



STATUTORY INSTRUMENTS.

S.I. No. 36 of 2014



SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE
ALLOWANCE) (AMENDMENT) (NO. 1) (DIET SUPPLEMENT)
REGULATIONS 2014

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 1) (DIET SUPPLEMENT) REGULATIONS 2014

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 198 (amended by section 11 of the Social Welfare and Pensions Act 2013 (No. 38 of 2013)) of the Social Welfare Consolidation Act 2005, 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. 1) (Diet Supplement) Regulations 2014.

(2) These Regulations and the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2013 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to 2014.

Commencement.

2. These Regulations come into operation on 1 February 2014.

Definition.

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

Entitlement to diet supplement.

4. Article 15 of the Principal Regulations is amended—

(a) by substituting the following sub-article for sub-article (3):

“(3) It shall be a condition of any claimant’s entitlement to a supplement under sub-article (1) that—

(a) it is certified by a registered medical practitioner, in his or her capacity as a hospital consultant or a hospital registrar, that the claimant or a qualified adult or any qualified child of his or hers has been prescribed a diet specified for the purposes of this article by virtue of a specified medical condition, or

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 4th February, 2014.

- (b) it is specified by a registered medical practitioner that the claimant or a qualified adult or any qualified child (of or over the age of 18 years) of his or hers has been prescribed a diet specified for the purposes of sub-article (2)(b) by virtue of a specified medical condition,

and the nature and duration of the diet which has been prescribed is verified by the said medical practitioner or by a qualified dietician.”, and

- (b) by inserting the following sub-article after sub-article (4):

“(4A) An application for a supplement under sub-article (1) shall not be made on or after 1 February 2014.”.

Amendment of article 16 of Principal Regulations.

5. Article 16 of the Principal Regulations is amended—

- (a) in sub-article (1), by substituting “Subject to this article and article 17,” for “Subject to this article,”, and
- (b) by deleting sub-article (3).

Continuation of payment of supplement where entitlement commences before 1 February 2014.

6. The Principal Regulations are amended by substituting the following article for article 17:

“Continuation of payment of supplement where entitlement commences before 1 February 2014.

17. (1) Subject to these Regulations, where a supplement towards the cost of a diet is payable immediately before 1 February 2014 in accordance with Part 4 of these Regulations, the payment of that supplement shall continue to be made on and after 1 February 2014, subject to the provisions of this article.

(2) The payment of a supplement towards the cost of a diet, which continues to be made on and after 1 February 2014 in accordance with sub-article (1), shall cease to be made—

- (a) where the person for whom the diet had been prescribed—
- (i) no longer satisfies the conditions specified in sub-article (3) of article 15,
- (ii) is a person who—
- (I) qualified for that supplement before 3 April 2006 by virtue of a special dietary requirement specified in article 15(2) of the Regulations of 1995, not being a

special dietary requirement specified in article 15(2) of these Regulations,

(II) continued to receive that supplement on and after 3 April 2006 in accordance with article 16(3) of the Regulations of 1995 (inserted by article 4 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (Diet Supplement) Regulations 2006 (S.I. No. 146 of 2006)) and further continued to receive that supplement on and after 2 July 2007 in accordance with article 16(3) of these Regulations, and

(III) is no longer certified as requiring the special dietary requirement referred to in clause (I) by a hospital consultant,

or

(iii) is residing in an institution,

and

(b) in the case of a supplement which is being paid in respect of the qualified child of a claimant, where that child ceases to be a qualified child within the meaning of article 15(5).

(3) Where the payment of a supplement towards the cost of a diet continues to be made on and after 1 February 2014 in accordance with sub-article (1), that supplement shall continue to be payable at the weekly rate payable immediately before 1 February 2014, provided that the claimant's weekly means (exclusive of any increase in any benefit or assistance payable under the Principal Act in respect of a qualified child) have not increased on or after 1 February 2014.

(4) Where the weekly means of a claimant to whom sub-article (3) applies (exclusive of any increase in any benefit or assistance payable under the Principal Act in respect of a qualified child) have increased on or after 1 February 2014, the amount of the weekly supplement payable in accordance with sub-article (3) shall be reduced by the amount of the increase in such weekly means and where the amount of such increase in weekly means exceeds the amount of the weekly supplement payable in accordance with sub-article (3), no supplement shall be payable.

(5) In this article 'Regulations of 1995' means the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 1995 (S.I. No. 382 of 1995).".

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



GIVEN under my Official Seal,
30 January 2014.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
30 January 2014.

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 provide for the discontinuance of the Diet Supplement in the case of new applicants from 1 February 2014. Under these Regulations, existing recipients of Diet Supplement will continue to receive the Supplement on and after 1 February 2014 for as long as they continue to be medically assessed as requiring a special diet but in such a case, where the recipient's weekly means increase, the amount of the Diet Supplement payable will be reassessed in the light of such increase in weekly means.

Where a recipient of Diet Supplement continues to receive payment on and after 1 February 2014 in accordance with these Regulations, payment of the Supplement will be discontinued if the recipient moves into institutional care. In addition, where the Supplement is being paid in respect of a qualified child of the claimant, payment of the Supplement will be discontinued when that child reaches 18 years, or 22 years if attending college.

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