



STATUTORY INSTRUMENTS.

**S.I. No. 235 of 2013**



SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND  
CONTROL) (AMENDMENT) (NO. 3) (FAMILY INCOME  
SUPPLEMENT) REGULATIONS 2013

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 3) (FAMILY INCOME SUPPLEMENT) REGULATIONS 2013

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)) and 230 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), 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. 3) (Family Income Supplement) Regulations 2013.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2013.

*Commencement.*

2. These Regulations come into operation on 4 July 2013.

*Definition.*

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

*Family income supplement — change of circumstances.*

4. The Principal Regulations are amended by substituting the following articles for article 176:

*“Change of circumstances.*

176. The following circumstances are specified for the purposes of section 230(1)—

- (a) an increase in the number of children in the family, and
- (b) the cessation of one-parent family payment on or after 4 July 2013 by virtue of—
  - (i) the youngest child having attained the age specified in the definition of ‘relevant age’ in section 172(1),

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th July, 2013.*

- (ii) that payment having been paid for a period of up to 2 years in accordance with section 173A(2) or 173B(2), or
- (iii) the youngest child having attained the age—
  - (I) specified in paragraph (b) or (c) of section 178B(2),
  - (II) specified in section 178C(2), or
  - (III) provided for in section 178D.

*Effect of change of circumstances on weekly rate of supplement.*

176A. (1) Notwithstanding section 230(1), where any one or more of the circumstances specified in article 176 occurs during the period of 52 weeks beginning on the date on which family income supplement is receivable in accordance with these Regulations—

- (a) the weekly rate of family income supplement shall, with effect from the date of occurrence of that circumstance, be calculated by having regard to that change of circumstance, and
- (b) the weekly rate of family income supplement so calculated shall be paid for the unexpired portion of that 52 week period,

and, other than in the case where more than one of the circumstances specified in article 176 occurs, no other change of circumstance shall be taken into account in the calculation of the weekly rate of family income supplement during the unexpired portion of that 52 week period.

(2) For the purposes of calculating the weekly rate of family income supplement in accordance with sub-article (1)(a) where a change of circumstance specified in article 176(b) has occurred, such calculation shall take into account the weekly rate of one-parent family payment that was taken into account in calculating the weekly rate of family income supplement at the start of that period of 52 weeks.”.



GIVEN under my Official Seal,  
2 July 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.)*

In general, when Family Income Supplement (FIS) is awarded it continues to be paid at the same weekly rate for a period of 52 weeks, regardless of any change of circumstances in the intervening period. However, where there is an increase in the number of children in the family, the weekly rate of FIS can be revised during this 52 week period.

These Regulations provide for the inclusion of an additional circumstance in which the weekly rate of FIS can be revised during the 52 week period. Where a recipient of FIS was also getting One-Parent Family Payment and that payment ceases by virtue of the youngest child having attained a specified age, the weekly rate of such FIS can be revised during the 52 week period to take account of the loss of that payment. These Regulations come into operation on 4th July 2013.

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