



STATUTORY INSTRUMENTS.

S.I. No. 462 of 2011

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE
ALLOWANCE) (AMENDMENT) (NO. 2) (RENT SUPPLEMENT)
REGULATIONS 2011

(Prn. A11/1652)

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 2) (RENT SUPPLEMENT) REGULATIONS 2011

I, JOAN BURTON, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 and 198A (inserted by section 7 of the Social Welfare and Pensions Act 2010 (No. 37 of 2010)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) (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 by section 198 of that Act, 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. 2) (Rent Supplement) Regulations 2011.

(2) These Regulations and the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2010 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2011.

Definitions.

2. In these Regulations “Principal Regulations” means the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 (S.I. No. 412 of 2007).

Revocations.

3. The following Regulations are revoked—

- (a) the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Rent Supplement) Regulations 2010 (S.I. No. 680 of 2010), and
- (b) the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (Rent Supplement) Regulations 2011 (S.I. No. 393 of 2011).

Requirement of landlord to provide tax reference number for rent supplement.

4. The Principal Regulations are amended by inserting the following article after article 9A (inserted by article 5 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Rent Supplement) Regulations 2009 (S.I. No. 265 of 2009)):

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 16th September, 2011.

“Provision by landlord of tax reference number for rent supplement.

9B. For the purposes of sections 198(4A), 198(4B) and 198A(2), a landlord shall provide to the Executive—

- (a) details of his or her tax reference number, or
- (b) where that landlord does not have a tax reference number, notification to that effect and the reasons for which he or she does not have a tax reference number,

in respect of each tenancy for which a rent supplement referred to in section 198(3) is payable, in the form for the time being approved by the Minister or in such other manner as the Minister may accept as sufficient in the circumstances.”.

Entitlement to rent supplement.

5. Paragraphs (a) and (b) of article 9(2) of the Principal Regulations are revoked.

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



GIVEN under my Official Seal,
9 September 2011.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
9 September 2011.

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.)

These Regulations revoke the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (Rent Supplement) Regulations 2011 (S.I. No. 393 of 2011) as they were made incorrectly and re-enact the provisions that were contained in those Regulations.

These Regulations revoke the provisions of paragraphs (a) and (b) of article 9(2) of the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 as these provisions are now contained in section 198(3F) of the Social Welfare Consolidation Act 2005. Section 198(3F) of the Social Welfare Consolidation Act 2005 provides, inter alia, that the rent supplement payable under the Supplementary Welfare Allowance scheme is not payable unless the Health Service Executive is satisfied that the claimant is a bone fide tenant and has been assessed by a housing authority as having a housing need.

These Regulations also re-enact the provisions of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 2) (Rent Supplement) Regulations 2010 in a more appropriate format. These provisions provide that landlords must supply the Health Service Executive with details of their tax reference numbers or notification that they do not have such a number and the reasons why (for instance, if they are not residing in the State) in such manner as the Minister may approve.

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