supplement has been awarded, but a supplement referred to in section 198(5) shall not be paid on or after 1 January 2018.

(3) In determining whether a person resides continuously in a residence for the purposes of sub-articles (1) and (2), any period of absence from his or her residence by virtue of his or her temporary residence in an institution for any period which does not exceed 13 weeks shall be disregarded.”,

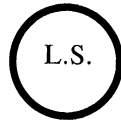
(b) by deleting article 14,

and

(c) in article 22(1) (amended by article 4 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011 (S.I. No. 514 of 2011)), by substituting

“Subject to subsections (10) and (11) of section 198 and to sub-article (2),” for “Subject to sub-article (2),”.

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



GIVEN under my Official Seal,
18 December 2013.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
19 December 2013.

JOAN BURTON,
Minister for Social Protection.

EXPLANATORY NOTE

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

Section 11 of the Social Welfare and Pensions Act 2013 provides for the discontinuation of the Mortgage Interest Supplement scheme for new applicants with effect from 1 January 2014 and allows for the winding down of that scheme for existing claimants over a 4 year period up to the end of 2017.

These Regulations provide for consequential amendments to the provisions of the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 relating to the Mortgage Interest Supplement so as to limit entitlement to the supplement and the duration of the payment of the supplement in line with the changes provided for in section 11 of the Social Welfare and Pensions Act 2013.

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