



STATUTORY INSTRUMENTS.

**S.I. No. 157 of 2010**



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (ASSESSMENT OF MEANS)  
REGULATIONS 2010.

**(Prn. A10/0542)**

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (ASSESSMENT OF MEANS)  
REGULATIONS 2010.

The Minister for Social and Family Affairs, in exercise of the powers conferred on him by section 4 and Rules 1(1) of Part 2, 1(1) of Part 3 and 1(1) of Part 5 of Schedule 3 to 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 Claims, Payments and Control) (Amendment)(Assessment of Means) Regulations 2010.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) shall be construed together as one and may be cited as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2010.

*Definitions.*

3. In these Regulations “the Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

*Exemption from assessment of property.*

4. The Principal Regulations are amended by substituting the following section for section 141(1):

“141. (1) The weekly value of property mentioned in Rules 1(1) of Part 2, 1(1) of Part 3 and 1(1) of Part 5 of Schedule 3 to the Principal Act, being property which though capable of investment or profitable use is not invested or put to profitable use by a person, shall not include the weekly value of a house in which the claimant or beneficiary ordinarily resides or resided but has vacated—

(a) on a temporary basis, or

(b) indefinitely, as a consequence of his or her old age or incapacity,  
or

(c) where the house is offered for sale by the claimant or beneficiary, for a period not exceeding 2 years from the date on which the house was vacated and remains unsold.”.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 23rd April, 2010.*



GIVEN under the Official Seal of the Minister for Social and Family  
Affairs.  
20 April 2010.

ÉAMON Ó CUÍV,  
Minister for Social and Family Affairs.

EXPLANATORY NOTE

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

These Regulations clarify the existing provisions relating to the assessment of means for social assistance purposes of a property which was formerly the home of a claimant. Where a person vacates their residence on a temporary basis or indefinitely due to old age or incapacity, the capital value of that property will be exempt from the assessment of means for social assistance purposes (other than Supplementary Welfare Allowance). In addition, where the person has offered the property for sale, the capital value of that property will not be assessed for a period of up to two years from the date on which the property was vacated and remains unsold.

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