

S.I. No. 267 of 2007

**SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE
ALLOWANCE) (AMENDMENT) (No. 3) REGULATIONS 2007**

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S.I. No. 267 of 2007.

**Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment)
(No. 3) Regulations 2007**

The Minister for Social and Family Affairs, in exercise of the powers conferred on him by sections 4 and 198 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby makes the following Regulations:

Citation and Construction.

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) Regulations 2007.
- (2) These Regulations and the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 1995 (S.I. No. 382 of 1995) shall be construed together as one and may be cited as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 1995 to 2007.

Commencement.

2. These Regulations come into operation on 6 June 2007.

Definition.

3. In these Regulations “the Principal Regulations” means the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 1995 (S.I. No. 382 of 1995).

Miscellaneous amendments to Principal Regulations.

4. The Principal Regulations are amended –
 - (a) in article 9 by –
 - (i) deleting sub-article (2B) (as inserted by article 4 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) (Rent Supplement Means Disregard) Regulations 2006 (S.I. No. 697 of 2006),
 - (ii) deleting sub-article (3) (as amended by article 3 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) (Training Course Disregard, Benefit and Privilege) Regulations 2006 (S.I. No. 203 of 2006)), and
 - (iii) deleting sub-article (5) (as inserted by article 3 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Miscellaneous Provisions) Regulations 2006 (S.I. No. 572 of 2006)),

(b) in article 12 by deleting sub-article (2A) (as inserted by article 3 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment)(No. 3) Regulations 2003 (S.I. No. 727 of 2003)),

(c) in article 32 by deleting “, other than the last mentioned provision in the said Schedule,”,

(d) in article 33B (inserted by article 5 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Miscellaneous Provisions) Regulations 2006 by deleting paragraphs (a) and (b),

and

(e) by substituting the following for Schedule B:

“SCHEDULE B

Article 32

APPLICATION OF PRINCIPAL ACT

Section (1)	Modification (2)
Section 244(1)(c)	(c) where it appears to the Executive that the circumstances so warrant, for enabling a person to be appointed to receive and deal with on behalf of a claimant or beneficiary in respect of supplementary welfare allowance, so much of the allowance as the Executive considers reasonable in the circumstances.
Section 249(6)	(6) A person shall be disqualified for receiving supplementary welfare allowance while he or she is – (a) resident, whether temporarily or permanently, outside the State, or (b) undergoing penal servitude, imprisonment or detention in legal custody.
Section 272(3)	(3) Notwithstanding the provisions of subsection (1) or any provision in any enactment specifying the period within which proceedings may be commenced, a prosecution for a summary offence under this Act, in relation to supplementary

	<p>welfare allowance, may be brought at any time within whichever of the following periods later expires –</p> <p>(a) 2 years commencing on the date on which the offence was committed, or</p> <p>(b) 18 months commencing on the date on which it is certified in writing by the chief executive officer of the Executive that evidence sufficient to justify the institution of that prosecution came into his or her possession.</p>
Section 272(4)	(4) For the purposes of subsection (3), a certificate signed by the chief executive officer, as to the date on which such evidence as aforesaid came into his or her possession shall be sufficient evidence thereof until the contrary is shown.

”.

GIVEN under the Official Seal of the
Minister for Social and Family Affairs
22 day of May 2007.

LS

SÉAMUS BRENNAN

Minister for Social and Family Affairs

The Minister for Finance hereby consents to the making of the foregoing regulations.

GIVEN under the Official Seal of the
Minister for Finance
22 day of May 2007

LS

BRIAN COWEN

Minister for Finance.

Explanatory Note

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

These regulations provide for the removal of the Family Income Supplement disregard in the assessment of means for rent supplement purposes. The removal of this disregard is in the context of improvements in the assessment of additional income for rent supplement purposes as provided for in the Social Welfare and Pensions Act 2007.

These regulations also provide for a number of miscellaneous amendments to the regulations governing Supplementary Welfare Allowance, in advance of the promulgation of new consolidated regulations for the Scheme.