



STATUTORY INSTRUMENTS.

S.I. No. 603 of 2011

SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE
ALLOWANCE) (AMENDMENT) (NO. 4) (CIVIL PARTNERSHIP)
REGULATIONS 2011

(Prn. A11/2131)

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SOCIAL WELFARE (CONSOLIDATED SUPPLEMENTARY WELFARE ALLOWANCE) (AMENDMENT) (NO. 4) (CIVIL PARTNERSHIP) REGULATIONS 2011

I, JOAN BURTON, Minister for Social Protection in exercise of the powers conferred on me by sections 4 (amended by section 96 of the Ministers and Secretaries (Amendment) Act 2011 (No. 10 of 2011)) and 244 (amended by section 20 of the Social Welfare and Pensions Act 2008 (No. 2 of 2008)) 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 (amended by section 14 of the Social Welfare (Miscellaneous Provisions) Act 2008 (No. 22 of 2008)) 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. 4) (Civil Partnership) Regulations 2011.

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

Definition.

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

Amendment to Part 1 of Principal Regulations.

3. Article 3 of the Principal Regulations is amended—

(a) by inserting the following definition after the definition of “mortgage interest” and before the definition of “qualified dietitian”:

“‘qualified adult’ has the meaning assigned to it in section 187;”, and

(b) by inserting the following definition after the definition of “residential premises” and before the definition of “supplement”:

“‘spouse’ has the meaning assigned to it in section 3(10);”.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 25th November, 2011.

Entitlement to rent supplement.

4. Article 9 of the Principal Regulations is amended by inserting the following sub-article after sub-article (3):

“(4) For the purposes of Schedule 1, ‘couple’ means—

- (a) a married couple who are living together,
- (b) both civil partners of the same civil partnership who are living together, or
- (c) both cohabitants.”.

Amount of mortgage supplement in certain cases.

5. Article 13 of the Principal Regulations is amended by substituting the following paragraph for paragraph (a):

“(a) €60.00, in any case where the claimant is a spouse, civil partner or cohabitant, and”.

Amount of diet supplement.

6. Article 16(1) of the Principal Regulations is amended—

- (a) in paragraph (a) by substituting the following sub-paragraph for sub-paragraph (i):

“(i) one sixth of 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 (within the meaning of the Principal Act), in any case where the claimant is a spouse, civil partner or cohabitant,” and

- (b) in paragraph (b) by substituting the following sub-paragraph for sub-paragraph (i):

“(i) one sixth of the weekly amount of supplementary welfare allowance set out in column (2) of Part 1 of Schedule 4 to the Principal Act, increased by the amount set out in column (3) of the said Part, in any case where the claimant is a spouse, civil partner or cohabitant,”.

Payment to appointed person living together with applicant.

7. Article 30 of the Principal Regulations is amended by substituting the following sub-article for sub-article (1) (amended by article 4 of the Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 3) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011 (S.I. No. 514 of 2011)):

“(1) Subject to sub-article (2), in the case of a claimant or beneficiary who is entitled to receive an increase of supplementary welfare allowance in respect of a qualified adult, the Minister may, where he

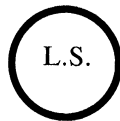
or she considers that the circumstances so warrant, appoint the qualified adult to receive and deal with on behalf of the claimant or beneficiary so much of the allowance as the Minister considers reasonable.”.

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



GIVEN under my Official Seal,
17 November 2011.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
21 November 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.)

Following the enactment of the Civil Partnership and Certain rights and Obligations of Cohabitants Act in July 2010, the Social Welfare and Pensions Act 2010 provided for a range of amendments to the Social Welfare Consolidation Act 2005 to comply with the new civil partnership legislation. These amendments to the Social Welfare Consolidation Act took effect from 1 January 2011.

These Regulations make the necessary amendments to the Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007 to ensure compliance with the civil partnership legislation by extending to civil partners, and to cohabitants in certain circumstances, the various rights and obligations that currently apply to spouses

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