



STATUTORY INSTRUMENTS.

S.I. No. 580 of 2013

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 11) (BUDGETING IN RELATION TO
SOCIAL WELFARE PAYMENTS) REGULATIONS 2013

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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 290 (amended by section 15 of the Social Welfare Act 2012 (No. 43 of 2012)) and section 290A (inserted by section 15 of the Social Welfare Act 2012) of the Social Welfare Consolidation Act 2005, after consultation with the Minister for Environment, Community and Local Government, 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. 11) (Budgeting in Relation to Social Welfare Payments) 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 1 January 2014.

Definition.

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

Household budgeting.

4. Article 233 of the Principal Regulations is amended—

- (a) in sub-article (1), by substituting “Subject to subsections (4), (5) and (6) of section 290, section 290B and these Regulations,” for “Subject to these Regulations,”
- (b) in sub-article (2), by substituting “shall, subject to section 290B, not exceed” for “shall not exceed”,
- (c) by inserting the following sub-articles after sub-article (6):

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th January, 2014.

“(7) Notwithstanding anything in this article, an application shall not be made on and after 1 January 2014 to have an amount of benefit withheld by An Post for the purpose of the separate payment of rent to a local authority pursuant to this article.

(8) Nothing in sub-article (7) shall affect any withholding of benefit under this article by An Post where—

- (a) the purpose of that withholding is the separate payment of rent to a local authority pursuant to this article, and
- (b) such withholding of benefit and such separate payment has effect immediately before 1 January 2014.”.

Budgeting in relation to social welfare payments.

5. Part 7 of the Principal Regulations is amended by inserting the following Chapter after Chapter 6:

“CHAPTER 6A

Budgeting in Relation to Social Welfare Payments

Definition.

233A. In this Chapter—

‘beneficiary’ means a person who is entitled to benefit within the meaning of this article;

‘benefit’ means—

- (a) jobseeker’s benefit,
- (b) carer’s benefit,
- (c) State pension (contributory),
- (d) State pension (transition),
- (e) invalidity pension,
- (f) widow’s (contributory) pension, widower’s (contributory) pension and surviving civil partner’s (contributory) pension,
- (g) jobseeker’s allowance,
- (h) pre-retirement allowance,
- (i) State pension (non-contributory),
- (j) blind pension,

- (k) widow's (non-contributory) pension, widower's (non-contributory) pension and surviving civil partner's (non-contributory) pension,
- (l) one-parent family payment,
- (m) a payment referred to in paragraph (a) or (b) of the definition of 'relevant payment' in section 178(1),
- (n) carer's allowance,
- (o) supplementary welfare allowance,
- (p) disability allowance, or
- (q) such other benefit as may be approved by the Minister from time to time,

where such benefit, pension, allowance or payment is paid in cash by the relevant person;

'housing body' has the meaning given to it by section 290A(7);

'relevant arrangement' means an arrangement made by the Minister, pursuant to section 290A(2), for—

- (a) the deduction, subject to section 290B, of a sum of money from a benefit paid to a beneficiary, and
- (b) the payment, on behalf of the beneficiary, of that deducted sum to a housing body for the purpose of the payment of the rent payable to the housing body by that beneficiary;

'relevant person' means a person with whom the Minister has, for the time being, entered into an agreement in accordance with section 290A(3) for the purpose of carrying out a relevant arrangement.

Form and manner of application for deduction and payment pursuant to section 290A.

233B. (1) Every application by a beneficiary under a relevant arrangement for a deduction and payment pursuant to section 290A shall be made to the relevant person—

- (a) in the form for the time being approved by the relevant person, or
- (b) in such other manner as the relevant person may accept as sufficient in the circumstances.

(2) For the purposes of making an application referred to in sub-article (1), a beneficiary shall furnish such documents, information and evidence

as may be required by the relevant person for the purposes of making a deduction and payment pursuant to section 290A.

Form and manner of application to relevant person for discontinuance of deduction and payment pursuant to section 290A.

233C. (1) Every application by a beneficiary under a relevant arrangement for the discontinuance of a deduction and payment pursuant to section 290A shall be made to the relevant person—

- (a) in the form for the time being approved by the relevant person, or
- (b) in such other manner as the relevant person may accept as sufficient in the circumstances.

(2) For the purposes of making an application for the discontinuance of a deduction and payment pursuant to section 290A, a beneficiary shall—

- (a) give not less than 14 days notice in writing to the relevant person,
- (b) provide evidence to the relevant person that the housing body referred to in article 233D has consented to such discontinuance, and
- (c) furnish such other documents, information and evidence as may be required by the relevant person.

Form and manner of application to housing body for consent to discontinuance of deduction and payment pursuant to section 290A.

233D. (1) Where a beneficiary wishes to discontinue—

- (a) a deduction of a sum of money from a benefit paid to that beneficiary, and
- (b) the payment of that deducted sum to a housing body for the purpose of the payment of the rent payable to the housing body by that beneficiary,

which is being made pursuant to section 290A, he or she shall—

- (i) apply in writing to the housing body for consent to such discontinuance, and
- (ii) give the housing body at least 28 days notice of his or her intention to discontinue such deduction and payment.

(2) For the purposes of making an application to a housing body under sub-article (1), a beneficiary shall—

- (a) state the reasons for such discontinuance, and

(b) indicate how he or she intends to otherwise pay the amount of rent owing to the housing body.

(3) Where a beneficiary makes an application to a housing body for consent to discontinue a deduction and payment that is being made pursuant to section 290A, the housing body shall respond to that application within the 28 day notice period and, for this purpose, the housing body shall not unreasonably withhold its consent to such discontinuance.”.



GIVEN under my Official Seal,
31 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 15 of the Social Welfare Act 2012 extends the Household Budgeting facility for social welfare recipients by introducing new provisions specific to rents payable to a housing body. Under these provisions a new household budgeting arrangement is being introduced whereby tenants of a housing body who are in receipt of a social welfare payment may agree to have a portion of their social welfare payment withheld and paid to a housing body in respect of their rent. Once a person participates in this household budgeting arrangement, that person cannot withdraw such agreement without the consent of the relevant housing body.

The Social Welfare (Section 290A) (Agreement) Order 2013 specifies that the Minister for Social Protection has entered into an agreement with An Post for the purposes of carrying out this household budgeting arrangement and that this agreement will have effect from 1 January 2014 to 31 December 2015.

These Regulations set out the form and manner of application to An Post—

- (a) for the deduction of a sum of money from a person's social welfare benefit and the payment of that amount to a housing body for the purposes of the payment of the rent payable by that person, and
- (b) for discontinuance of such deduction and payment.

In addition, these Regulations set out the form and manner of application to a housing body for consent to the discontinuance of such deduction and payment and list the social welfare payments to which the new household budgeting arrangement will apply.

These Regulations also make consequential amendments to the existing household budgeting facility in the case of the deduction of rents to housing bodies.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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