



S.I. No. 188 of 1998

SOCIAL WELFARE (RENT ALLOWANCE) REGULATIONS 1998

REVISED

Updated to 21 January 2026

This Revised Statutory Instrument is an administrative consolidation of the *Social Welfare (Rent Allowance) Regulations 1998*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *National Training Fund (Amendment) Act 2025* (21/2025), enacted 23 December 2025, and all statutory instruments up to and including the *Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) (Calculation of Means) Regulations 2026* (S.I. No. 13 of 2026), made 21 January 2026, were considered in the preparation of this Revised Statutory Instrument.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.



S.I. No. 188 of 1998

SOCIAL WELFARE (RENT ALLOWANCE) REGULATIONS 1998

REVISED

Updated to 21 January 2026

The Minister for Social, Community and Family Affairs, in exercise of the powers conferred on him by section 23 (as amended by section 26 of the Social Welfare Act, 1989 (No. 4 of 1989)) of the Housing (Private Rented Dwellings) Act, 1982 (No. 6 of 1982) and subsections (2) and (3) of section 4 of the Social Welfare (Consolidation) Act, 1993 (No. 27 of 1993), hereby makes the following Regulations:

Annotations

Modifications (not altering text):

- C1** Instrument continued in force (1.12.2005) by *Social Welfare Consolidation Act 2005 (26/2005)*, ss. 361(b) and 362(2), S.I. No. 923 of 2005.

Continuity of repealed enactments.

361.—The continuity of the operation of the law relating to the matters provided for in the repealed enactments shall not be affected by the substitution of this Act for those enactments, and—

...

(b) so much of any enactment or document (including repealed enactments and enactments and documents passed or made after the commencement of this Act) as refers, whether expressly or by implication, to, or to things done or to be done under or for the purposes of, any provision of the repealed enactments shall, if and so far as the nature of the subject matter of the enactment or document permits, be read as including, in relation to the times, years or periods, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference to, or, as the case may be, to things done or deemed to be done or to be done under or for the purposes of, that corresponding provision.

Continuance of officers, instruments and documents.

362.— ...

(2) All instruments made and documents issued under the repealed enactments or any enactments repealed by the Social Welfare (Consolidation) Act 1993 and in force immediately before the commencement of this Act (other than the provisions of any instruments which are incorporated in this Act) shall continue in force as if made or issued under this Act.

PART I

GENERAL

- Short title** 1. These Regulations may be cited as the Social Welfare (Rent Allowance) Regulations, 1998.
- Commencement** 2. These Regulations shall come into operation on the 4th day of June, 1998.
- Definitions** 3. In these Regulations, save where the context otherwise requires—
- "the Act of 1993" means the Social Welfare (Consolidation) Act, 1993;
- "the Act of 1982" means the Housing (Private Rented Dwellings) Act, 1982;
- "the Act of 1983" means the Housing (Private Rented Dwellings) (Amendment) Act, 1983 (No. 22 of 1983);
- F1[*'Act of 2005'* means the Social Welfare Consolidation Act 2005;]
- "allowance" means an allowance to which section 23 of the Act of 1982 refers;
- "beneficiary" means a person entitled to an allowance;
- F2[*'civil partner'* has the meaning assigned to it in section 2(1) of the Social Welfare Consolidation Act 2005;
- 'civil partnership'* has the meaning assigned to it in section 2(1) of the Social Welfare Consolidation Act 2005;]
- "claimant" means a person who has made a claim for an allowance;
- F2[*'cohabitant'* has the meaning assigned to it in section 2(1) of the Social Welfare Consolidation Act 2005;
- '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;]
- F3[...]
- "the Minister" means the Minister for Social, Community and Family Affairs;
- "prescribed relative" means a person in respect of whom an allowance is payable under section 167 of the Act of 1993;
- "qualified child" has the meaning assigned to it by section 2(3) of the Act of 1993;
- "rent officer" means a rent officer appointed under section 6 of the Act of 1983;
- "the Tribunal" means the Rent Tribunal established by section 2 of the Act of 1983;
- "weekly means" means the yearly means, as calculated under article 8 of these Regulations, divided by 52.

Annotations**Amendments:**

- F1** Inserted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 3.
- F2** Inserted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 3(b).
- F3** Deleted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 3(a).

Modifications (not altering text):

- C2** References to “Minister for Social, Community and Family Affairs” construed (21.10.2020) as references to the Minister for Social Protection by *Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 447 of 2020), arts. 2 to 4, in effect as per art. 1(2). Intervening titles of minister dealt with in E-Notes below.

2. The name of the Department of State, the present name of which is, in the Irish language, an Roinn Gnóthaí Fostaíochta agus Coimirce Sóisialaí and, in the English language, the Department of Employment Affairs and Social Protection, is altered, in the Irish language, to that of an Roinn Coimirce Sóisialaí and, in the English language, to that of the Department of Social Protection.

3. The title of the Minister having charge of the Department of State, whose present title is, in the Irish language, an tAire Gnóthaí Fostaíochta agus Coimirce Sóisialaí and, in the English language, the Minister for Employment Affairs and Social Protection, is altered, in the Irish language, to that of an tAire Coimirce Sóisialaí and, in the English language, to that of the Minister for Social Protection.

4. In any enactment or any instrument made under an enactment—

(a) references to the Department of Employment Affairs and Social Protection shall be construed as references to the Department of Social Protection;

(b) references to the Minister for Employment Affairs and Social Protection shall be construed as references to the Minister for Social Protection.

- C3** Term “the Tribunal” construed (8.01.2016) as reference to the Residential Tenancies Board by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 76(3), S.I. No. 4 of 2016.

Residential Tenancies (Amendment) Act 2015

Interpretation

2. In this Act—

...

“Board” has the meaning assigned to it by section 4 of the Principal Act;

...

“Principal Act” means the Residential Tenancies Act 2004.

Change of name of Board

13. (1) The board established under section 150 of the Principal Act shall, on and from the commencement of this section, be re-named An Bord um Thionóntachtaí Cónaithe or, in the English language, the Residential Tenancies Board.

(2) Section 4 of the Principal Act is amended in subsection (1) by substituting the following for the definition of “Board”:

“Board’ shall be construed in accordance with section 150(1) and section 13 of the Residential Tenancies (Amendment) Act 2015;”.

(3) In any enactment or any instrument under an enactment, references to the Private Residential Tenancies Board shall be construed as references to the Residential Tenancies Board.

Interpretation

74. In this Part—

“Act of 1983” means the Housing (Private Rented Dwellings) (Amendment) Act 1983 ;

“Tribunal” has the meaning assigned to it by the Act of 1983.

Dissolution of Tribunal

75. The Tribunal shall be dissolved on the commencement of this Part.

Transfer of functions of Tribunal to Board

76. (1) The functions of the Tribunal that, immediately before the commencement of this Part, were vested in the Tribunal by or under the Act of 1983 shall, on the commencement of this Part, stand transferred to the Board.

(2) The administration and business in connection with the performance of any of the functions transferred by subsection (1) shall, on the commencement of this Part, stand transferred to the Board.

(3) References to the Tribunal in any enactment or instrument under an enactment relating to any function or administration and business transferred by this section shall, on the commencement of this Part, be construed as references to the Board.

...

Residential Tenancies Act 2004 (as amended by Residential Tenancies (Amendment) Act 2015)

Interpretation generally.

4.—(1) In this Act, unless the context otherwise requires—

[‘Board’ shall be construed in accordance with section 150(1) and section 13 of the Residential Tenancies (Amendment) Act 2015;]

...

Establishment of Board.

150.—(1) On the establishment day there shall stand established a board to be known as An Bord um Thionóntachtaí Cónaithe Priobháideacha or, in the English language, the Private Residential Tenancies Board (in this Act referred to as “the Board”) to perform the functions conferred on it by this Act.

Editorial Notes:

- E1** Previous affecting provision: references to “Minister for Social, Community and Family Affairs” construed (2.09.2017) as references to the Minister for Employment Affairs and Social Protection by *Social Protection (Alteration of Name of Department and Title of Minister) Order 2017* (S.I. No. 366 of 2017), arts. 2 to 4, in effect as per art. 1(2); altered (21.10.2020) as per F-Note above.
- E2** Previous affecting provision: references to “Minister for Social, Community and Family Affairs” construed (2.05.2010) as references to the Minister for Social Protection by *Social Protection (Alteration of Name of Department and Title of Minister) Order 2017* (S.I. No. 186 of 2010), arts. 2 to 4, in effect as per art. 1(2); altered (2.09.2017) as per E-Note above.

E3 Previous affecting provision: references to “Minister for Social, Community and Family Affairs” construed (19.06.2002) as references to the Minister for Social and Family Affairs by *Social, Community and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 310 of 2002), arts. 2 to 4, in effect as per art. 1(2); altered (2.05.2010) as per E-Note above.

Interpretation 4. Other than where the contrary is stated, any reference to a sub-article is to a sub-article of the article in which the reference occurs.

Revocations 5. The Regulations specified in *column (2)* of *Schedule B* to these Regulations are hereby revoked to the extent specified in *column (3)* of that Schedule opposite the mention of those Regulations in *column (2)*.

PART II

RENT ALLOWANCE

Conditions for receipt of allowance

F4[6. Subject to these Regulations, an allowance shall be payable to a person who satisfies the conditions as to means specified in these Regulations and who —

(a) is entitled to retain possession as the tenant of a dwelling under section 9 of the Act of 1982:

Provided that—

(i) the terms of the tenancy are fixed by a Court under the Act of 1982, or by the Tribunal or by a rent officer under the Act of 1983, and have been set out in written form and signed by the landlord or his agent and a copy thereof has been furnished by the landlord to the tenant, and

(ii) the landlord has complied with the requirements of any Regulations under section 24 of the Act of 1982,

or

(b) is, on 25 July 2002, a tenant of a dwelling to which section 8(1) of the Act of 1982 applies and whose entitlement to retain possession of the dwelling concerned subsists after 25 July 2002 by operation of law or otherwise:

Provided that—

(i) (I) the terms of the tenancy as fixed by a Court under the Act of 1982, or by the Tribunal or by a rent officer under the Act of 1983, which applied on 25th July 2002 continue to apply, and have been set out in written form and signed by the landlord or his agent and a copy thereof has been furnished by the landlord to the tenant, or

(II) the terms of the tenancy are fixed by a Court under Part II of the Landlord and Tenant (Amendment) Act 1980 (No. 10 of 1980), and have been set out in written form and signed by the landlord or his agent and a copy thereof has been furnished by the landlord to the tenant,

and

(ii) the landlord has complied with the requirements of any Regulations under section 24 of the Act of 1982.]

Annotations

Amendments:

F4 Substituted (26.07.2002) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2002* (S.I. No. 354 of 2002), art. 4(a), in effect as per art. 2.

**Amount of allow-
ance**

7. F5[(1) An allowance, in the case of—

(a) a person who is one of a couple whose weekly means do not exceed F6[€470.80], or

(b) any other person whose weekly means do not exceed F7[€248.30],

shall be a weekly amount equal to the amount by which the rent (calculated as a weekly rent) fixed by a Court, or by the Tribunal, or by a rent officer on or after the 25th day of July, 2002 exceeds the rent so calculated payable prior to that date.]

F8[(1A) Where the rent, calculated in accordance with *sub-article (1)*, payable prior to the 25th day of July, 2002 was less than €13, the allowance shall be the amount by which the rent so calculated fixed by a Court, or by the Tribunal, or by a rent officer exceeds €13.]

F9[(2) An allowance, in the case of persons whose weekly means exceed the amounts specified in *paragraph (a) or (b) of sub-article (1)*, as the case may be, shall be the amount of allowance that would arise if the provisions of *sub-article (1)* applied, reduced—

(a) in the case of a person who is one of a couple, by 50 cent for each €1 of weekly means in excess of €470.80, but not exceeding €670.80, and by €1 for each €1 of weekly means in excess of €670.80, and

(b) in any other case, by 50 cent for each €1 of weekly means in excess of €248.30, but not exceeding €448.30, and by €1 for each €1 of weekly means in excess of €448.30.]

F10[(3) For the purposes of *sub-articles (1), (1A) and (2)*, any fraction of €1 of weekly means greater than 50 cent shall be taken to be €1 and any other such fraction shall be ignored.]

(4) Where a Court, under section 14 of the Act of 1982, or the Tribunal, under section 12 of the Act of 1983, orders a tenant to pay an amount to the landlord, such amount shall be converted to a weekly amount by reference to the period to which the order of the Court or the Tribunal relates and F11[*sub-articles (1), (1A) and (2)*] shall apply in determining the amount of the allowance payable, if any, as if the sum of the said weekly amount and the existing rent, calculated as a weekly rent, were a rent fixed by a Court or by the Tribunal and any allowance due for that period shall be payable at such times as are appropriate having regard to the terms of the order of a Court under the said section 14 or of the Tribunal under the said section 12.

(5) Notwithstanding the provisions of F12[*sub-articles (1), (1A), (2) and (4)*], an allowance may be reduced or title thereto may be extinguished, as appropriate, having regard to—

(a) the income of any person other than the tenant, his or her F13[*spouse, civil partner, cohabitant*] or children resident in the dwelling, or

(b) the reasonable accommodation needs of the tenant, account being taken of the availability of suitable alternative accommodation, the length of his or her occupancy of the dwelling and his or her personal and family circumstances.

(6) In this article "children" means persons who—

(a) are under the age of 18 years, or

(b) are of or over the age of 18 years and under the age of 22 years, and are receiving full-time instruction by day at any university, college, school or other educational establishment.

F14[(7) Where the amount of an allowance under *sub-articles (1), (1A) or (2)* or, where appropriate, the sum of any such allowance and an allowance under *sub-article (4)* otherwise payable would be less than €1, no allowance shall be payable.]

Annotations

Amendments:

- F5** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 4(a).
- F6** Substituted (29.03.2019) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2019* (S.I. No. 101 of 2019), art. 3(a), in effect as per art. 2.
- F7** Substituted (29.03.2019) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2019* (S.I. No. 101 of 2019), art. 3(b), in effect as per art. 2.
- F8** Inserted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 4(a).
- F9** Substituted (29.03.2019) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2019* (S.I. No. 101 of 2019), art. 3(c), in effect as per art. 2.
- F10** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 4(b).
- F11** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 4(c).
- F12** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 4(d)(i).
- F13** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 4(d)(ii).
- F14** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 4(e).

Editorial Notes:

- E4** Previous affecting provision: sub-art. (1) amended and subs. (2) substituted (30.03.2018) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2018* (S.I. No. 106 of 2018), art. 3, in effect as per art. 2; substituted (29.03.2019) as per E-Note above.

- E5** Previous affecting provision: sub-art. (1) amended and subs. (2) substituted (10.03.2017) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2017* (S.I. No. 72 of 2017), art. 3, in effect as per art. 2; substituted (30.03.2018) as per E-Note above.
- E6** Previous affecting provision: sub-art. (1) amended and subs. (2) substituted (7.01.2016) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2016* (S.I. No. 5 of 2016), art. 3, in effect as per art. 2; substituted (10.03.2017) as per E-Note above.
- E7** Previous affecting provision: sub-art. (2) substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 4(a); substituted (7.01.2016) as per E-Note above.
- E8** Previous affecting provision: sub-art. (1) substituted (1.01.2009) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2008* (S.I. No. 600 of 2008), art. 4, in effect as per art. 2; substituted (21.11.2011) as per F-Note above.
- E9** Previous affecting provision: sub-art. (2) substituted (1.01.2009) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2008* (S.I. No. 600 of 2008), art. 4, in effect as per art. 2; substituted (21.11.2011) as per E-Note above.
- E10** Previous affecting provision: sub-arts. (1) and (2) substituted (3.01.2008) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2007* (S.I. No. 863 of 2007), art. 4, in effect as per art. 2; substituted (1.01.2009) as per E-Note above.
- E11** Previous affecting provision: sub-arts. (1) and (2) substituted (4.01.2007) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2006* (S.I. No. 693 of 2006), art. 4, in effect as per art. 2; substituted (3.01.2008) as per E-Note above.
- E12** Previous affecting provision: sub-arts. (1) and (2) substituted (5.01.2006) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2005* (S.I. No. 879 of 2005), art. 4, in effect as per art. 2; substituted (4.01.2007) as per E-Note above.
- E13** Previous affecting provision: sub-arts. (1) and (2) substituted (6.01.2005) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2004* (S.I. No. 849 of 2004), art. 4, in effect as per art. 2; substituted (5.01.2006) as per E-Note above.
- E14** Previous affecting provision: sub-arts. (1) and (2) substituted (1.01.2004) by *Social Welfare (Rent Allowance) (Amendment) Regulations, 2003* (S.I. No. 729 of 2003), art. 4, in effect as per art. 2; substituted (6.01.2005) as per E-Note above.
- E15** Previous affecting provision: sub-arts. (1) and (2) substituted (2.01.2003) by *Social Welfare (Rent Allowance) (Amendment) (No. 2) Regulations 2002* (S.I. No. 629 of 2002), art. 4, in effect as per art. 2; substituted (1.01.2004) as per E-Note above.
- E16** Previous affecting provision: sub-art. (2) amended (26.07.2002) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2002* (S.I. No. 354 of 2002), art. 4(b), in effect as per art. 2; substituted (2.01.2003) as per E-Note above.
- E17** Previous affecting provision: sub-art. (1) amended (4.01.2002) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2002* (S.I. No. 121 of 2002), art. 4, in effect as per art. 2; substituted (2.01.2003) as per E-Note above.
- E18** Previous affecting provision: sub-arts. (1) and (2) substituted (3.01.2002) by *Social Welfare (Rent Allowance) (Amendment) (No. 2) Regulations 2001* (S.I. No. 651 of 2001), art. 5, in effect as per art. 2; substituted (2.01.2003) as per E-Note above.

- E19** Previous affecting provision: sub-arts. (1) and (2) intended to be amended (3.01.2002) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2001* (S.I. No. 100 of 2001), art. 5, to come into operation, as per art. 2(2); revoked (3.01.2002) by *Social Welfare (Rent Allowance) (Amendment) (No. 2) Regulations 2001* (S.I. No. 651 of 2001), art. 4, in effect as per art. 2.
- E20** Previous affecting provision: sub-arts. (1) and (2) substituted (5.04.2001) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2001* (S.I. No. 100 of 2001), art. 4, in effect as per art. 2(1); substituted (3.01.2002) as per E-Note above.
- E21** Previous affecting provision: sub-arts. (1) and (2) substituted (4.05.2000) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2000* (S.I. No. 121 of 2000), art. 3, in effect as per art. 2; substituted (5.04.2001) as per E-Note above.
- E22** Previous affecting provision: sub-arts. (1) and (2) substituted (3.06.1999) by *Social Welfare (Rent Allowance) (Amendment) Regulations 1999* (S.I. No. 162 of 1999), art. 3, in effect as per art. 2; substituted (4.05.2000) as per E-Note above.

Calculation of means

8. (1) In calculating the means of a person, account shall be taken of the following—

(a) all income which he may reasonably expect to receive during the succeeding year in cash, including the annual net cash value of any non-cash earnings derived from personal exertions and the actual or estimated amount of any income which he or she may reasonably expect to receive during such succeeding year as head of the household, whether as contributions to the expenses of the household or otherwise, but excluding—

(i) any sums received by way of child benefit under Part IV of the Act of 1993,

F15[(ii) any sums received by way of death benefit in respect of an orphan, guardian's payment (contributory), guardian's payment (non-contributory) or domiciliary care allowance under the Act of 2005,]

(iii) F16[...]

(iv) any sums arising from the investment or profitable use of property (not being property personally used or enjoyed by such person or a farm or land leased by him or her under a lease in accordance with sound land use practice),

(v) any sums received by way of F17[working family payment] under Part V of the Act of 1993,

(vi) any sums received by way of payments by F18[the Health Service Executive] in respect of a child who is boarded out,

F19[(viA) any sums received from compensation awarded—

(I) by the Hepatitis C and HIV Compensation Tribunal,

(II) by a court of competent jurisdiction to compensate certain persons who have contracted Hepatitis C or Human Immunodeficiency Virus within the State from the use of Human Immunoglobulin Anti-D, whole blood or other blood products,

(III) by the Residential Institutions Redress Board,

(IV) in relation to disability caused by Thalidomide, or

(V) under the provisions of the Health (Repayment Scheme) Act 2006 to a relevant person within the meaning of that Act,

(viB) any payment or payments made directly or indirectly by or on behalf of the Minister for Justice, Equality and Defence to a relevant individual, within the meaning of section 205A of the Taxes Consolidation Act 1997, which has or have been determined in accordance with the Magdalen Commission Report dated May 2013 on the establishment of an *ex gratia* scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries,

(viC) any payment made by F20[the Residential Institutions Statutory Fund Board,]]

F21[(viD) any *ex gratia* payments—

(i) approved by the Lourdes Hospital Redress Board under the terms of the Lourdes Hospital Redress Scheme 2007,

(ii) made under the terms of the Lourdes Hospital Payment Scheme established by the Minister for Health, or

(iii) made under the terms of the Surgical Symphysiotomy *ex gratia* Scheme established by the Minister for Health and referred to as the Symphysiotomy Payment Scheme, and]

(vii) any moneys received from a charitable organisation, being a body whose activities are carried on otherwise than for profit (but excluding any public or local authority) and one of whose functions is to assist persons in need by making F22[grants of money to them,]

(viii) F23[...]

F24[(b) the weekly value of any property belonging to such person (not being property personally used or enjoyed by him or her or a farm of land leased by him or her under a lease in accordance with sound land use practice) which is invested or is otherwise put to profitable use or which, though capable of investment or profitable use, is not invested or put to profitable use, the weekly value being calculated as follows:

(i) the first €20,000 of the capital value of the property shall be excluded,

(ii) the weekly value of so much of the capital value of the property as exceeds €20,000 but does not exceed €30,000 shall be assessed at €1 per each €1,000,

(iii) the weekly value of so much of the capital value of the property as exceeds €30,000 but does not exceed €40,000 shall be assessed at €2 per each €1,000, and

(iv) the weekly value of so much of the capital value of the property as exceeds €40,000 shall be assessed at €4 per each €1,000,]

(c) the yearly value of any advantage accruing to such person from—

(i) the use or enjoyment of property (other than a domestic dwelling or a farm building owned and occupied, or furniture and personal effects) which is personally used or enjoyed by him or her, and

(ii) the leasing by him or her of a farm of land under a lease in accordance with sound land use practice;

(d) the yearly value of any benefit or privilege enjoyed by such person;

(e) all income and the F25[value of all property, calculated in accordance with paragraph (b),] of which such person has directly or indirectly deprived himself or herself in order to qualify for an allowance, or for a higher rate than that to which the said person or his or her F26[spouse, civil partner or cohabitant] would otherwise be entitled.

(2) For the purposes of *paragraph (a) of sub-article (1)*, the income of a person shall, in the absence of other means for ascertaining it, be taken to be the income actually received during the year immediately preceding the date of calculation.

(3) Notwithstanding *sub-article (1)*, the weekly means of a person in receipt of any assistance specified in section 118(1) of the Act of 1993, other than F27[jobseeker's allowance] or supplementary welfare allowance, shall be the sum of such assistance and his or her weekly means as calculated under that Act for the purposes of obtaining such assistance, reduced by—

(a) the amount of any increase in that assistance in respect of a qualified child or qualified children or a prescribed relative,

(b) the amount of any increase in that assistance because that person has attained the age of 66 years and is living alone, and

(c) the amount of any increase in that assistance because that person has attained the age of 80 years.

(4) In calculating the means of a person deriving from a payment under Part II of the Act of 1993, no account shall be taken of—

(a) any increase in that payment in respect of a qualified child or qualified children or a prescribed relative,

(b) any increase in that payment because that person has attained the age of 66 years and is living alone, and

(c) the amount of any increase in that payment because that person has attained the age of 80 years.

(5) In calculating the means of a person for any period in respect of which—

(a) he or she is not in receipt of a payment under Part II of the Act of 1993, or

(b) he or she is in receipt of a payment under Part II of the Act of 1993, but that payment does not include an increase in respect of a qualified child or qualified children, or

(c) he or she is in receipt of F27[jobseeker's allowance] or supplementary welfare allowance,

an amount of F28[€29.80] per week shall be disregarded in respect of each qualified child normally residing with that person or his or her F29[spouse, civil partner or cohabitant, as the case may be,] not being a child in respect of whom F30[a guardian's payment (contributory)], F31[a guardian's payment (non-contributory)] or death benefit by way of orphan's pension is payable under the Act of 1993.

(6) For the purposes of this article, any question relating to the normal residence of a qualified child shall be decided in accordance with article 7 of the Social Welfare (Consolidated Payments Provisions) Regulations, 1994 (S.I. No. 417 of 1994).

F32[(7) In the case of a couple, the means of—

- (a) the claimant,
- (b) his or her spouse or civil partner, or
- (c) the cohabitant of that person,

shall be aggregated and shall be regarded as the means of the claimant.]

(8) Where the claimant is one of a F33[couple], only one of whom is in receipt of an F34[State pension (non-contributory)], a blind pension or a carer's allowance under Part III of the Act of 1993, his or her means weekly means shall be the sum of—

- (a) such pension or allowance, and
- (b) his or her weekly means and the weekly means of his or her F35[spouse, civil partner or cohabitant, as the case may be,] as calculated under that Act for the purposes of such pension or allowance, and
- (c) the amount of any other payment to the claimant or his or her F36[spouse, civil partner or cohabitant, as the case may be,] by way of pension, allowance, assistance or benefit, excluding any F37[guardian's payment (contributory)] or death benefit by way of orphan's pension, under Part II of that Act, or F38[guardian's payment (non-contributory)], under Part III of that Act,

reduced, where appropriate, in accordance with paragraphs (a) to (c) of sub-article (3), or paragraphs (a) to (c) of sub-article (4).

Annotations

Amendments:

- F15** Substituted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 4(a).
- F16** Deleted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 4(b).
- F17** Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).
- F18** Substituted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 4(c).
- F19** Inserted (26.03.2014) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 157 of 2014), art. 2(a).
- F20** Substituted (16.01.2015) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2015* (S.I. No. 15 of 2015), art. 2(a).
- F21** Inserted (16.01.2015) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2015* (S.I. No. 15 of 2015), art. 2(b).
- F22** Substituted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 4(d).
- F23** Deleted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 4(e).

- F24** Substituted (30.06.2005) by *Social Welfare (Rent Allowance) (Amendment) Regulations 2005* (S.I. No. 352 of 2005), art. 2.
- F25** Substituted (12.10.2000) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2000* (S.I. No. 315 of 2000), art. 3(b), in effect as per art. 2 subject to transitional provisions in art. 4.
- F26** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 5(a).
- F27** Substituted (4.10.2006) by *Social Welfare Law Reform and Pensions Act 2006* (5/2006), s. 4(1) and sch. 1 item no. 4, S.I. No. 334 of 2006.
- F28** Substituted (26.03.2014) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 157 of 2014), art. 2(b).
- F29** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 5(b).
- F30** Substituted (28.07.2006) by *Social Welfare Law Reform and Pensions Act 2006* (5/2006), s. 4(1) and sch. 1 item no. 8, S.I. No. 334 of 2006.
- F31** Substituted (28.07.2006) by *Social Welfare Law Reform and Pensions Act 2006* (5/2006), s. 4(1) and sch. 1 item no. 12, S.I. No. 334 of 2006.
- F32** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 5(c)
- F33** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 5(d)(i).
- F34** Substituted (29.09.2006) by *Social Welfare Law Reform and Pensions Act 2006* (5/2006), s. 17 and sch. 3, S.I. No. 334 of 2006.
- F35** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 5(d)(ii).
- F36** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 5(d)(iii).
- F37** Substituted (28.07.2006) by *Social Welfare Law Reform and Pensions Act 2006* (5/2006), s. 4(1) and sch. 1 item no. 8, S.I. No. 334 of 2006.
- F38** Substituted (28.07.2006) by *Social Welfare Law Reform and Pensions Act 2006* (5/2006), s. 4(1) and sch. 1 item no. 11, S.I. No. 334 of 2006.

Editorial Notes:

- E23** Previous affecting provision: sub-art. (1)(a)(ii) amended (28.07.2006) by *Social Welfare Law Reform and Pensions Act 2006* (5/2006), s. 4(1) and sch. 1 item nos. 8 and 11, S.I. No. 334 of 2006; substituted (12.11.2012) as per F-Note above.
- E24** Previous affecting provision: sub-art. (5) amended (3.01.2002) by *Social Welfare (Rent Allowance) (Amendment) (No.1) (Euro) Regulations 2001* (S.I. No. 616 of 2001), art. 3, in effect as per art. 2; substituted (26.03.2014) as per F-Note above.
- E25** Previous affecting provision: sub-art. (1)(b) substituted (12.10.2000) by *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2000* (S.I. No. 315 of 2000), art. 3(a), in effect as per art. 2 subject to transitional provisions in art. 4; substituted (3.01.2002) as per E-Note above.

Increases in social welfare payments not to be reckoned as means

9. Notwithstanding *article 8* of these Regulations, where an allowance is in payment to or in respect of a person and—

F39[(a) any benefit, pension, allowance or assistance under Part 2 or Part 3 of the Act of 2005 is also in payment to or in respect of the person or the spouse, civil partner or cohabitant of the person or to both of them, and]

(b) an increase of any such benefit, pension, allowance or assistance occurs as part of a general increase in such benefit, pension, allowance or assistance,

any portion of that increase which, if it were reckoned as means, would result in a reduction in the amount of the allowance shall not be reckonable as means in calculating the means of the claimant for an allowance.

Annotations

Amendments:

F39 Substituted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 5.

Editorial Notes:

E26 Previous affecting provision: para. (a)(ii) amended (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 6; substituted (12.11.2012) as per F-Note above.

F40[Allowance to be disregarded in calculating means for other purposes.]

10. No account shall be taken of an allowance in the calculation of a person's means for the purposes of assistance under Part 3 of the Act of 2005.]

Annotations

Amendments:

F40 Substituted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 6.

PART III

ADMINISTRATION

CHAPTER 1

Claims And Payments

Claims to be made to the Minister

11. Every claim for an allowance shall be made to the Minister 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.

Information to be given when making a claim for and obtaining payment of an allowance

12. (1) Every person who makes a claim for an allowance shall furnish such certificates, documents, information and evidence for the purpose of deciding the claim as may be required by the Minister and, if so required, shall for that purpose attend at such office or place as the Minister may direct.

(2) Every beneficiary and every person by whom or on whose behalf an allowance is receivable shall—

(a) furnish in such manner and at such times as the Minister may determine such certificates, documents and information affecting the right to an allowance or to the receipt thereof as the Minister may require, and

(b) notify the Minister of any change of circumstances which affects the right to an allowance, or to the receipt thereof, as soon as is reasonably practicable after such occurrence.

Time and manner of payment of an allowance

13. (1) An allowance shall be paid in accordance with a decision under the provisions of the Act of 1993, as modified by these Regulations, as soon as is reasonably practicable after such decision has been given, at the residence of the beneficiary or any other person to whom an allowance is payable on behalf of the beneficiary, by post or otherwise.

(2) Payment of an allowance shall be made weekly or at such other intervals as the Minister may determine in relation to any particular case or class of cases.

Prescribed time for claiming an allowance

14. (1) The prescribed time for making a claim for an allowance shall be the period of three months from the day on which, apart from satisfying the condition of making a claim, the claimant would become entitled to the allowance.

(2) Where a person fails to make a claim for an allowance within the time prescribed in *sub-article (1)*, he or she shall be disqualified for receiving payment in respect of any period before the date on which the claim is made.

(3) Where a claimant proves that there was good cause for his or her failure to make a claim for an allowance before the date on which it was made, the Minister may extend the time within which the claim may be made to the date of the making of the claim.

(4) Where a claimant proves that—

(a) on a date earlier than the date on which his or her claim was made, apart from satisfying the condition of making a claim, he or she was entitled to the allowance claimed, and

(b) throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making the claim, he or she shall not be disqualified under this article for receiving the allowance to which he or she would have been entitled if the claim had been made on the said earlier date.

Extinguishment of right to allowance not obtained within the prescribed time

15. Where an allowance has been duly awarded to a claimant and is being paid to that claimant, the right to any sum payable by way of such allowance shall be extinguished where payment is not obtained within three months or, where in any particular case the Minister so approves, six months from the date on which that sum is receivable under *article 13* of these Regulations.

F41[Offences.

16. A person who fails to comply with *sub-article (2)* of *article 12* of these Regulations shall be guilty of an offence and shall be liable on summary conviction to the penalties provided for in section 257(1)(a) of the Act of 2005, as applied under section 23 of the Act of 1982.]

Annotations

Amendments:

- F41** Substituted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 7.

CHAPTER 2

Payments To Persons Other Than The Claimant

Persons unable to act

17. (1) Where a claimant or beneficiary is—

- (a) unable for time being to act, or
- (b) is a child under the age of 16 years,

the Minister may, subject to conditions which the Minister thinks fit, appoint some other person to exercise on behalf of the claimant or beneficiary, any right or power which the claimant or beneficiary may be entitled to exercise in relation to an allowance and such person may receive and deal with any sum payable by way of allowance on behalf of the claimant or beneficiary.

(2) The Minister may at any time revoke an appointment made under this article and a person appointed may resign on giving to the Minister one month's notice of his or her intention to do so.

(3) An appointment made under this article shall terminate on the day on which the Minister receives notice that a Committee of the estate of the claimant or beneficiary has been appointed.

(4) With regard to a claimant or beneficiary who is unable to act, any transaction relating to his or her allowance may be transacted with the person appointed under this article to act on his or her behalf.

(5) Any payment made by the Minister to a person appointed under this article shall be a good discharge for any amount so paid.

Allowance paid to a person other than the beneficiary

18. (1) Where it appears to the Ministers that it is necessary for protecting the interests of a beneficiary or of his dependants that an allowance should be issued to some other person, or where the beneficiary so requests, the Minister may determine that it shall be so issued.

(2) Any payment by the Minister to a person appointed under this article shall be a good discharge for any sums paid to such person behalf of the claimant or beneficiary.

Payments on death

19. (1) On the death of a claimant or beneficiary the Minister may allow such person as the Minister may think fit to proceed with or to make a claim for an allowance in the name of such claimant or beneficiary.

(2) On the death of a beneficiary, any sum payable in respect of an allowance may be paid or distributed by the Minister without probate or other proof of title of the personal representative of the deceased as follows—

- (a) where the beneficiary died leaving a will or other testamentary writing, the said sum may be paid or distributed to or among such of the persons appearing to be beneficially

entitled thereto under the said will or testamentary writing as the Minister thinks proper and that to the exclusion of all others, without prejudice to any remedy which such others may have for recovery of the sum so paid or distributed as aforesaid against the person or persons receiving that sum, or

(b) where the beneficiary died intestate, the said sum may be paid or distributed to or among such persons as appear to the Minister to be beneficially entitled thereto, whether as next-of-kin or otherwise according to law or as creditors (including any person entitled to be paid or repaid the funeral expenses of the beneficiary) or to or among such of the said persons as the Minister thinks fit and that to the exclusion of all others.

(3) Where the Minister is satisfied that any allowance or part of the allowance payable under this article is needed for the benefit of any person under the age of sixteen, the Minister may pay such allowance or part thereof to a person over that age who satisfies the Minister that he or she will apply the said allowance for the benefit of the person under the age of sixteen.

(4) The Minister upon making any payment in accordance with this article shall be discharged from all liability in respect of any sum or sums so paid.

PART IV

APPLICATION OF CERTAIN PROVISIONS OF THE SOCIAL WELFARE ACTS

Application of the Act of 1993

20. The provisions of the enactments mentioned in *column (1)* of *Schedule A* hereto shall apply to an allowance and in such application shall be modified so that the said provisions shall read as set out in *column (2)* of the said Schedule.

F42[Application of the Act of 2005.

21. The provisions of the Act of 2005 mentioned in *column (1)* of *Schedule B* shall apply to an allowance and in such application shall be modified so that the said provisions shall read as set out in *column (2)* of the said Schedule.]

Annotations

Amendments:

F42 Inserted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 8(a).

SCHEDULE A

Article 19

Section of Act of 1993 to be applied (1)	Modification (2)
Section 150	<p>150. Where, in any civil proceedings in any court, it is shown to the satisfaction of the court that pursuant to a claim of or on behalf of a person an allowance was allowed or awarded or that the amount of an allowance payable to or in respect of a person was varied and that the allowance as so allowed or awarded or as so varied was at any time in course of payment to the person to whom the allowance was payable, that person shall, in each case, be presumed, unless the contrary is shown, to have been in receipt of an allowance of the amount so allowed or awarded or as so varied, as the case may be, from the date on which the allowance of the amount so allowed or awarded or as so varied, as the case may be, became payable until the date, if any, on which the amount of the allowance is varied or further varied, as the case may be, or the date on which the allowance ceases to be payable, whether by reason of the death of the person or otherwise, whichever should first occur.</p>
Section 205	<p>205. (1) It shall be a condition of any person's right to an allowance that he makes a claim therefor in the prescribed manner.</p> <p>(2) Where a person fails to make a claim for an allowance within the prescribed time, he or she shall be disqualified for payment in respect of any period more than 6 months before the date on which the claim is made.</p> <p>(3) For the purposes of regulation made under section 23 of the Act of 1982, any claim made by post shall be deemed to have been made on the day on which it was posted.</p>
Section 212	<p>212. (1) The Minister, or an officer authorised in that behalf by special or general directions of the Minister, may appoint such and so many officers as is appropriate to be social welfare inspectors for the purposes of regulations made under section 23 of the Act of 1982.</p> <p>(2) Every such social welfare inspector shall investigate and report to the Minister upon any application for or in respect of an allowance and any question arising on or in relation to such allowance which may be referred to him by the Minister, and may, for the purpose of such investigation and report require—</p> <ul style="list-style-type: none"> (a) a claimant or beneficiary, (b) the F43[spouse, civil partner or cohabitant], (c) any employer of the claimant or beneficiary, or (d) the personal representative of a person who was at any time in receipt of an allowance, <p>to furnish him with such information and to produce to him such documents, within such period as may be prescribed, as he may reasonably require.</p> <p>(3) A social welfare inspector shall, for the purposes of regulations made under section 23 of the Act of 1982, have power to do all of any of the following things—</p>

(a) to enter, without prior notification, at all reasonable times any premises or place liable to inspection under this section,

(b) to make such examination and enquiry as may be necessary for the purposes of the regulations made under section 23 of the Act of 1982,

(c) to examine either alone or in the presence of any other person, as he thinks fit, in relation to any matters on which he may reasonably require information for the purposes of regulations made under section 23 of the Act of 1982, every person he finds in any such premises or place and to require every such person to sign a declaration of the truth of the matters in respect of which he is so examined.

(4) The occupier of any premises or place liable to inspection under this section, and any other person who—

(a) is or has been employing—

(i) any person in insurable employment or insurable (occupational injuries) employment, or

(ii) any claimant or beneficiary, or

(b) engages or has engaged a person under a contract for service to perform a service,

and the employees of, or any other person providing bookkeeping, clerical or other administrative services to, any such occupier or other person and any insured person, claimant or beneficiary, or any person in respect of whom such an allowance is claimed, shall furnish to a social welfare inspector all such information and produce for inspection all such registers, cards, wages sheets, records of wages and other documents as the social welfare inspector may reasonably require for the purposes of regulations made under section 23 of the Act of 1982.

(5) If any person—

(a) wilfully delays or obstructs a social welfare inspector in the exercise of any duty or power under this section, or

(b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this section, or

(c) conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by a social welfare inspector appointed under this section,

he shall be guilty of an offence.

(8) Every social welfare inspector shall be furnished with a certificate of his appointment, and on entering any premises or place for the purposes of this section shall, if so requested, produce the said certificate.

(9) The premises or places liable to inspection under this section are any premises or places where a social welfare inspector has reasonable grounds for believing that—

(a) persons are, or have been, employed, or

(b) there are, or have been, self-employed persons,

	and any premises or place where a social welfare inspector has reasonable grounds for believing that any documents relating to persons in employment or to self-employed persons are kept.
Section 213	213. F44[...]
Section 218	218. F44[...]
Section 224	<p>224. (1) Proceedings for an offence under this Act as applied under section 23 of the Act of 1982, shall not be instituted except by or with the consent of the Minister or by an officer authorised in that behalf by special or general directions of the Minister.</p> <p>(2) A prosecution for a summary offence under this Act, as applied under section 23 of the Act of 1982, may be brought at the suit of the Minister.</p> <p>(3) Notwithstanding the provisions of subsection (1) of this section or any provision in any enactment specifying the period within which proceedings may be commenced, a prosecution for a summary offence under this Act, as applied under section 23 of the Act of 1982, may be brought at any time within whichever of the following periods later expires—</p> <p>(a) the period of six months commencing on the date on which evidence sufficient to justify the institution of that prosecution came into the possession of the Minister, or</p> <p>(b) the period of two years commencing on the date on which the offence was committed.</p> <p>(4) For the purposes of subsection (3) a certificate sealed with the official seal of the Minister, as to the date on which such evidence as aforesaid came into his possession shall be sufficient evidence thereof until the contrary is shown.</p> <p>(5) Where in a prosecution for an offence under this Act, as applied under section 23 of the Act of 1982, it is shown to the satisfaction of the court—</p> <p>(a) that an application has been made by a person (in this section referred to as the defendant) for an allowance, and</p> <p>(b) that as a result of that application an allowance has been paid to any person (whether or not such allowance was that applied for and whether or not it was paid to the defendant),</p> <p>the defendant shall be presumed to have given any information contained in the application (or to have caused it to be given on his behalf) and, where such information is false, with full knowledge of such falsity and with intent that it should deceive ; but this presumption may be rebutted.</p> <p>(6) For the purpose of the institution of proceedings under regulations made under section 23 of the Act of 1982, a certificate, purporting to be given by an officer of the Minister authorised in that behalf by the Minister and to be signed by that officer, certifying the following facts, namely, that a person is an officer of the Minister and that he has been authorised under a special or general direction of the Minister to institute such proceedings, or that the Minister has consented to the institution of such proceedings, shall be sufficient evidence in any legal proceedings of the matters certified in the certificate, until the contrary is shown.</p>

Section 232	232. Stamp duty shall not be chargeable upon any document by which any payment, refund, repayment or return pursuant to regulations made under section 23 of the Act of 1982, is made.
Section 234	234. Every assignment of or charge on, and every agreement to assign or charge any allowance shall be void, and on the bankruptcy of any person entitled to an allowance, the allowance shall not pass to any trustee or other person acting on behalf of the creditors.
Section 246	246. The Minister may appoint such and so many persons as appropriate to be deciding officers for the purposes of regulations made under section 23 of the Act of 1982, and every person so appointed shall hold office as a deciding officer during the pleasure of the Minister.
Section 247	<p>247. (1) Every question arising—</p> <p>(a) in relation to a claim for an allowance,</p> <p>(b) as to whether a person is or was disqualified for an allowance, or</p> <p>(c) as to the period of any disqualification for an allowance,</p> <p>shall be decided by a deciding officer.</p> <p>(3) A reference in this section to a question arising in relation to a claim for an allowance includes a reference to a question whether an allowance is or is not or was or was not payable.</p>
Section 248	<p>248. (1) (a) A deciding officer may, at any time revise any decision of a deciding officer, if it appears to him that the decision was erroneous in the light of new evidence or of new facts which have been brought to his notice since the date on which it was given or by reason of some mistake having been made in relation to the law or the facts, or if it appears to him that there has been any relevant change of circumstances since the decision was given, and the provisions of Part VII of the Act of 1993, as applied under section 23 of the Act of 1982 shall apply to the revised decision in the same manner as they apply to an original decision.</p> <p>(2) Subsection (1)(a) shall not apply to a decision relating to a matter which is on appeal or reference under section 257 of the Act of 1993, as applied under section 23 of the Act of 1982 unless the revised decision would be in favour of a claimant.</p>
Section 249	<p>249. A revised decision given by a deciding officer in respect of a claim under section 23 of the Act of 1982, shall take effect as follows:—</p> <p>(a) where an allowance is disallowed or reduced and the revised decision is given owing to the original decision having been given, or having continued in effect, by reason of any statement or representation (whether written or verbal) which was, to the knowledge of a person making it, false or misleading in a material respect or by reason of the wilful concealment of any material fact, it shall take effect as from the date on which the original decision took effect, but the original decision may, in the discretion of the deciding officer continue to apply to any period covered by the original decision to which such false or misleading statement or representation or such wilful concealment of any material fact does not relate;</p> <p>(b) where any allowance will, by virtue of the revised decision, be disallowed or reduced and the revised decision is given in the light of new evidence or</p>

	<p>new facts which have been brought to the notice of the deciding officer since the original decision was given, it shall take effect from such date as that officer shall determine having regard to the new facts or new evidence;</p> <p>(c) in any other case, it shall take effect as from the date considered appropriate by the deciding officer but any payment of an allowance already made at the date of the revision shall not be affected.</p>
Section 250	250. A deciding officer may, if he so thinks proper, instead of deciding it himself, refer in the prescribed manner any question which falls to be decided by him to an appeals officer.
Section 251	251. The Minister may appoint from his officers such and so many persons as he thinks proper to be appeals officers for the purposes of regulations made under section 23 of the Act of 1982, and every person so appointed shall hold office as an appeals officer during the pleasure of the Minister.
Section 252	252. One of the appeals officers shall be designated by the Minister as the Chief Appeals Officer and another of them shall be designated by the Minister to act as the deputy for the Chief Appeals Officer when that Officer is not available.
Section 257	<p>257. (1) If any person is dissatisfied with the decision given by a deciding officer, the question shall, on notice of appeals being given to the Chief Appeals Officer within the prescribed time, be referred to an appeals officer.</p> <p>(2) Regulations may provide for the procedure to be followed on appeals and references under this section.</p> <p>(3) An appeals officer, when deciding a question referred under subsection (1), shall not be confined to the grounds on which the decision of the deciding officer was based, but may decide the question as if it were being decided for the first time.</p>
Section 258	258. An appeals officer shall, on hearing any matter referred to him under this section, have power to take evidence on oath and for that purpose may administer oaths to persons attending as witnesses at such hearing.
Section 259	<p>259. (1) An appeals officer may, by giving notice in that behalf in writing to any person, require the person to attend at such time and place as is specified in the notice to give evidence in relation to any matter referred to such appeals officer under this section or to produce any documents in his possession, custody or control which relate to any such matter.</p> <p>(2) A notice under subsection (1) may be given either by delivering it to the person to whom it relates or by sending it by post in a prepaid registered letter addressed to that person at the address at which he ordinarily resides or at his place of business.</p> <p>(3) A person to whom a notice under subsection (1) has been given and who refuses or wilfully neglects to attend in accordance with the notice or who, having so attended, refuses to give evidence or refuses or wilfully fails to produce any documents to which the notice relates shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.</p> <p>(4) Where a person required to attend to give evidence or to produce documents under subsection (1) fails to attend or to produce such documents, an appeals officer may, on serving notice on that person, apply to the District Court for an order directing that person to attend or to produce such documents as required.</p>

Section 261	<p>261. (1) (a) In relation to any matter referred to an appeals officer under this Part the following provisions shall apply:</p> <p>(i) subject to subparagraph (ii), an award shall not be made in respect of any costs (whether in respect of the appellant or otherwise in relation to such matter) incurred by a person,</p> <p>(ii) an appeals officer may make award to a person appearing before the officer towards the person's expenses, which shall be payable by the Minister.</p> <p>(b) In paragraph (a)(ii), "expenses" means—</p> <p>(i) expenses necessarily incurred by the appellant or a witness in respect of his or her travel and subsistence or loss of remuneration, and</p> <p>(ii) in the case of a person appearing before an appeals officer in a representative capacity, an amount only in respect of the person's actual attendance.</p>
Section 262	<p>262. An appeals officer may, at any time and from time to time, revise any decision of an appeals officer, if it appears to him that the decision was erroneous in the light of new evidence or of new facts brought to his notice since the date on which it was given, or if it appears to him that there has been any relevant change of circumstances since the decision was given.</p>
Section 263	<p>263. The Chief Appeals Officer, may at any time and from time to time, revise any decision of an appeals officer, if it appears to him that the decision was erroneous by reason of some mistake having been made in relation to the law or the facts.</p>
Section 264	<p>264. A revised decision given by an appeals officer, in respect of a claim under section 23 of the Act of 1982, shall take effect as follows—</p> <p>(a) where an allowance is disallowed or reduced and the revised decision is given owing to the original decision having been given, or having continued in effect, by reason of any statement or representation (whether written or verbal) which was to the knowledge of the person making it false or misleading in a material respect or by reason of the wilful concealment of any material fact, it shall take effect as from the date on which the original decision took effect, but the original decision may, in the discretion of the appeals officer continue to apply to any period covered by the original decision to which such false or misleading statement or representation or such wilful concealment of any material fact does not relate;</p> <p>(b) where any allowance will, by virtue of the revised decision, be disallowed or reduced and the revised decision is given in the light of new evidence or new facts which have been brought to the notice of the appeals officer since the original decision was given, it shall take effect from such date as that officer shall determine having regard to the new facts or new evidence;</p> <p>(c) in any other case, it shall take effect as from the date considered appropriate by the appeals officer but any payment of an allowance already made at the date of the revision shall not be affected.</p>
Section 265	<p>265. The decision of an appeals officer on any question relating to an allowance shall, subject to sections 249, 263 and 264 of the Act of 1993, as applied and modified by these Regulations, be final and conclusive.</p>

Section 270	270. Notwithstanding subsection 257 (2), where the Minister or a person designated by him considers that the circumstances of a particular case warrant an oral hearing of the appeal, the Minister or any person so designated by him may direct the Chief Appeals Officer that the appeal be determined by way of an oral hearing.
Section 272	272. A document purporting to be a certificate of a decision by a deciding officer or an appeals officer and to be signed by him shall be prima facie evidence of the making of that decision, and of the terms thereof, without proof of the signature of such officer or of his official capacity.
Section 273	273. A reference in this Part to a revised decision given by a deciding officer or an appeals officer includes a reference to a revised decision consisting of a reversal.
Section 277	277. (2) Where it appears to the Minister that a question has arisen or may arise as to whether— (a) the conditions for the receipt of an allowance payable under a decision are or were fulfilled, or (b) a decision that such allowance is payable he may direct that payment of the allowance shall be suspended in whole or in part until the question has been decided.
Section 278	278. Where, in accordance with the provisions of section 249 or 264, a decision is varied or reversed by a deciding officer or an appeals officer, as the case may be, so as to disallow or reduce any allowance paid or payable to a person, any allowance paid in pursuance of the original decision shall be repayable to the Minister to the extent to which it would not have been payable if the decision on the appeal or revision had been given in the first instance and such person and any other person to whom the said allowance was paid on behalf of such person, shall be liable to pay the Minister, on demand made in that behalf by an officer of the Minister, the sum so repayable.
Section 279	279. Where in any case, other than a case involving a revised decision in accordance with section 249 or 264, a person has been in receipt of an allowance— (a) for any period during which that person was not entitled thereto, or (b) rate higher than that to which he or she was entitled, then that person and any other person to whom such allowance was paid on his or her behalf, or his or her personal representative, shall be liable to pay the Minister on demand any sums paid in respect of such period, or as the case may be, a sum representing the difference between such allowance at the rate actually paid and the rate to which he was entitled.
Section 281	281. (3) All sums due to the Minister, other than in accordance with section 279, under these Regulations shall be recoverable as debts due to the State and may, without prejudice to any other remedy, be recovered by the Minister as a debt under statute or simple contract debt in any court of competent jurisdiction. (4) Every sum paid to, or recovered by, the Minister under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct. (6) Any allowance repayable in accordance with section 278 or 279 of the Act of 1993 (as applied and modified by these Regulations) may, without prejudice to any other

method of recovery, be deducted by deduction from any allowance to which such person then is or becomes entitled.

(7) This section shall apply with the necessary modifications in the case of a person to whom an allowance is paid under any of the provisions of regulations made under section 23 of the Act of 1982 for or for the benefit of any person.

(8) The power conferred on the Minister by this section to deduct from any payments on account of an allowance to which a person becomes entitled any sums payable by the person to the Minister under this section may be exercised notwithstanding that proceedings have been instituted in a court for the recovery of the sums which the person is liable to repay to the Minister as aforesaid or that an order has been made by a court requiring the payment by the person of the sums which he is liable to pay to the Minister under this section, and any costs required by such order to be paid to the Minister shall be deemed, for the purposes of this section, to be sums payable by the person to the Minister under this section.

Annotations

Amendments:

- F43** Substituted (21.11.2011) by *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011), art. 7.
- F44** Revoked (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 8(b).

F45[SCHEDULE B

Section 21

Section of Act to be applied (1)	Modification (2)
Section 251 of the Act of 2005	251. (1) Where, for the purpose of— <ul style="list-style-type: none"> (a) obtaining or establishing entitlement to payment of any allowance for himself or herself or for any other person, or (b) obtaining or establishing entitlement to payment of any allowance for himself or herself or for any other person which is in excess of that which he or she was entitled to, or (c) avoiding the making by himself or herself or any other person of any repayment under these Regulations, or for any other purpose connected with an allowance, any person—

	<p>(i) knowingly makes any statement or representation (whether written or verbal) which is to his or her knowledge false or misleading in any material respect, or knowingly conceals any material fact, or</p> <p>(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he or she knows to be false in a material particular,</p> <p>he or she shall be guilty of an offence.</p>
Section 251 of the Act of 2005	(6) Regulations made under section 23 of the Act of 1982 may provide for offences consisting of contraventions of or failures to comply with those regulations and, where those offences are provided for, a person guilty of any such offence is liable on summary conviction to the penalties provided for in section 257(1)(a) of the Act of 2005.
Section 257 of the Act of 2005	<p>257. (1) A person guilty of an offence under section 212 of the Act of 1993 or 251 of the Act of 2005 (as applied and modified by these regulations) shall be liable—</p> <p>(a) on summary conviction, to a fine not exceeding €1,500 or imprisonment for a term not exceeding 6 months, or to both, or</p> <p>(b) on conviction on indictment, to a fine not exceeding €13,000 or imprisonment for a term not exceeding 3 years, or to both.</p> <p>(2) A person convicted of an offence under subsection (1) in relation to an allowance shall be disqualified for receipt of such allowance for a period of 3 months immediately following the date of the conviction.</p> <p>(3) This section shall apply with the necessary modifications in the case of a person to whom an allowance is paid under Regulations made under section 23 of the Act of 1982 or for the benefit of any person.]</p>

Annotations**Amendments:**

- F45** Inserted (12.11.2012) by *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012), art. 8(c).

Editorial Notes:

- E27** Schedule designated as "Schedule B" notwithstanding that the instrument already contained a Schedule B.

SCHEDULE B

Article 4

REVOCATIONS

S.I. Number	Regulations	Extent of Revocation
(1)	(2)	(3)

S.I. No. 208 of 1991	Social Welfare (Rent Allowance) Regulations, 1991	The whole Regulations
S.I. No. 219 of 1992	Social Welfare (Rent Allowance) (Amendment) Regulations, 1992	The whole Regulations
S.I. No. 267 of 1992	Social Welfare (Rent Allowance) (Amendment) (No. 2) Regulations, 1992	The whole Regulations
S.I. No. 234 of 1993	Social Welfare (Rent Allowance) (Amendment) Regulations, 1993	The whole Regulations
S.I. No. 240 of 1994	Social Welfare (Rent Allowance) (Amendment) Regulations, 1994	The whole Regulations
S.I. No. 143 of 1995	Social Welfare (Rent Allowance) (Amendment) Regulations, 1995	The whole Regulations
S.I. No. 144 of 1996	Social Welfare (Rent Allowance) (Amendment) Regulations, 1996	The whole Regulations
S.I. No. 236 of 1997	Social Welfare (Rent Allowance) (Amendment) Regulations, 1997	The whole Regulations

(L.S.)

GIVEN under the Official Seal of the Minister for Social, Community and Family Affairs, this 21st day of May, 1998.

DERMOT AHERN,

Minister for Social, Community and Family Affairs.

The Minister for Finance hereby consents to the making of the foregoing Regulations.

(L.S.)

GIVEN under the Official Seal of the Minister for Finance, this 23rd day of May, 1998.

CHARLIE MCCREEVY,

Minister for Finance.

EXPLANATORY NOTE

These Regulations consolidate all changes to the rent allowance scheme since 1991.

The regulations also extend revised capital assessment provisions to this scheme as well as providing for increases, with effect from 4 June, 1998, to the amount of means disregarded for people affected by the decontrol of rents and the minimum rent for the purpose of the Rent Allowance scheme.



S.I. No. 188 of 1998

SOCIAL WELFARE (RENT ALLOWANCE) REGULATIONS 1998

REVISED

Updated to 21 January 2026

About this Revised Act

This Revised Statutory Instrument presents the text of the instrument as it has been amended, and preserves the format in which it was made.

Related legislation

Social Welfare (Rent Allowance) Regulations 1998 to 2019: this statutory instrument is one of a group of statutory instruments included in this collective citation, to be construed together as one (*Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2019* (S.I. No. 101 of 2019), art. 1(2)). The instruments in this group are:

- *Social Welfare (Rent Allowance) Regulations* (S.I. No. 188 of 1998)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 1999* (S.I. No. 162 of 1999)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2000* (S.I. No. 315 of 2000)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2000* (S.I. No. 121 of 2000)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2001* (S.I. No. 100 of 2001)
- *Social Welfare (Rent Allowance) (Amendment) (No.1) (Euro) Regulations 2001* (S.I. No. 616 of 2001)
- *Social Welfare (Rent Allowance) (Amendment) (No. 2) Regulations 2001* (S.I. No. 651 of 2001)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2002* (S.I. No. 121 of 2002)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2002* (S.I. No. 354 of 2002)
- *Social Welfare (Rent Allowance) (Amendment) (No. 2) Regulations 2002* (S.I. No. 629 of 2002)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2003* (S.I. No. 729 of 2003)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2004* (S.I. No. 849 of 2004)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2005* (S.I. No. 352 of 2005)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2005* (S.I. No. 879 of 2005)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2006* (S.I. No. 693 of 2006)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2007* (S.I. No. 863 of 2007)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2008* (S.I. No. 600 of 2008)
- *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011)
- *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012)

- *Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 157 of 2014)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2015* (S.I. No. 15 of 2015)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2016* (S.I. No. 5 of 2016)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2017* (S.I. No. 72 of 2017)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2018* (S.I. No. 106 of 2018)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2019* (S.I. No. 101 of 2019)

Annotations

This Revised Statutory Instrument is annotated and includes textual and non-textual amendments and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this statutory instrument, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1987, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Social Welfare Act 2017* (38/2017)
- *Residential Tenancies (Amendment) Act 2015* (42/2015)
- *Social Welfare Law Reform and Pensions Act 2006* (5/2006)
- *Social Welfare Consolidation Act 2005* (26/2005)
- *Residential Tenancies Act 2004* (27/2004)

All Acts up to and including *National Training Fund (Amendment) Act 2025* (21/2025), enacted 23 December 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 447 of 2020)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2019* (S.I. No. 101 of 2019)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2018* (S.I. No. 106 of 2018)
- *Social Protection (Alteration of Name of Department and Title of Minister) Order 2017* (S.I. No. 366 of 2017)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2017* (S.I. No. 72 of 2017)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2016* (S.I. No. 5 of 2016)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2015* (S.I. No. 15 of 2015)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 157 of 2014)

- *Social Welfare (Rent Allowance) (Amendment) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 448 of 2012)
- *Social Welfare (Rent Allowance) (Amendment) (Civil Partnership) Regulations 2011* (S.I. No. 600 of 2011)
- *Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010* (S.I. No. 186 of 2010)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2008* (S.I. No. 600 of 2008)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2007* (S.I. No. 863 of 2007)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2006* (S.I. No. 693 of 2006)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2005* (S.I. No. 879 of 2005)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2005* (S.I. No. 352 of 2005)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2004* (S.I. No. 849 of 2004)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2003* (S.I. No. 729 of 2003)
- *Social Welfare (Rent Allowance) (Amendment) (No. 2) Regulations 2002* (S.I. No. 629 of 2002)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2002* (S.I. No. 354 of 2002)
- *Social, Community and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 310 of 2002)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2002* (S.I. No. 121 of 2002)
- *Social Welfare (Rent Allowance) (Amendment) (No. 2) Regulations 2001* (S.I. No. 651 of 2001)
- *Social Welfare (Rent Allowance) (Amendment) (No.1) (Euro) Regulations 2001* (S.I. No. 616 of 2001)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2001* (S.I. No. 100 of 2001)
- *Social Welfare (Rent Allowance) (Amendment) (No. 1) Regulations 2000* (S.I. No. 315 of 2000)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 2000* (S.I. No. 121 of 2000)
- *Social Welfare (Rent Allowance) (Amendment) Regulations 1999* (S.I. No. 162 of 1999)

All statutory instruments up to and including *Social Welfare (Consolidated Supplementary Welfare Allowance) (Amendment) (No. 1) (Calculation of Means) Regulations 2026* (S.I. No. 13 of 2026), made 21 January 2026, were considered in the preparation of this revision.