S.I. No. 142 *of* 2007

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) REGULATIONS 2007

REVISED

Updated to 4 May 2023

This Revised Statutory Instrument is an administrative consolidation of the *Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007*. 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 the *Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023* (10/2023), enacted 2 May 2023, and all statutory instruments up to and including the *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023* (S.I. No. 234 of 2023), made 4 May 2023, were considered in the preparation of this Revised Statutory Instrument.

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S.I. No. 142 *of* 2007

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) REGULATIONS 2007

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) REGULATIONS 2007

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Updated to Updated to 4 May 2023

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The Minister for Social and Family Affairs, in exercise of the powers conferred on him by sections 2 (as amended by section 29 and Schedule 6 of the Social Welfare Law Reform and Pensions Act 2006 (No. 5 of 2006)), 3 (as amended by section 37 and Schedule 7 of the Social Welfare Law Reform and Pensions Act 2006), 4 (as amended by section 17 and Schedule 3 of the Social Welfare Law Reform and Pensions Act 2006), 40, 41, 43, 44, 46 (all amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 47 (as amended by section 7 of the Social Welfare Act 2005 (No. 30 of 2005)), 49 (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 50, 53, 56, 58 (as amended by section 8 of the Social Welfare Act 2005), 60 (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 61, 62 (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 64, 66, 67, 68, 76 (all amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 99, 100, 104, 107, 108 (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 109 (as amended by sections 4, 10 and 37 and Schedules 1 and 7 of the Social Welfare Law Reform and Pensions Act 2006), 114 (as amended by sections 4 and 13 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 115 (as amended by sections 4 and 14 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 118, 119 (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 125, 137 (as amended by section 18 of the Social Welfare Law Reform and Pensions Act 2006), 138, 141 (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 142, 143, 148 (all amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 149 (as amended by section 15 of the Social Welfare Law Reform and Pensions Act 2006), 151, 173 (as amended by sections 22 and 27 of the Social Welfare Law Reform and Pensions Act 2006), 177, 178A (inserted by section 10 of the Social Welfare Act 2005), 179 (amended by section 17 and Schedule 3 of the Social Welfare Law Reform and Pensions Act 2006), 180, 185, 186 (as amended by section 17 and Schedule 3 of the Social Welfare Law Reform and Pensions Act 2006), 210, 212, 219 (as amended by section 37 and Schedule 7 of the Social Welfare Law Reform and Pensions Act 2006), 220, 224, 225 (as amended by sections 4 and 30 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 226, 229, 230, 232, 238, 241 (as amended by sections 4 and 17 and Schedules 1 and 3 of the Social Welfare Law Reform and Pensions Act 2006), 242, 243, 244 (as amended by sections 4, 17 and 29 and Schedules 1, 3 and 6 of the Social Welfare Law Reform and Pensions Act 2006), 247 (amended by sections 4 and 32 and Schedule 1 of the Social Welfare Law Reform and Pensions

Act 2006), 248 (as amended by sections 4 and 17 and Schedules 1 and 3 of the Social Welfare Law Reform and Pensions Act 2006), 249 (as amended by sections 4 and 17 and Schedules 1 and 3 of the Social Welfare Law Reform and Pensions Act 2006), 250 (as amended by sections 29 and 37 and Schedules 6 and 7 of the Social Welfare Law Reform and Pensions Act 2006), 251 (amended by section 29 and Schedule 6 of the Social Welfare Law Reform and Pensions Act 2006), 253, 254, 255, 260, 266, 267, 269, 279, 290, 296, 297, 300 (amended by sections 4, 11, 12 and 29 and Schedules 1 and 6 of the Social Welfare Law Reform and Pensions Act 2006), 330, 334 (as amended by section 29 and Schedule 6 of the Social Welfare Law Reform and Pensions Act 2006), 341 (as amended by section 29 and Schedule 6 of the Social Welfare Law Reform and Pensions Act 2006), 342 (as amended by section 29 and Schedule 6 of the Social Welfare Law Reform and Pensions Act 2006), 346, 358 and 363, Rules 1(1), 1(2), 1(2)(*b*)(ii), 1(2)(*b*)(vi), 1(2)(*b*)(viii), 1(3), 1(5), 1(6) (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 1(7) (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006), 1(8), 1(10) (as amended by section 4 and Schedule 1 of the Social Welfare Law Reform and Pensions Act 2006) and 2 of Part 2, Rules 1(1), 1(2), 1(2)(*b*)(i), 1(2)(*b*)(vi) and 3(1) (all substituted by section 24 and Schedule 4 of the Social Welfare Law Reform and Pensions Act 2006) of Part 3 and Rules 1(1), 1(2), 1(2)(*b*)(ii), 1(2)(*b*)(vii), 1(2)(*b*)(x), 1(4)(*a*), 1(5), 3(1) and 4(3) (all inserted by section 25 and Schedule 5 of the Social Welfare Law Reform and Pensions Act 2006) of Part 5 and reference 19 of Table 2 to Schedule 3 of the Social Welfare Consolidation Act 2005 and after consultation with An Post, hereby makes the following Regulations:

PART 1

Preliminary

Citation

1. These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control F1**[**...**]**) Regulations 2007.

Annotations

Amendments:

F1 Deleted (30.03.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Miscellaneous Provisions) Regulations 2007* (S.I. No. 176 of 2007), art. 3, in effect as per art. 2(*a*).

Commencement

2. These Regulations come into operation on 29 March 2007.

Definitions

3. In these Regulations, save where the context otherwise requires—

"academic year" means a period in which a course of instruction or part of a cycle of education takes place in a calendar year or a period in which a course of instruction or part of a cycle of education commences in one calendar year and finishes in the next following calendar year;

"adopting parent" has the meaning assigned to it in section 58(1);

F2**[**"adoptive leave" means adoptive leave under the Adoptive Leave Act 1995;**]**

"court" means a court to which either the Courts of Justice Acts 1924 to 1961, or the Courts (Supplemental Provisions) Acts 1961 to 2000 applies;

"Department" means the Department of Social and Family Affairs;

"Executive" means the Health Service Executive;

"governing contribution year" means the second last complete contribution year before the beginning of the benefit year which includes the day for which the benefit is claimed;

F2**[**"health and safety leave" means health and safety leave under the Maternity Protection Act 1994;**]**

"health insurance contract" and "premium" have the meaning assigned to them in Section 2 of the Health Insurance Act 1994 (No. 16 of 1994);

F3**[**"home" means a residential premises situated in the State which is owned and personally used and enjoyed by the person as his or her sole or main residence;**]**

"housing costs" means, for the purposes of one-parent family payment, rent or repayment of a loan entered into solely for the purpose of defraying money employed in the purchase, repair or essential improvement of the residence in which the qualified parent is, for the time being, residing;

F3**[**"immediate family member" means, for the purposes of *paragraph (i)* of *article 8(3)*, *paragraph (i)* of *article 155* and *paragraph (o)* of *article 174* of these Regulations:

(*a*) a spouse, civil partner, or cohabitant,

(*b*) a child, son-in-law or daughter-in-law,

(*c*) a parent, step-parent, mother-in-law or father-in-law,

(*d*) a brother, sister, step-brother, step-sister, brother-in-law or sister-in-law,

(*e*) a grandparent or grandchild,

(*f*) an aunt or uncle, or

(*g*) a nephew or niece;**]**

"institution of education" means—

(*a*) a school,

(*b*) a college,

(*c*) a university,

(*d*) any institution providing a course of instruction approved by the Minister for Education and Science or the Higher Education and Training Awards Council or C.E.R.T. Limited, or

(*e*) any other institution approved by the Minister;

"local office" means an office of the Department or other place appointed by the Minister as a local office for the purposes of the Principal Act;

"maternity leave" has the meaning assigned to it by section 47(5);

"Member State" means a Member State of the European Communities;

"Minister" means the Minster for Social and Family Affairs;

F4**[**"national framework of qualifications" means the framework of qualifications established and maintained pursuant to section 7 of the Qualifications (Education and Training) Act 1999 (No. 26 of 1999);**]**

"the National Health Insurance Acts" means the National Health Insurance Acts 1911 to 1952;

F2**[**"parental leave" means parental leave under the Parental Leave (Amendment) Act 2019;**]**

F5**[**"parent's leave" has the meaning assigned to it by section 5(1) of the Parent's Leave and Benefit Act 2019 (No. 35 of 2019);**]**

F6**[**"paternity leave" has the meaning assigned to it by section 6(1) of the Paternity Leave and Benefit Act 2016 (No. 11 of 2016);**]**

F4**[**"postgraduate course" means, for the purpose of *Article 155(db)*, a course leading to a major higher education and training award at Level 10 (Doctoral Degree) on the national framework of qualifications, or equivalent awards;**]**

"prison" or "place of detention" means a place to which either the Prisons Acts 1826 to 1980, or the Criminal Justice Act 1960 (No. 27 of 1960) applies or, in relation to another State, any analogous place in which a person is detained by order of a responsible authority in that State;

"reckonable earnings" has the meaning assigned in article 3 of the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996);

F3**[**"residential premises" means a building or part of a building used as a dwelling;**]**

"responsible authority" means any Court, Commission or Tribunal properly constituted according to the laws of a State in which a person has been committed to a prison or to a place of detention;

"the Act of 1973" means the Social Welfare Act 1973 (No. 10 of 1973);

"the Act of 1994" means the Maternity Protection Act 1994 (No. 34 of 1994);

"the Principal Act" means the Social Welfare Consolidation Act 2005 (No. 26 of 2005);

"the Regulations of 1996" means the Social Welfare (Consolidated Contributions and Insurability) Regulations 1996 (S.I. No. 312 of 1996);

"the Widows' and Orphans' Pensions Acts" means the Widows' and Orphans' Pensions Acts 1935 to 1952;

"Trade Union" has the meaning assigned to it by section 472C of the Taxes Consolidation Act 1997.

Annotations

Amendments:

F2 Inserted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 3.

F3 Inserted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(1)(*a*), subject initially to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F4 Inserted (11.03.2021, with retrospective effect from 1.09.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2021* (S.I. No. 109 of 2021), art. 3, in effect as per art. 2.

F5 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 4, in effect as per art. 3.

F6 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 4, in effect as per art. 3.

Modifications (not altering text):

C1 References to "Department of Social and Family Affairs" and "Minister for Social and Family Affairs" construed (21.10.2020) as references to, respectively, the Department of Social Protection and 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 department and 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.

Editorial Notes:

E1 Previous affecting provision: references to "Department of Social and Family Affairs" and "Minister for Social and Family Affairs" construed (2.09.2017) as references to, respectively, the Department of Employment Affairs and Social Protection and 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); superseded (21.10.2020) as per F-Note above.

E2 Previous affecting provision: references to "Department of Social and Family Affairs" and "Minister for Social and Family Affairs" construed (2.05.2010) as references to, respectively, the Department of Social Protection and 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.

Interpretation

4. In these Regulations, save where the context otherwise requires—

(*a*) a reference to a Part, Chapter or section is to a Part, Chapter or section of the Principal Act,

(*b*) a reference to a Schedule is to a Schedule to these Regulations,

(*c*) a reference to an article is to an article of these Regulations,

(*d*) a reference to a sub-article is to a sub-article of the article in which the reference occurs,

(*e*) a reference to a paragraph is to a paragraph of the sub-article or article in which the reference occurs.

Revocations

5. The Regulations specified in *column (2)* of *Schedule 17* are hereby revoked to the extent specified in *column (3)* of the said Schedule.

F7**[Persons specified to be qualified adults**

6. Subject to sections 187 and 297, a person who is the spouse, civil partner or cohabitant of a claimant or beneficiary and is being wholly or mainly maintained by that claimant or beneficiary shall be specified to be a qualified adult in relation to that claimant or beneficiary for the purposes of section 2(2)(*c*) of the Principal Act if he or she is—

(*a*) in employment or self-employment, or

(*b*) entitled to or in receipt of F8**[**payment made to address the adverse economic effects of Covid-19 made by the Minister under section 202 and commonly known as the pandemic unemployment payment, Covid-19 pandemic unemployment payment under section 68L,**]** disablement benefit under section 75, death benefit under section 83, a payment under section 186A, guardian's payment (contributory), guardian's payment (non-contributory) and to no other benefit or assistance (other than supplementary welfare allowance).**]**

Annotations

Amendments:

F7 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 3.

F8 Inserted (1.04.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Covid-19 Pandemic Unemployment Payment – Entitlement to Increase for Qualified Adult) Regulations 2021* (S.I. No. 160 of 2021), art. 3(*a*).

Editorial Notes:

E3 Previous affecting provision: para. (*b*) amended (27.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 5, in effect as per art. 2(2); article substituted (21.11.2011) as per F-Note above.

F9**[Income limit — qualified adult**

7. (1) Other than a person to whom sections F10**[***141*, *149*, *210* and *214***]** apply, a person, being one of a couple, shall be regarded as wholly or mainly maintaining his or her spouse or civil partner or a cohabitant of that person where the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated or estimated in accordance with *article 8*, does not exceed €100.

(2) F11**[**Subject to *sub-article (2A)*, in the case of**]** a person to whom sections F10**[**141, 149, 210 and 214**]** apply, a person, being one of a couple, shall be regarded as wholly or mainly maintaining his or her spouse or civil partner or a cohabitant of that person.

F12**[**(2A) *Sub-article (2)* shall not apply where a person is entitled to or in receipt of jobseeker's allowance, and their spouse, civil partner, or cohabitant is a participant under a scheme provided by the Minister and known as Community Employment, and their participation commences on or after 1 January 2023.**]**

(3) Other than a person to whom sections F10**[***141*, *149*, *210* and *214***]** apply, a person, being one of a married couple or of a civil partnership who are not living together, shall be regarded as wholly or mainly maintaining his or her spouse or civil partner where that spouse or civil partner is not a cohabitant of another person and the weekly income of that spouse or civil partner, calculated or estimated in accordance with *article 8*, does not exceed €100 and the first-mentioned person is contributing towards the maintenance of his or her spouse or civil partner by a weekly amount which is equal to or in excess of the amount set down in column (3) of Part 1 of Schedule 4 to the Principal Act.

(4) F13**[**Subject to *sub-article (4A)*, in the case of**]** a person to whom sections F10**[***141*, *149*, *210* and *214***]** apply, a person, being one of a married couple or of a civil partnership who are not living together, shall be regarded as wholly or mainly maintaining his or her spouse or civil partner where the spouse or civil partner is not a cohabitant of another person and the first-mentioned person is contributing towards the maintenance of his or her spouse or civil partner by a weekly amount which is equal to or in excess of the amount set down in column (3) of Part 1 of Schedule 4 to the Principal Act.

F14**[**(4A) *Sub-article (4)* shall not apply where a person is entitled to or in receipt of jobseeker's allowance, and their spouse, civil partner, or cohabitant is a participant under a scheme provided by the Minister and known as Community Employment, and their participation commences on or after 1 January 2023.**]**

(5) A person, being—

(*a*) a single person,

(*b*) a widow,

(*c*) a widower,

(*d*) a married person who is not living with and is neither wholly or mainly maintaining, nor being wholly or mainly maintained by, such married person's spouse,

(*e*) a surviving civil partner, or

(*f*) a civil partner who is not living with and is neither wholly or mainly maintaining, nor being wholly or mainly maintained by, his or her civil partner,

shall be regarded as wholly or mainly maintaining another person where that other person, being over the age of 16 years and having the care of one or more than one qualified child of the first-mentioned person, resides with the first-mentioned person and his or her weekly income, calculated or estimated in accordance with *article 8*, does not exceed €100.

(6) In *sub-articles (1)* and *(2)* "couple" means—

(*a*) a married couple who are living together,

(*b*) both civil partners of a civil partnership who are living together, or

(*c*) both cohabitants.**]**

Annotations

Amendments:

F9 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 3.

F10 Substituted (16.11.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Income Limit - Qualified Adult) Regulations 2022* (S.I. No. 616 of 2022), art. unnumbered.

F11 Substituted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023), art. 4(i), in effect as per art. 2.

F12 Inserted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023), art. 4(ii), in effect as per art. 2.

F13 Substituted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023), art. 4(iii), in effect as per art. 2.

F14 Inserted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023), art. 4(iv), in effect as per art. 2.

Editorial Notes:

E4 Previous affecting provision: sub-arts. (1) and (2) substituted, and sub-arts. (1A) and (2A) inserted, (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 4, in effect as per art. 2(1); article substituted (21.11.2011) as per F-Note above.

Calculation of income limit

8. (1) For the purposes of *article 7*, weekly income shall, subject to this article, be calculated or estimated—

(*a*) insofar as it comprises earnings from employment as an employee, by reference to the weekly average of the gross amount of all such earnings received in the previous 2 months where such earnings are received at monthly intervals or in the previous 6 weeks where such earnings are received at weekly or fortnightly intervals,

(*b*) insofar as it comprises income from any form of self-employment, by reference to the weekly amount of such income calculated or estimated by dividing the income in the last complete income tax year by 52,

(*c*) insofar as it consists of income from property (other than property referred to in paragraph (*d*)) which is invested or otherwise put to profitable use or which, though capable of investment or profitable use, is not invested or put to profitable use, by reference to the weekly value of the property, 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,

(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,

(*d*) insofar as it consists of income from any other source (including rent or any other periodical payment receivable for the possession and use of property in all lands, tenements and hereditaments), by reference to the normal weekly amount of such income.

F15**[**(1A) In calculating or estimating weekly income under *sub-article (1)* for the purposes of the payment of an increase in—

(*a*) State pension (contributory) for a qualified adult payable under Chapter 15 of Part 2 of the Principal Act, or

(*b*) State pension (transition) for a qualified adult payable under Chapter 16 of Part 2 of the Principal Act,

if it appears that a person in respect of whom such an increase for a qualified adult is being claimed has directly or indirectly deprived himself or herself of any income or property in order that—

(i) an increase in that pension for a qualified adult would be paid in respect of that person, or

(ii) an increase in that pension for a qualified adult would be paid in respect of that person at a higher rate than that which should otherwise have been paid,

that income or the value of that property shall for the purposes of *sub-article (1)* be taken to be part of the weekly income.

(1B) *Sub-article (1A)* shall not apply to any assignment—

(*a*) which is an assignment to a child or children of the assignor, and

(*b*) which is an assignment of property consisting of a farm of land (together with or without the stock and chattels thereon) and of which the assignor is the owner and the occupier or the occupier only.

(1C) For the purposes of *sub-article (1A)*, where the income or the value of the property taken to be part of a person's means for the purposes of that sub-article has reduced since the date of calculation, the calculation may be revised, but such a revision shall not cause the income or the value of the property taken to be part of that person's means to be increased.

(1D) For the purposes of *sub-article (1B)*, 'assignment' includes any form of conveyance, transfer or other transaction by which a person parts with the ownership or possession of property.**]**

F16**[**(2) In calculating or estimating the weekly income under *sub-article (1)*, any sums received by way of—

(*a*) disablement benefit under section 75,

(*b*) death benefit under section 83,

(*c*) guardian's payment (contributory),

(*d*) guardian's payment (non-contributory),

(*e*) a payment under section 186A,

(*f*) domiciliary care allowance,

(*g*) child benefit, F17**[**...**]**

(*h*) a payment from the Executive in respect of a child who is boarded out,

F18**[**(*i*) pandemic unemployment payment paid under section 202, or

(*j*) covid-19 pandemic unemployment payment under section 68L,**]**

shall be disregarded.**]**

F19**[**(3) In calculating or estimating the weekly income under *sub-article (1)*, the following items shall be disregarded—

(*a*) 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,

(*b*) 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,

F20**[**(*ba*) 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,**]**

F21**[**...**]**

F22**[**(*bb*) any *ex gratia* payments made under the Scheme of Compensation for Personal Injuries suffered at the Stardust, Artane on 14 February 1981,

F23**[**...**]]**

F24**[**(*bc*) any *ex gratia* payments made by the Minister for Health in accordance with recommendations proposed by the Scoping Inquiry into the CervicalCheck Screening Programme,**]**

F25**[**(*bd*) any income derived from the scheme to compensate persons who suffered harm or injury while in the care of Kerry CAMHS in the period 1st July 2016 to 19th April 2021, as identified through the Maskey Report and who have been notified by the Child and Adolescent Mental Health Services,**]**

(*c*) any payment made by the Residential Institutions Statutory Fund F26**[**Board,**]]**

F27**[**F28**[**...**]**

(*d*) any payments administered under the aegis of the Minister for Education and Skills and known as the 1916 Bursary F29**[**Fund,**]]**

F30**[**F31**[**...**]**

F32**[**(*da*) any amount to a maximum of €7,000 per annum from payments made by Uversity and known as Higher Educational Scholarships for Adult Learners,**]**

F25**[**(*db*) any payments made under the Tusla Educational Support for Children in Care and Aftercare Bursary scheme,

(*dc*) any payments made from the KickStart Scholarship Fund administered by the Probation Service,**]**

(*e*) any payments made directly or indirectly by or on behalf of the Minister for Health under the package of support measures established in 2018 for women diagnosed with cervical cancer since F33**[**2008,**]]**

F34**[**(*f*) any payments made by Sport Ireland under the International Carding Scheme,

F35**[**...**]**

(*g*) any payments made by the Northern Ireland Victim and Survivor Service (VSS) in accordance with the Victims and Survivors (Northern Ireland) Order F36**[**2006,**]]**

F25**[**(*ga*) any income derived from the Troubles Permanent Disablement Payment Scheme in accordance with the Victims' Payments Regulations 2020 (2020 No. 103) (Northern Ireland),**]**

F37**[**F38**[**...**]**

(*h*) any payments made by the Minister for Education and Skills as part of the School Transport Scheme for Children with Special Educational Needs in the form of the Special Transport F39**[**Grant,**]]**

F40**[**F41**[**...**]**

(*i*) Subject to F42**[**the cessation of this disregard on 17 March 2025, and**]** the conditions specified in *subparagraphs (i)*, *(ii)* and *(iii)*, any income arising to a person in respect of the lawful rental of living accommodation of a room, or rooms, in his or her home to another person or persons, where that other person, or persons have the use of the room or rooms for a period of not less than 28 consecutive days.

(i) The income disregard in this paragraph shall be subject to a maximum of €269.23 per week.

(ii) The income disregard in this paragraph shall apply only as long as the person or persons to whom the use of living accommodation of a room, or rooms have been made available, continue to use the room or rooms.

(iii) The income disregard in this paragraph shall not apply where the income arising to the person is received from an employee or an immediate family member of that F43**[**person,**]]**

F44**[**or

(*j*) any financial contribution paid by the Minister in accordance with section 8(1) of the Civil Law (Miscellaneous Provisions) Act 2022.**]**

(4) A deciding officer or appeals officer who, in any case, considers that the periods mentioned in *sub-article (1)* would not suffice in determining the amount of weekly income, may for the purposes of this article have regard to such other period which appears to the officer to be appropriate for that purpose.

Annotations

Amendments:

F15 Inserted (29.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Qualified Adult) Regulations 2011* (S.I. No. 616 of 2011), art. 3.

F16 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 3(*a*).

F17 Deleted (1.04.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Covid-19 Pandemic Unemployment Payment – Entitlement to Increase for Qualified Adult) Regulations 2021* (S.I. No. 160 of 2021), art. 3(*b*)(i).

F18 Inserted (1.04.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Covid-19 Pandemic Unemployment Payment – Entitlement to Increase for Qualified Adult) Regulations 2021* (S.I. No. 160 of 2021), art. 3(*b*)(ii).

F19 Substituted (26.03.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 155 of 2014), art. 2(*a*).

F20 Inserted (18.12.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2014* (S.I. No. 595 of 2014), art. 3(*a*).

F21 Deleted (23.02.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2018* (S.I. No. 61 of 2018), art. 3(*a*)(i).

F22 Inserted (23.02.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2018* (S.I. No. 61 of 2018), art. 3(*a*)(ii).

F23 Deleted (17.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*a*)(i).

F24 Inserted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*a*)(i).

F25 Inserted (16.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022* (S.I. No. 291 of 2022), art. 3(*a*).

F26 Substituted (17.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*a*)(ii).

F27 Inserted (1.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*a*)(iii).

F28 Deleted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*a*)(ii).

F29 Substituted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*a*)(iii).

F30 Inserted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*a*)(iv).

F31 Deleted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*a*)(i).

F32 Inserted (30.04.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2019* (S.I. No. 202 of 2019), art. 3(*a*).

F33 Substituted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*a*)(ii).

F34 Inserted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*a*)(iii).

F35 Deleted (26.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019), art. 3(*a*)(i).

F36 Substituted (26.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019), art. 3(*a*)(ii).

F37 Inserted (26.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019), art. 3(*a*)(iii).

F38 Deleted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(*b*)(i), subject initially

to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F39 Substituted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(*b*)(ii), subject initially to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F40 Inserted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(*b*)(iii), subject initially to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F41 Deleted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(*a*)(i).

F42 Inserted (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 2(1)(*a*).

F43 Substituted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(*a*)(ii).

F44 Inserted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(*a*)(iii).

Editorial Notes:

E5 Previous affecting provision: sub-art. (2) amended (27.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 6, in effect as per art. 2(2); substituted (12.11.2012) as per F-Note above.

F45**[Reduced rate qualified adult increase**

9. Where a claimant or beneficiary of illness benefit, jobseeker's benefit, F46**[**jobseeker's benefit (self-employed),**]** injury benefit, or incapacity supplement under Part 2 of the Principal Act or jobseeker's allowance, pre-retirement allowance, disability allowance or farm assist under Part 3 of the Principal Act would be entitled to an increase in respect of—

(*a*) his or her spouse,

(*b*) his or her civil partner, or

(*c*) a cohabitant of that claimant or beneficiary,

but for the fact that the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated or estimated in accordance with *article 8*—

(i) exceeds the limit prescribed in *article 7*, and

(ii) does not exceed the highest amount specified in *column (1)* of *Schedule 1* to these Regulations,

an increase in that benefit, allowance, assistance or supplement, as the case may be, shall be paid at the weekly rate set out in *column (2)* of the said Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income.**]**

Annotations

Amendments:

F45 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 4.

F46 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 1, in effect as per art. 2.

F47**[Reduced rate qualified adult increase — State pensions**

10. F48**[**Subject to *articles 62*, *62A*, *62B*, *65*, *65A*, *65B*, *70A*, *71* and *71A*,**]** where a claimant or beneficiary of State pension (contributory) or State pension (transition) under Part 2 of the Principal Act would be entitled to an increase in respect of—

(*a*) his or her spouse,

(*b*) his or her civil partner, or

(*c*) a cohabitant of that claimant or beneficiary,

but for the fact that the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated or estimated in accordance with *article 8*—

(i) exceeds the limit prescribed in *article 7*, and

(ii) does not exceed the highest amount specified in *column (1)* of *Schedule 2* or *3* to these Regulations, as appropriate,

an increase in pension shall be paid—

(I) in the case of a person to whom sections 109(18), 109(19) or 113 applies, and whose spouse, civil partner or cohabitant, as the case may be, has not attained pensionable age, at half the weekly rate set out in *column (2)* of *Schedule 3* opposite the relevant band of income in *column (1)* of that Schedule that corresponds to the said weekly income,

(II) in the case of any other claimant or beneficiary whose spouse, civil partner or cohabitant, as the case may be, has not attained pensionable age, at the weekly rate set out in *column (2)* of *Schedule 3* opposite the relevant band of income in *column (1)* of that Schedule that corresponds to the said weekly income,

(III) in the case of a person to whom sections 109(18), 109(19) or 113 applies, and whose spouse, civil partner or cohabitant, as the case may be, has attained pensionable age, at half the weekly rate set out in *column (2)* of *Schedule 2* opposite the relevant band of income in *column (1)* of that Schedule that corresponds to the said weekly income,

(IV) in the case of any other claimant or beneficiary whose spouse, civil partner or cohabitant, as the case may be, has attained pensionable age, at the weekly rate set out in *column (2)* of *Schedule 2* opposite the relevant band of income in *column (1)* of that Schedule that corresponds to the said weekly income.**]**

Annotations

Amendments:

F47 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 4.

F48 Substituted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 7(*a*), in effect as per art. 3.

Editorial Notes:

E6 Previous affecting provision: article amended (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 4, in effect as per art. 3; substituted (1.01.2013) as per F-Note above.

F49**[Reduced rate qualified adult increase — invalidity pension**

11. Where a claimant or beneficiary of invalidity pension under Part 2 of the Principal Act would be entitled to an increase in respect of—

(*a*) his or her spouse,

(*b*) his or her civil partner, or

(*c*) a cohabitant of that claimant or beneficiary,

but for the fact that the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated or estimated in accordance with *article 8*—

(i) exceeds the limit prescribed in *article 7*, and

(ii) does not exceed the highest amount specified in *column (1)* of *Schedule 4* to these Regulations,

an increase in pension shall be paid—

(I) in the case of a claimant or beneficiary whose spouse, civil partner or cohabitant, as the case may be, has not attained pensionable age, at the weekly rate set out in *column (2)* of *Schedule 4* opposite the relevant band of income in *column (1)* of that Schedule that corresponds to the said weekly income, or

(II) in the case of a claimant or beneficiary whose spouse, civil partner or cohabitant, as the case may be, has attained pensionable age, at the weekly rate set out in *column (3)* of *Schedule 4* opposite the relevant band of income in *column (1)* of that Schedule that corresponds to the said weekly income.**]**

Annotations

Amendments:

F49 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 4.

F50**[Weekly income limit for increase for qualified child**

12. (1) The weekly income prescribed for the purposes of sections 43(4), 56(4), 66(4), 76(4), 77A(3), 102(3), 112(3A), 117(3A) and 122(3A), as calculated or estimated in accordance with *article 8*, shall be €400.

(2) *Sub-article (1)* shall not apply in the case of—

(*a*) any claim for carer's benefit, State pension (transition) or invalidity pension which is made before 5 July 2012, and

(*b*) any claim for State pension (contributory) which is made before 6 July 2012.**]**

Annotations

Amendments:

F50 Substituted (on dates between 2.07.2012 and 6.07.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Qualified Child Increase) Regulations 2012* (S.I. No. 218 of 2012), art. 4, in effect as per art. 3.

Editorial Notes:

E7 Previous affecting provision: article substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 4; substituted (on dates between 2.07.2012 and 6.07.2012) as per F-Note above.

Normal residence of qualified child

13. (1) In this article—

"benefit" or "assistance" means any such payments under Parts 2 or 3 (other than guardian's payment (contributory), death benefit by way of orphan's pension, guardian's payment (non-contributory), one-parent family payment or supplementary welfare allowance);

"parent" means a parent or step-parent.

(2) The person with whom a qualified child shall be regarded as normally residing shall be determined in accordance with this article.

(3) A qualified child shall, subject to *sub-articles (4)* to *(11)*, be regarded as normally residing with his or her parents.

(4) A qualified child who is resident with one parent only, shall be regarded as normally residing with that parent and with no other person provided that, where that parent is a member of a household, that the parent so elects.

F51**[**(5) Notwithstanding that a qualified child does not reside with one of his or her parents, the qualified child may be regarded as normally residing with the parent who—

(*a*) has custody of the qualified child, and

(*b*) is contributing substantially to the maintenance of the qualified child.**]**

(6) Notwithstanding the provisions of *sub-article (4)*, a qualified child resident with one parent who is living apart from the other parent and who is not claiming or in receipt of benefit or assistance shall be regarded as residing with the other parent if that other parent is contributing substantially to the child's maintenance.

(7) If one parent dies, a qualified child shall be regarded as normally residing with the other parent provided that that parent is maintaining the child.

(8) Where the normal residence of a qualified child falls to be determined under *sub-article (6)* or *(7)*, and the person with whom the child would thus be regarded as normally residing has abandoned or deserted the child or failed to contribute substantially to the child's maintenance, *sub-article (6)* or *(7)* shall cease to apply in respect of that child and the person with whom the child shall be regarded as normally residing shall be determined in accordance with *sub-article (9)*.

(9) A qualified child, whose normal residence does not fall to be determined under the foregoing sub-articles, shall be regarded as normally residing with the head of the household of which the child is normally a member and with no other person.

(10) A qualified child who is a refugee within the State from another country shall be regarded as normally residing with the head of the household of which the child is for the time being a member and with no other person.

(11) Where a qualified child is resident in an institution, the child shall be regarded as normally residing only with the person (if any) who contributes towards the cost of the child's maintenance in the institution, and with whom the child would, under this article, be regarded as normally residing, if the child were not resident in an institution.

Annotations

Amendments:

F51 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 5.

Persons regarded as receiving full-time education

14. (1) Subject to *sub-articles (2)*, *(3) (4)* and *(5)*, for the purposes of F52**[**sections 2(3) and 178B(3)**]**, F53**[**and for the purposes of Chapters 12 and 12A of Part 2,**]** a person shall be regarded as receiving full-time education while he or she is attending on a full-time basis a course of full-time instruction by day at an institution of education.

(2) For the purposes of *sub-article (1)*, a course of full-time instruction at an institution of education shall not be regarded as including a course of training or instruction—

(*a*) provided or approved by F54**[**An tSeirbhís Oideachais Leanúnaigh agus Scileanna (SOLAS)**]** and in respect of which an allowance is payable, but excluding a course known as Youthreach,

(*b*) which forms part of an employment or work experience programme,

(*c*) which arises from employment,

(*d*) which comprises, in an academic year, a period of work experience in respect of which remuneration is paid, where such period exceeds the time spent receiving instruction or tuition at an institution of education, or

(*e*) a course of training or instruction provided or approved by Teagasc, where, in an academic year such training or instruction comprises a period of work experience which exceeds the time spent receiving instruction or tuition at an institution of education.

(3) For the purposes of *sub-article (1)*, a person shall be regarded as continuing to receive full-time education—

(*a*) for periods during an academic year when that person is not attending an institution of education arising from the temporary interruption to the provision of a course of full-time instruction or part of a cycle of education by an institution of education, and

(*b*) for the period immediately following the completion by that person of part of a cycle of education, where such part finishes between 1 May and 30 June in an academic year, up to and including the 3rd Sunday of the next following October or an earlier date if the beneficiary so elects.

(4) *Sub-article (3)(b)* shall not apply to a person who completes the final part of a cycle of education, other than the final part of a cycle approved by the Minister for Education and Science for the Leaving Certificate Examination of the State Examinations Commission, and terminates his or her attendance at an institution of education.

(5) In this article "beneficiary" means a person in receipt of or entitled to an increase in any benefit or assistance in respect of a qualified child who is of or over the age of 18 years and under the age of 22 years.

(6) Subject to *sub-articles (7)* and *(8)*, for the purposes of section 2(6), a person shall be regarded as attending a full-time day course of study, instruction or training at an institution of education while he or she is attending a full-time day course of study, instruction or training at an institution of education other than a course of study, training or instruction referred to in *paragraphs (a)* to *(e)* of *sub-article (2)*.

(7) For the purposes of *sub-article (6)* a person shall be regarded as continuing to attend a full-time day course of study, instruction or training at an institution of education for periods immediately following the completion by that person of part of a cycle of second level education, where such part finishes on any date between 1 May and 30 June, up to and including the next following 1 September, except where a person completes the final part of a cycle of second level education or where that person terminates second level education.

(8) For the purposes of *sub-article (7)* "cycle of second level education" means a cycle of education approved by the Minister for Education and Science for the Leaving Certificate Examination of the State Examinations Commission.

F55**[**(9) This article shall not apply to a person who, but for sections 68A or 68K(2) would otherwise qualify for jobseeker's benefit or jobseeker's benefit (self-employed) from the date that person attains the age of 65 years where that person is a person—

(*a*) who, prior to that that date had commenced in full-time education or a course of study within the meaning of section 148(2), or

(*b*) who, on or after that date, commences full-time education or a course of study within the meaning of section 148.**]**

Annotations

Amendments:

F52 Substituted (3.05.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (One-Parent Family Payment) Regulations 2012* (S.I. No. 141 of 2012), art. 3, in effect as per art. 2.

F53 Inserted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*a*)(i), in effect as per art. 2.

F54 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 5, in effect as per art. 2.

F55 Inserted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*a*)(ii), in effect as per art. 2.

Editorial Notes:

E8 Previous affecting provision: sub-art. (1) amended (27.04.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (One-Parent Family Payment) Regulations 2011* (S.I. No. 90 of 2011), art. 4, in effect as per art. 2; substituted (3.05.2012) as per F-Note above.

Persons regarded as available for employment

15. (1) Subject to F56**[***sub-articles (1A)* and**]** *(2)*, a person shall, for the purposes of F57**[**Chapters 12 and 12A**]** of Part 2 and Chapter 2 of Part 3, be regarded as being available for employment, if he or she can show to the satisfaction of the Minister,

that he or she is willing and able, at once, to take up an offer of suitable full-time employment.

F58**[**(1A) For the purposes of sections 62(5)(*a*)(ii) and (iii) and 68C(2), a person who has attained the age of 65 years who would otherwise qualify for jobseeker's benefit or jobseeker's benefit (self-employed), shall be exempt from being required to be available for employment and genuinely seeking work, and this article shall not apply to such a person.**]**

(2) F59**[**Subject to *sub-article (4)*, a person shall not be regarded**]** as being available for employment if he or she imposes unreasonable restrictions on—

(*a*) the nature of the employment,

(*b*) the hours of work,

(*c*) the rate of remuneration,

(*d*) the duration of the employment,

(*e*) the location of the employment, or

(*f*) other conditions of employment

he or she is prepared to accept.

(3) In determining what constitutes suitable full-time employment for the purposes of *sub-article (1)*, regard shall be had to the following—

(*a*) the skills, qualifications and experience of the person concerned,

(*b*) the period for which the person has been unemployed, and

(*c*) the availability of employment vacancies within travelling distance of his or her residence.

F60**[**(4) For the purposes of *sub-article (2)(e)*, employment as a retained fire fighter shall not be regarded as an unreasonable restriction where that person is available for—

(*a*) employment which is additional to his or her employment as a retained fire fighter and which would not necessitate cessation of the employment as a retained fire fighter, and/or

(*b*) alternative employment which would necessitate cessation of the employment as a retained fire fighter.**]**

Annotations

Amendments:

F56 Substituted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*b*)(i), in effect as per art. 2.

F57 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 6 in effect as per art. 2.

F58 Inserted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*b*)(ii), in effect as per art. 2.

F59 Substituted (10.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Retained Fire Fighters) Regulations 2013* (S.I. No. 254 of 2013), art. 3(*a*).

F60 Inserted (10.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Retained Fire Fighters) Regulations 2013* (S.I. No. 254 of 2013), art. 3(*b*).

Persons regarded as genuinely seeking employment

16. (1) F61**[**Subject to *sub-article (1A)*, for**]** the purposes of F62**[**Chapters 12 F63**[**, 12A and 12B**]]** of Part 2 and Chapter 2 of Part 3, a person shall be regarded as genuinely seeking employment if he or she can show, to the satisfaction of the Minister, that he or she has, in the relevant period, taken reasonable steps which offer him or her the best prospects of obtaining employment.

F64**[**(1A) This article shall not apply to a person who, but for sections 62(7) and 68C(2) would otherwise qualify for jobseeker's benefit or jobseeker's benefit (self-employed), where that person is a person who has attained the age of 65 years.**]**

(2) For the purpose of *sub-article (1)* "steps" shall include—

(*a*) applications for employment made to persons—

(i) who have advertised the availability of employment, or

(ii) who appear to be in a position to offer employment,

(*b*) seeking information on the availability of employment from—

(i) employers,

(ii) advertisements,

(iii) persons who have placed advertisements which indicate that employment is available, or

(iv) employment agencies,

(*c*) availing of reasonable opportunities for training which is suitable in his or her circumstances,

F65**[**(*d*) acting on advice given by an officer of the Minister or other placement service concerning the availability of employment, and**]**

(*e*) taking steps towards establishing F66**[**or re-establishing**]** himself or herself in self-employment.

(3) For the purpose of this article, the taking of one step on a single occasion during the relevant period shall not be sufficient unless taking that step on that occasion, in that period, is all that is reasonable for the person concerned to do.

(4) F67**[**Subject to *sub-article (4A)*, in**]** determining for the purposes of this article whether, in a relevant period, a person has taken the steps which are reasonable in his or her case, regard shall be had to his or her circumstances, including in particular—

(*a*) his or her skills, qualifications and experience,

(*b*) the steps which he or she has taken previously to seek employment,

(*c*) the availability and location of vacancies for employment,

(*d*) the duration of his or her period of unemployment, and

(*e*) his or her family circumstances.

F68**[**(4A) In addition to the factors specified in *sub-article (4)* in the case of a person in receipt of Covid-19 pandemic unemployment payment, due regard shall also be

had to the factors specified in *paragraphs (a)* and *(b)* of this sub-article in determining whether, in a relevant period, that person has taken steps which are reasonable in his or her case—

(*a*) his or her normal occupation immediately prior to the onset of Covid-19 was an occupation where, due to ongoing public health restrictions related to Covid-19, the opportunity to work in that occupation is temporarily curtailed and where that person has a reasonable expectation of employment in that occupation within a period of 12 months from the date on which they first claimed Covid-19 pandemic unemployment payment, or

(*b*) he or she has a reasonable expectation that he or she will return to their previous employment within 12 months of first claiming the Covid-19 pandemic unemployment payment.

(4B) (1) Where the circumstances specified in *paragraph (a)* of *sub-article (4A)* apply, a person shall not be required to seek employment outside of that occupation for the period during which they are in receipt of Covid-19 pandemic unemployment payment.

(2) Where the circumstances specified in *paragraph (b)* of *sub-article (4A)* apply, a person shall not be required to seek employment where he or she has a reasonable expectation of returning to their previous employment.**]**

(5) For the purposes of this article, "relevant period" means the period in respect of which the person concerned has made a declaration in accordance with *articles 52* F69**[**, *52G*, **]** and F70**[***118*, or as the case may be, the period in which Covid-19 pandemic unemployment payment is claimed in accordance with section 68L of the Act.**]**

Annotations

Amendments:

F61 Substituted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*c*)(i), in effect as per art. 2.

F62 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 7(*a*) in effect as per art. 2.

F63 Substituted (30.11.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 17) (Persons Regarded as Genuinely Seeking Employment) Regulations 2020* (S.I. No. 574 of 2020), art. 2(*a*).

F64 Inserted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*c*)(ii), in effect as per art. 2.

F65 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 6(*a*).

F66 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 7(*b*) in effect as per art. 2.

F67 Substituted (30.11.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 17) (Persons Regarded as Genuinely Seeking Employment) Regulations 2020* (S.I. No. 574 of 2020), art. 2(*b*).

F68 Inserted (30.11.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 17) (Persons Regarded as Genuinely Seeking Employment) Regulations 2020* (S.I. No. 574 of 2020), art. 2(*c*).

F69 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 7(*c*), in effect as per art. 2.

F70 Substituted (30.11.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 17) (Persons Regarded as Genuinely Seeking Employment) Regulations 2020* (S.I. No. 574 of 2020), art. 2(*d*).

Expenses

17. The Minister shall pay such reasonable and necessary travelling and other expenses, as he or she may determine, which are incurred by a person who is required to attend for medical or other examination under—

(*a*) *article 24(2)*,

(*b*) *article 34(1)*,

(*c*) *article 58(1)*,

(*d*) *article 78(1)*,

(*e*) *article 135(1)*, or

(*f*) *article 171(1)*.

Conversion of contributions paid under National Health Insurance Acts

18. In taking contributions paid by or in respect of an employed contributor under the National Health Insurance Acts into account under *article 61(2)* or *article 69(2)*, every 2 such contributions under those Acts shall be reckoned as 3 contributions paid, with any odd contribution being reckoned as 2 contributions paid.

Qualified child increase — linked claims

19. (1) Subject to *sub-article (2)*, for the purposes of section 2(3)(*b*)(ii), (iii), (iv) and (v), any periods during which the applicant was previously entitled to or in receipt of a relevant payment may be taken into account in calculating the 156 days, provided that not more than 13 weeks has elapsed since the applicant's last relevant payment.

(2) Periods referred to in *sub-article (1)* during which the applicant was entitled to or in receipt of a relevant payment will only be taken into account where successive periods are not separated by more than 13 weeks.

(3) In this article "relevant payment" has the meaning assigned to it by section 2(4).

PART 2

Social Insurance Payments

CHAPTER 1

Illness Benefit

Persons deemed to be incapable of work

20. (1) For the purposes of Chapter 8 of Part 2, and for no other purpose, a person who is not incapable of work shall, if it is so decided under the provisions of the Principal Act, be deemed to be incapable of work by reason of some specific disease or bodily or mental disablement for any day when—

(*a*) he or she is under medical care in respect of such a disease or disablement and it is certified by a registered medical practitioner that by reason of such disease or disablement he or she should abstain from work and he or she does not work, or

(*b*) he or she is a probable source of infection with a disease specified in regulations under the Health Act 1947 (No. 28 of 1947), to be an infectious disease and he or she abstains from work in pursuance of a written order or written advice of a registered medical practitioner.

(2) A person who at the commencement of any day is, or thereafter on that day becomes, incapable of work by reason of some specific disease or bodily or mental disablement and does not work on that day shall be deemed to be so incapable throughout that day.

F71**[Days to be treated as days of incapacity for work**

20A. For the purposes of Chapter 8 of Part 2, and for no other purpose, a day or days may be deemed to be a day or days of incapacity for work, and form part of a period of interruption of employment of a person, if it is a day or days falling immediately after the end date of a period of incapacity for work as determined in accordance with *article 20*.**]**

Annotations

Amendments:

F71 Inserted (31.05.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Days to be treated as days of Incapacity for Work) Regulations 2019* (S.I. No. 241 of 2019), art. 3(*a*), in efect as per art. 2.

Days not to be treated as days of incapacity for work

21. For the purposes of Chapter 8 of Part 2, F72**[**and subject to *article 20A*,**]** a day shall not be treated as a day of incapacity, for work if it is a day in respect of which a person—

(*a*) fails to prove to the satisfaction of the Minister that he or she is incapable of work, or

(*b*) is being paid by her employer in respect of health and safety leave in accordance with section 18(4) of the Act of 1994, or

(*c*) does any work other than work of the nature specified in *articles 24(3)* and *(4)*.

Annotations

Amendments:

F72 Inserted (31.05.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Days to be treated as days of Incapacity for Work) Regulations 2019* (S.I. No. 241 of 2019), art. 3(*b*), in efect as per art. 2.

Night workers

22. (1) Where a person is employed to work continuously from a time on any day until a time on the next following day, that person shall be regarded, for the purposes of Chapter 8 of Part 2, as being, by virtue of such employment, employed—

(*a*) where the first day is a Monday, Tuesday, Wednesday, Thursday or Friday and the employment on the first day is longer than that on the second, or where the first day is a Saturday, he or she shall be regarded as being employed only on the first day, or

(*b*) in any other case, he or she shall be regarded as being employed only on the second day.

(2) Where by virtue of the provisions of *sub-article (1)*, a person—

(*a*) is to be treated as having been employed on 1 day only of 2 days, and

(*b*) throughout that part of the other of those 2 days during which that person is incapable of work,

that person shall, for the purposes of Chapter 8 of Part 2, be deemed to be so incapable of work throughout that other of those 2 days.

(3) Where by virtue of the provisions of *sub-article (1)*, a person—

(*a*) is to be treated as having been employed on the second day only of 2 days, and

(*b*) throughout the day immediately preceding the first of those 2 days is incapable of work,

that person shall, for the purposes of Chapter 8 of Part 2, be deemed to be so incapable of work throughout the first of those 2 days.

Special provision relating to delay or failure in claiming

23. Notwithstanding anything contained in *article 21*, a person who, in respect of any period of interruption of employment, would have been entitled to illness benefit for any day but for any delay or failure on his or her part to make or prosecute a claim, shall for the purposes of section 44 be treated as having been entitled to illness benefit for that day, but a person shall not be so treated where he or she shows that he or she did not intend, by failing to acquire or establish a right to illness benefit for that day, to avoid the necessity of re-qualifying for benefit under the said section.

Disqualifications

24. (1) A person shall be disqualified for receiving illness benefit for such period not exceeding 9 weeks as may be determined under the provisions of the Principal Act if he or she—

(*a*) has become incapable of work through his or her own misconduct,

(*b*) fails without good cause to attend for, or to submit himself or herself to, medical or other examination in accordance with *sub-article (2)*,

(*c*) fails without good cause to—

(i) comply with any instructions relating to his or her incapacity issued by a registered medical practitioner attending on him or her or to whom he or she attended for medical or other examination,

(ii) refrain from behaviour which is likely to hinder his or her recovery,

F73**[**(iii) see an officer of the Minister or a medical assessor and to answer any reasonable enquiries by any such officer or medical assessor relating to his or her claim for illness benefit.**]**

(2) (*a*) An officer of the Minister may, on giving not less than 7 days notice in writing, require any person who claims or is entitled to illness benefit to submit himself or herself to medical or other examination at such time and place as may be specified in the notice.

(*b*) Notice of the time and place of the examination referred to in *paragraph (a)* shall also be sent to the registered medical practitioner in attendance on the person required to submit himself or herself to such examination.

F74**[**(3) Notwithstanding section 46(1A), a person shall not be disqualified for receipt of illness benefit where that person, having become incapable of following his or her normal occupation and with the prior written permission of an officer of the Minister, undertakes a course of training for a specified period of time with a view to taking up some other occupation.

(3A) Notwithstanding section 46(1A), where a person has—

(*a*) received the prior written permission of an officer of the Minister, and

(*b*) is in receipt of illness benefit immediately before 13 February 2012 while also engaged in part-time work in the nature of rehabilitation or occupational therapy,

that person may continue to receive illness benefit for the unexpired portion of the period of time specified in that written permission which occurs on or after 13 February 2012, if that person continues, during the unexpired portion of such specified period, to satisfy the conditions for entitlement to illness benefit.**]**

(4) A person may engage in the following limited work without prior written permission or specified period of time

(*a*) light work for which no remuneration is, or would normally be, payable,

(*b*) work undertaken primarily as a part of his or her treatment while he or she is a patient in, or of, a hospital, sanatorium, or other similar institution and his or her weekly earnings in respect of that work do not exceed €50,

(*c*) work under a scheme which is, in the opinion of the Minister, charitable in character and purpose and his or her weekly earnings in respect of that work do not exceed €50.

Annotations

Amendments:

F73 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 3 and sch. item 1.

F74 Substituted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 5(1), in effect as per art. 3.

Reckoning of periods of interruption of employment

25. For the purpose of reckoning periods of interruption of employment, and for that purpose only, any day in respect of which a person is entitled to and is in receipt of maternity benefit shall be treated as a day of incapacity for work.

Qualifying conditions — illness benefit

26. (1) For the purposes of section 41(1)(*c*)—

F75**[**(*a*) the prescribed period, other than in the case of a person to whom section 41(1)(*c*)(ia) applies, shall be the governing contribution year,

(*aa*) the prescribed period for section 41(1)(*c*)(ia) shall be—

(i) the governing contribution year, or

(ii) the governing contribution year applicable to the illness benefit claim referred to in clause (II) of section 41(1)(*c*)(ia),

whichever is the more favourable,**]**

(*b*) subject to *sub-article (2)*, the prescribed reckonable weekly earnings or, in the case of a person who qualifies for illness benefit by virtue of having paid optional contributions, reckonable weekly income, shall be calculated as the total reckonable earnings or total reckonable income, as the case may be, in the prescribed period divided by the number of qualifying contributions in the said period, and

(*c*) in the case of a claim where—

(i) the period of interruption of employment commenced before 29 December 2003, the prescribed amount shall be €88.87, and

F76**[**(ii) the period of interruption of employment commenced on or after 29 December 2003 and before 5 January 2009, the prescribed amount shall be €149.99, and

(iii) the period of interruption of employment commenced on or after 5 January 2009, the prescribed amount shall be €300.00.**]**

(2) In the case of a claimant whose reckonable weekly earnings or reckonable weekly income, as the case may be, if any, are less than €32.00, as calculated in accordance with *sub-article (1)(b)*, he or she shall be deemed to have reckonable weekly earnings or reckonable weekly income of €32.00.

(3) In the case of a claimant whose claim, by virtue of having been entitled to or in receipt of illness benefit or jobseeker's benefit in respect of any day in the 13 week period preceding 4 January 1993, forms part of a period of interruption of employment which commenced prior to that date, the provisions of this article shall not have the effect of reducing the rate of illness benefit payable below that to which he or she was previously entitled.

F77**[**(4). Where a claimant becomes entitled to illness benefit by virtue of solely having qualifying contributions under Chapter 6A of Part 2 of the Principal Act, that person shall satisfy the condition in *sub-article (1)(c)(iii)* to have weekly earnings or weekly income in excess of the prescribed amount of €300 in the governing contribution year, where the governing contribution year is 2021.**]**

Annotations

Amendments:

F75 Substituted (1.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 4(*a*), in effect as per art. 2(*a*).

F76 Substituted (5.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 5(*a*), in effect as per art. 2(*b*).

F77 Inserted (4.05.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023* (S.I. No. 234 of 2023), unnumbered article, para (*a*).

Partial satisfaction of conditions for illness benefit

27. Where a claimant would be entitled to illness benefit but for the fact that the amount of his or her reckonable weekly earnings or, in the case of a person who qualifies for illness benefit by virtue of having paid optional contributions, reckonable weekly income, does not exceed the amount prescribed in *article 26(1)(c)*, the following provisions shall apply—

(*a*) where, in the case of a claim to illness benefit where the period of interruption of employment commenced before 29 December 2003, the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in *column*

(1) of *Schedule 5*, there shall be entitlement to illness benefit, payable at the weekly rate shown opposite to that group of amounts in *column (2)* of the said Schedule,

F78**[**(*b*) where, in the case of a claim to illness benefit where the period of interruption of employment commenced on or after 29 December 2003 and before 5 January 2009, the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in *column (1)* of *Schedule 6*, there shall be entitlement to illness benefit payable at the weekly rate shown opposite to that group of amounts in *column (2)* of the said Schedule,

(*ba*) where, in the case of a claim to illness benefit where the period of interruption of employment commenced on or after 5 January 2009, the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in *column (1)* of *Schedule 6A*, there shall be entitlement to illness benefit payable at the weekly rate shown opposite to that group of amounts in *column (2)* of the said Schedule,**]**

(*c*) (i) any increase of illness benefit payable under section 43(1), in respect of a qualified adult, whose weekly income, calculated or estimated in accordance with *article 8*, does not exceed the limit prescribed in *article 7*, shall be at the weekly rate shown opposite to that group of amounts in *column (3)* of the said F79**[***Schedules 5, 6* or *6A***]** as the case may be, and

(ii) any increase of illness benefit payable under section 297, in respect of a qualified adult, whose weekly income, calculated or estimated in accordance with *article 8*, is an amount specified in *column (1)* of *Schedule 7*, shall be payable at the weekly rate shown opposite to that group of amounts in *column (2)* of the said Schedule, and

(*d*) any increase of illness benefit in respect of a qualified child, payable under section 43(2), shall be the same as if the condition as respects the reckonable weekly earnings or reckonable weekly income had been fully satisfied.

Annotations

Amendments:

F78 Substituted and inserted (5.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 5(*b*), in effect as per art. 2(*b*).

F79 Substituted (5.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 5(*c*), in effect as per art. 2(*b*).

Contribution conditions — illness benefit

28. Where a claimant would be entitled to illness benefit but for the fact that he or she does not satisfy the requirement contained in section 41(1)(*b*) that there must be qualifying contributions in respect of at least 13 contribution weeks in the governing contribution year, he or she shall be entitled to benefit if he or she—

(*a*) has qualifying contributions in respect of at least 13 contribution weeks in either of the 2 contribution years preceding the governing contribution year or in a subsequent contribution year,

(*b*) was immediately before claiming illness benefit in receipt of jobseeker's allowance and was a person to whom section 142(1)(*a*) applied, or

(*c*) was immediately before claiming illness benefit in receipt of—

(i) pre-retirement allowance, or

(ii) invalidity pension, or

(*d*) was, immediately before claiming illness benefit—

(i) in receipt of carer's benefit or carer's allowance,

(ii) a prescribed relative within the meaning of section 179 and in respect of whom an allowance is payable,

(iii) providing full-time care to a person who is in receipt of an increase of disablement pension under section 78 in respect of the need for constant attendance.

F80[CHAPTER 1A

Partial Capacity Benefit]

Annotations

Amendments:

F80 Inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 4, in effect as per art. 3.

F81[**Conditions for which person assessed as having a profound restriction on capacity for work**

28A. (1) For the purposes of section 46A(1)(*b*), a person shall be regarded as having a profound restriction on his or her capacity for work where that person has a residual capacity for work which is not more than a quarter of the norm in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work.

(2) In assessing whether a person has a profound restriction on his or her capacity for work for the purposes of section 46A(1)(*b*), a deciding officer shall have regard to any one or more of the following—

(*a*) the opinion of a medical assessor,

(*b*) medical evidence furnished by a registered medical practitioner,

(*c*) the claimant's own assessment of his or her capacity for work, or

(*d*) any other relevant material evidence.**]**

Annotations

Amendments:

F81 Substituted (9.09.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013* (S.I. No. 340 of 2013), art. 3(*a*), in effect as per art. 2.

Editorial Notes:

E9 Previous affecting provision: article inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 4, in effect as per art. 3; substituted (9.09.2013) as per F-Note above.

F82**[Conditions for which person assessed as having a mild restriction on capacity for work**

28B. (1) For the purposes of section 46A(4), a person shall be regarded as having a mild restriction on his or her capacity for work where that person has a capacity for work which is not materially different to the capacity for work of a person of the same age who has no restriction on his or her capacity for work.

(2) In assessing whether a person has a mild restriction on his or her capacity for work for the purposes of section 46A(4), a deciding officer shall have regard to any one or more of the following—

(*a*) the opinion of a medical assessor,

(*b*) medical evidence furnished by a registered medical practitioner,

(*c*) the claimant's own assessment of his or her capacity for work, or

(*d*) any other relevant material evidence.**]**

Annotations

Amendments:

F82 Substituted (9.09.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013* (S.I. No. 340 of 2013), art. 3(*a*), in effect as per art. 2.

Editorial Notes:

E10 Previous affecting provision: article inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 4, in effect as per art. 3; substituted (9.09.2013) as per F-Note above.

F83**[Reduced rates of partial capacity benefit**

28C. (1) Where a person would be entitled to partial capacity benefit but for the fact that he or she does not satisfy the requirement specified in section 46A(1)(*b*) that he or she has a profound restriction on his or her capacity for work in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work, he or she shall be entitled to partial capacity benefit where he or she has—

(*a*) a severe restriction on his or her capacity for work in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work, or

(*b*) a moderate restriction on his or her capacity for work in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work.

(2) For the purposes of *sub-article (1)(a)*, a person shall be regarded as having a severe restriction on his or her capacity for work in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work where that person—

(*a*) has a residual capacity for work which is not more than a half of the norm in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work, and

(*b*) has not been assessed as having a profound restriction on his or her capacity for work.

(3) For the purposes of *sub-article (1)(b)*, a person shall be regarded as having a moderate restriction on his or her capacity for work in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work where that person—

(*a*) has a residual capacity for work which is not more than four fifths of the norm in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work, and

(*b*) has not been assessed as having a profound or a severe restriction on his or her capacity for work.

(4) In assessing whether a person has a severe or moderate restriction on his or her capacity for work for the purposes of this article, a deciding officer shall have regard to any one or more of the following—

(*a*) the opinion of a medical assessor,

(*b*) medical evidence furnished by a registered medical practitioner,

(*c*) the claimant's own assessment of his or her capacity for work, or

(*d*) any other relevant material evidence.

(5) Where a person qualifies for partial capacity benefit under this article, benefit shall be paid in accordance with *Schedule 7A*.**]**

Annotations

Amendments:

F83 Substituted (9.09.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013* (S.I. No. 340 of 2013), art. 3(*a*), in effect as per art. 2.

Editorial Notes:

E11 Previous affecting provision: article inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 4, in effect as per art. 3; substituted (9.09.2013) as per F-Note above.

F84**[Rate of partial capacity benefit payable where person requalifies for benefit**

28D. (1) In the case of a person to whom section 46A(1)(*c*)(ii) applies, not being a person to whom section 46C(3)(*a*)(ii) applies—

(*a*) where that person has been assessed as having the same restriction on his or her capacity for work as had been assessed in relation to the period of entitlement to partial capacity benefit immediately before the date of exhaustion of the previous period of entitlement, partial capacity benefit shall be paid at the same rate as had been paid immediately before the exhaustion of that period of entitlement to benefit,

(*b*) where that person has been assessed as having a different restriction on his or her capacity for work from that which had been assessed in relation to the period of entitlement to partial capacity benefit immediately before the date of exhaustion of the previous period of entitlement, partial capacity benefit shall be paid at the rate of benefit that would have been paid immediately before the exhaustion of the previous period of entitlement to benefit in accordance with—

(i) the revised restriction on that person's capacity for work, and

(ii) that person's other circumstances.

(2) Notwithstanding *sub-article (1)*—

(*a*) any change in circumstances that would have resulted in a variation in the rate of illness benefit, invalidity pension or partial capacity benefit payable, if that person had continued receiving the said benefit or pension, or

(*b*) any general variation in the weekly rates of benefits, pensions, allowances or supplements under the Principal Act,

shall have similar effect in relation to the rate of partial capacity benefit payable in accordance with this article.**]**

Annotations

Amendments:

F84 Substituted (9.09.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013* (S.I. No. 340 of 2013), art. 3(*a*), in effect as per art. 2.

Editorial Notes:

E12 Previous affecting provision: article inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 4, in effect as per art. 3; substituted (9.09.2013) as per F-Note above.

F85**[Partial capacity benefit where person deemed to satisfy qualifying conditions for invalidity pension in accordance with section 46C(3)(*b*)**

28E. (1) The rate of partial capacity benefit shall be determined in accordance with this article in the case of a person who, having initially qualified for partial capacity benefit by virtue of section 46A(1)(*c*)(i)(I), subsequently continues to qualify for partial capacity benefit by virtue of being deemed to satisfy the qualifying conditions for invalidity pension in accordance with section 46C(3)(*b*).

(2) The rate of partial capacity benefit payable in accordance with this article shall be the rate of invalidity pension that would have been appropriate to that person's circumstances at the time that person is deemed to have satisfied the qualifying conditions for invalidity pension, reduced, where appropriate, in accordance with *article 28C*.

(3) Notwithstanding *sub-article (2)*

(*a*) any subsequent change in circumstances that would have resulted in a variation in the rate of invalidity pension or partial capacity benefit payable, if that person had continued receiving the said benefit or pension, or

(*b*) any general variation in the weekly rates of benefits, pensions, allowances or supplements under the Principal Act,

shall have similar effect in relation to the rate of partial capacity benefit payable in accordance with this article.**]**

Annotations

Amendments:

F85 Inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 4, in effect as per art. 3.

F86[**Reduced duration for partial capacity benefit in certain cases**

28F. Where a person qualifies for partial capacity benefit by virtue of *article 28D*, the maximum period for which that benefit shall be—

(*a*) 104 weeks in the case of a person F87[who has] a severe restriction on his or her capacity for work in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work, and

(*b*) 52 weeks in the case of a person F87[who has] a moderate restriction on his or her capacity for work in relation to the capacity for work of a person of the same age who has no restriction on his or her capacity for work.]

Annotations

Amendments:

F86 Inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 4, in effect as per art. 3.

F87 Substituted (9.09.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013* (S.I. No. 340 of 2013), art. 3(*b*), in effect as per art. 2.

F88[**Disqualifications for partial capacity benefit**

28G. (1) A person shall be disqualified for receiving partial capacity benefit for such period not exceeding 9 weeks if he or she fails without good cause to—

(*a*) attend for, or submit to, any medical or other examination in accordance with *sub-article (2)*,

(*b*) comply with any medical advice and instructions provided by a registered medical practitioner relating to his or her incapacity,

F89[(*c*) see an officer of the Minister or a medical assessor and to answer any reasonable enquiries by any such officer or medical assessor relating to his or her claim for partial capacity benefit.]

(2) An officer of the Minister may, on giving not less than 7 days notice in writing, require any person who claims or is entitled to partial capacity benefit to submit himself or herself to medical or other examination at such time and place as may be specified in the notice.

(3) Notice of the time and place of the examination referred to in *sub-article (2)* shall also be sent to the registered medical practitioner in attendance on the person required to submit himself or herself to such examination.]

Annotations

Amendments:

F88 Inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 4, in effect as per art. 3.

F89 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 3 and sch. item 2.

F90[**Definition**

28H. F91[...]]

Annotations

Amendments:

F90 Inserted (9.09.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013* (S.I. No. 340 of 2013), art. 3(*c*), in effect as per art. 2.

F91 Revoked (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 3 and sch. item 3.

F92**[**CHAPTER 1B

*Illness Benefit payments arising from COVID-19***]**

Annotations

Amendments:

F92 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F93**[Definitions**

28I. In this Chapter—

"medical officer of health" has the same meaning as it has in the Health Act 1947;

"Covid-19" means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations.**]**

Annotations

Amendments:

F93 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F94**[Persons deemed incapable of work**

28J. For the purpose of Chapter 8 of Part 2, and for no other purpose, a person who is not incapable of work shall, if it is so decided under the provisions of the Principal Act, be deemed to be incapable of work by reason of a specified infectious disease by virtue of—

(*a*) being certified in accordance with *article 28Q* by a registered medical practitioner as being a person who is a probable source of infection of Covid-19,

(*b*) having been notified by a medical officer of health that he or she is a probable source of infection of Covid-19, or

(*c*) being a person in respect of whom an order under section 38A(1) of the Health Act 1947 is in force.**]**

Annotations

Amendments:

F94 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F95**[Minimum contribution conditions**

28K. Where a claimant is a person to whom section 40(7) applies and who would be entitled to illness benefit but for the fact that he or she does not satisfy the contribution conditions contained in section 41(1), he or she shall be entitled to benefit if, immediately before claiming illness benefit, he or she—

(*a*) is an employed contributor who—

(i) has qualifying contributions in respect of not less than 1 contribution week in the 4 weeks immediately before claiming illness benefit, and

(ii) has not engaged in employment since the date of his or her claim for illness benefit,

or

(*b*) is a self-employed contributor, or has verified that he or she was self-employed immediately before claiming illness benefit by making a declaration, in such form as the Minister may determine or consider appropriate having regard to the circumstances, whether in writing, by means of an electronic communication or in another manner, that he or she—

(i) was engaged in self-employment immediately before claiming illness benefit,

(ii) has not engaged in self-employment since the date of his or her claim for illness benefit, and

(iii) will have reckonable income in the current contribution year and will be liable for the payment of a self-employment contribution under section 21.**]**

Annotations

Amendments:

F95 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F96**[Additional conditions**

28L. Where a claimant is a person to whom section 40(7) applies and has claimed illness benefit he or she must—

(*a*) not be carrying out his or her employment or self-employment,

(*b*) be following medical advice, and

(*c*) be following relevant guidelines set out by the Executive in relation to the specified infectious disease.**]**

Annotations

Amendments:

F96 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F97**[Persons not entitled to illness benefit**

28M. Where a claimant is entitled to illness benefit in respect of any day of incapacity arising from their being a person to whom subsection 40(7) applies, he or she—

(*a*) shall not be entitled to benefit in respect of any day of incapacity for work, if he or she is entitled to full wages, salary, or paid sick leave under a contract of employment, in respect of any such day, and

(*b*) shall be entitled to a reduced rate or reductions in the rate of illness benefit in respect of any day of incapacity for work, if he or she is entitled to reduced wages, salary, or paid sick leave, for those same days, which is less than the rate of illness benefit to which he or she would otherwise be entitled.**]**

Annotations

Amendments:

F97 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F98**[Information to be given when making a claim**

28N. Where a claim for illness benefit is made by an employed contributor in respect of any day of incapacity arising from being a person to whom subsection 40(7) applies, his or her employer shall, on being so required by an officer of the Minister, furnish to the Minister the following information relating to the employee—

(*a*) the nature of his or her employment,

(*b*) the total amount of paid sick leave paid to the employee from his or her employment with the employer in respect of any period,

(*c*) the total number of hours worked by the employee in that employment in any period, and

(*d*) any other relevant information that may be required by the said officer.**]**

Annotations

Amendments:

F98 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F99**[Rate of benefit**

28O. The weekly rate of benefit to be paid for the purposes of section 40(11) shall be the rate of Illness Benefit as set out in Column 2 of Part 1 of Schedule 2, increased F100**[**to €350.**]]**

Annotations

Amendments:

F99 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F100 Substituted (19.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness Benefit payments arising from COVID-19) Regulations 2022* (S.I. No. 26 of 2022), art. 2(*a*).

F101**[Duration of increased rate of benefit**

28P. For the purpose of section F102**[**40(7)**]** the prescribed period shall be—

(*a*) a maximum of ten weeks in the case of a person to whom section 40(7)(*a*)(i) applies, and

(*b*) F103**[**a maximum of**]** two weeks in the case of any other person to whom section 40(7) applies.**]**

Annotations

Amendments:

F101 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F102 Substituted (19.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness Benefit payments arising from COVID-19) Regulations 2022* (S.I. No. 26 of 2022), art. 2(*b*)(i).

F103 Inserted (19.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness Benefit payments arising from COVID-19) Regulations 2022* (S.I. No. 26 of 2022), art. 2(*b*)(ii).

F104**[Manner of certification or notification**

28Q. (1) For the purposes of section 40(7)(*a*) the prescribed manner for certification of the nature and extent of a relevant person's incapacity by a medical practitioner shall be in the form for the time being approved by the Minister.

(2) For the purposes of sections 40(7)(*b*) and 40(7)(*d*) the prescribed manner for notification by a medical officer of health that a relevant person is a probable source of infection of a specified infectious disease shall be in the form for the time being approved by the Minister.

(3) For the purposes of section 40(7)(*c*) the prescribed manner for notification by a person who declares they are a probable source of infection of a specified infectious disease shall be in the form for the time being approved by the Minister.**]**

Annotations

Amendments:

F104 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

F105**[**
Disqualifications

28R. A person may be disqualified from receiving illness benefit in respect of absences from employment arising from their being a person to whom section 40(7) applies where—

(*a*) the person fails without good cause to comply with instructions relating to the infectious disease issued by a registered medical practitioner or the Executive, or

(*b*) the person engages in employment, self-employment or training.**]**

Annotations

Amendments:

F105 Inserted (9.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020), art. 3, in effect as per art. 2.

CHAPTER 2

Maternity Benefit

Expected week of confinement and duration of maternity benefit in certain cases

29. (1) The expected week of confinement to be specified in any certificate pursuant to section 47(1)(*a*) shall not be more than 16 weeks after the week in which the certificate is given.

(2) Where in respect of a claim to maternity benefit it is certified by a registered medical practitioner or otherwise to the satisfaction of an officer of the Minister that a woman has been confined, and no such certificate as is referred to in paragraph (a) of section 47(1) has been given, the said paragraph shall for the purpose of that claim, be modified and shall apply as if the said paragraph required that it had been certified by a registered medical practitioner or otherwise to the satisfaction of an officer of the Minister that the woman concerned had been confined.

(3) In the case of a woman to whom *sub-article (2)* applies, maternity benefit shall, subject to *article 35*, be payable for such 24 week period as may be determined by a deciding officer.

Postponement of maternity benefit in event of hospitalisation of child

30. (1) Subject to this article, a claimant, upon written request to the Minister, in the form for the time being approved by the Minister, may postpone the payment of maternity benefit where the claimant is an employed contributor and it is certified by that person's employer that the claimant is entitled to the postponement of maternity leave under the provisions of sections 14B or 16B (as inserted by sections 7 and 12 of the Maternity Protection (Amendment) Act 2004 (No. 28 of 2004)) of the Act of 1994.

(2) Subject to *sub-article (3)*, a claimant, upon written request to the Minister, in the form for the time being approved by the Minister, may be entitled to resume the payment of maternity benefit where the claimant is an employed contributor and it is certified by that person's employer that the claimant is entitled to resume postponed maternity leave under the provisions of sections 14B or 16B of the Act of 1994.

(3) For the purposes of *sub-article (2)*, upon resumption of the period of entitlement to maternity leave, maternity benefit shall be paid—

(*a*) in one continuous period commencing not later than 7 days after the discharge of the child from hospital, and

(*b*) for the duration of the remaining period of maternity benefit to which that person is entitled, subject to a maximum of 12 weeks.

(4) The maximum period for which maternity benefit may be postponed under the provisions of this article is 6 months.

Volunteer development workers — qualifying conditions

31. (1) (*a*) Subject to *paragraph (b)*, a volunteer development worker shall be entitled to maternity benefit where the person would otherwise qualify therefor but for the fact that the contribution conditions in section 48 are not satisfied.

(*b*) For the purposes of *paragraph (a)* the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the first day of maternity leave.

(2) (*a*) Subject to *paragraph (b)*, a person who ceases to be a volunteer development worker shall be entitled to maternity benefit in respect of any claim made in the benefit year in which the person returns to the State from a developing country or in the next succeeding benefit year where the person would otherwise qualify therefor but for the fact that the contribution conditions in section 48 are not satisfied.

(*b*) For the purposes of *paragraph (a)* the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the first day of maternity leave.

Determination of income tax year and prescribed weekly amount for purposes of maternity benefit

32. (1) The income tax year prescribed for the purposes of section 49 shall be the second last complete income tax year before the beginning of the benefit year in which the first day of maternity leave occurs.

(2) The amount prescribed for the purposes of F106**[**section 49(1)(*a*)(iii)**]** shall be F107**[**€217.80**]**.

Annotations

Amendments:

F106 Substituted (6.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Maternity and Adoptive Benefit) Regulations 2013* (S.I. No. 514 of 2013), art. 3(*a*), in effect as per art. 2.

F107 Substituted (3.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 5(*a*), in effect as per art. 2(*c*).

Editorial Notes:

E13 Previous affecting provision: sub-art. (2) amended (4.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 5(*a*), in effect as per art. 2(*c*); substituted (3.01.2011) as per F-Note above.

E14 Previous affecting provision: sub-art. (2) amended (29.12.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 5, in effect as per art. 2(*c*); substituted (4.01.2010) as per E-Note above.

E15 Previous affecting provision: sub-art. (2) amended (31.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 5(*a*), in effect as per art. 2(*c*); substituted (29.12.2008) as per E-Note above.

Calculation of reckonable weekly earnings

33. For the purposes of section 49(2), the average amount of reckonable weekly earnings, reckonable weekly emoluments and reckonable weekly income of a woman in any income tax year shall be calculated as her total reckonable earnings, reckonable emoluments and reckonable income for that income tax year, divided by the number of employment contributions and self-employment contributions in the said income tax year, up to a maximum of F108**[**€327.50**]**.

Annotations

Amendments:

F108 Substituted (3.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 5(*b*), in effect as per art. 2(*c*).

Editorial Notes:

E16 Previous affecting provision: amended (4.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 5(*b*), in effect as per art. 2(*c*); substituted (3.01.2011) as per F-Note above.

Medical examination to determining validity of certificate

34. (1) Where any question arises as to the validity of a certificate by virtue of which a woman claims or is entitled to maternity benefit, she shall, unless the confinement has already occurred, on receipt of not less than 3 days notice in writing given by an officer of the Minister, submit herself to medical examination at such time and place as may be specified in the notice with a view to obtaining a further certificate.

(2) Notice of the time and place of the medical examination referred to in *sub-article (1)* shall also be sent to the registered medical practitioner (if any) who is attending the woman required to submit herself to such examination.

Disqualifications

35. F109**[**(1) Subject to *sub-article (2)*, a woman shall be disqualified for receiving maternity benefit for such period as may be determined by a deciding officer if, during the period for which the benefit is payable, the woman engages in any form of insurable employment, insurable (occupational injuries) employment, insurable self-employment, any employment referred to in paragraph 1, 2, 3 or 6 of Part 2 of Schedule 1 to the Principal Act or any self-employment referred to in paragraph 1 or 5 of Part 3 of Schedule 1 to the said Act.

(2) A disqualification referred to in *sub-article (1)* shall—

(*a*) commence not earlier than the first day on which the woman engages in any employment referred to in *sub-article (1)*,

(*b*) not apply for the day on which the confinement occurs where a woman engages in such employment before the confinement, and

(*c*) cease, for any day after the confinement where the woman no longer engages in said employment.**]**

(3) Subject to *sub-article (4)*, a person shall be disqualified for receiving maternity benefit for such period as may be determined by a deciding officer if, during the period for which the benefit is payable, the person fails without good cause to attend for or to submit herself to medical examination in accordance with *article 34(1)*.

(4) A disqualification referred to in *sub-article (3)* shall—

(*a*) commence not earlier than the day on which the failure occurs,

(*b*) not apply for the day on which the confinement occurs in the event of the person being confined after such failure, and

(*c*) cease, for any day after the confinement where the person submits herself to medical examination in accordance with *article 34(1)*.

Annotations

Amendments:

F109 Substituted (1.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 5(*a*), in effect as per art. 2(*a*).

CHAPTER 3

Health and Safety Benefit

Qualifying conditions for benefit

36. (1) For the purposes of section 53(1)(*b*)—

(*a*) the prescribed period shall be the second last complete contribution year before the beginning of the benefit year which includes the first day for which health and safety benefit is claimed,

(*b*) subject to *sub-article (2)*, the prescribed reckonable weekly earnings shall be calculated as the total reckonable earnings in the prescribed period divided by the number of qualifying contributions in the said period, and

(*c*) in the case of a claim where—

F110**[**(i) the period of health and safety leave commenced on or after 29 December 2003 and before 5 January 2009, the prescribed amount shall be €149.99, and

(ii) the period of health and safety leave commenced on or after 5 January 2009, the prescribed amount shall be €300.00.**]**

(2) In the case of a claimant whose reckonable earnings, if any, are less than €32.00, as calculated in accordance with *sub-article (1)*, she shall be deemed to have reckonable weekly earnings of €32.00.

Annotations

Amendments:

F110 Substituted (5.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 6(*a*), in effect as per art. 2(*b*).

Partial satisfaction of conditions for benefit

37. Where a claimant would be entitled to benefit but for the fact that her reckonable weekly earnings do not exceed the amount prescribed in *article 36(1)(c)*, the following provisions shall apply—

F111**[**(*a*) where, in the case of a claim to health and safety benefit where the period of interruption of employment commenced on or after 29 December 2003 and before 5 January 2009, the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in *column (1)* of *Schedule 6*, there shall be entitlement to health and safety benefit payable at the weekly rate shown opposite to that group of amounts in *column (2)* of the said Schedule,

(*b*) where, in the case of a claim to health and safety benefit where the period of interruption of employment commenced on or after 5 January 2009, the

amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in *column (1)* of *Schedule 6A*, there shall be entitlement to health and safety benefit payable at the weekly rate shown opposite to that group of amounts in *column (2)* of the said Schedule,**]**

(*c*) any increase of health and safety benefit in respect of a qualified adult, payable under section 56(1) shall be at the weekly rate shown opposite to that group of amounts in *column (3)* of the said F112**[***Schedules 6* or *6A***]** as the case may be, and

(*d*) any increase of health and safety benefit in respect of a qualified child, payable under section 56(2) shall be the same as if the condition regarding reckonable weekly earnings had been fully satisfied.

Annotations

Amendments:

F111 Substituted (5.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 6(*b*), in effect as per art. 2(*b*).

F112 Substituted (5.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 6(*c*), in effect as per art. 2(*b*).

CHAPTER 4

Adoptive Benefit

Definitions

38. In this Chapter "relevant day" has the meaning assigned to it by section 59(2).

Volunteer development workers — qualifying conditions

39. (1) (*a*) Subject to *paragraph (b)*, a volunteer development worker shall be entitled to adoptive benefit where that person would otherwise qualify therefor but for the fact that the contribution conditions in section 59 are not satisfied.

(*b*) For the purposes of *paragraph (a)* the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the relevant day.

(2) (*a*) Subject to *paragraph (b)*, a person who ceases to be a volunteer development worker shall be entitled to adoptive benefit in respect of any claim made in the benefit year in which that person returns to the State from a developing country or in the next succeeding benefit year where the person would otherwise qualify therefor but for the fact that the contribution conditions in section 59 are not satisfied.

(*b*) For the purposes of *paragraph (a)*, the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the relevant day.

Determination of income tax year and prescribed weekly amount

40. (1) The income tax year prescribed for the purposes of section 60 shall be the second last complete income tax year before the beginning of the benefit year in which the relevant day occurs.

(2) The amount prescribed for the purposes of F113**[**section 60(1)(*a*)(iii)**]** shall be the amount specified in *article 32(2)*.

Annotations

Amendments:

F113 Substituted (6.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Maternity and Adoptive Benefit) Regulations 2013* (S.I. No. 514 of 2013), art. 3(*b*), in effect as per art. 2.

Calculation of reckonable weekly earnings

41. For the purposes of section 60(2) the average amount of reckonable weekly earnings, reckonable weekly emoluments and reckonable weekly income of an adopting parent in any income tax year shall be calculated as that parent's total reckonable earnings, reckonable emoluments and reckonable income for that income tax year divided by the number of employment contributions or self-employment contributions in the said income tax year, up to the amount specified in *article 33*.

Disqualifications

F114[**42.** (1) Subject to *sub-article (2)*, an adopting parent shall be disqualified for receiving adoptive benefit for such period as may be determined by a deciding officer if, during the period for which the benefit is payable, the adopting parent engages in any form of insurable employment, insurable (occupational injuries) employment, insurable self-employment, any employment referred to in paragraph 1, 2, 3 or 6 of Part 2 of Schedule 1 to the Principal Act or any self-employment referred to in paragraph 1 or 5 of Part 3 of Schedule 1 to the said Act.

(2) A disqualification referred to in *sub-article (1)* shall commence not earlier than the first day on which the adopting parent engages in any employment referred to in *sub-article (1)*.**]**

Annotations

Amendments:

F114 Substituted (1.05.2007) by Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007 (S.I. No. 222 of 2007), art. 5(*b*), in effect as per art. 2(*a*).

Postponement of adoptive benefit during hospitalisation of child

43. (1) Subject to this article, a claimant, upon written request to the Minister, in the form for the time being approved by the Minister, may postpone the payment of adoptive benefit where the claimant is an employed contributor and it is certified by that person's employer that the claimant is entitled to the postponement of adoptive leave under the provisions of section 11C (as inserted by section 9 of the Adoptive Leave Act 2005 (No. 25 of 2005)) of the Adoptive Leave Act 1995.

(2) Subject to *sub-article (3)*, a claimant, upon written request to the Minister, in the form for the time being approved by the Minister, may be entitled to resume the payment of adoptive benefit where the claimant is an employed contributor and it is certified by that person's employer that the claimant is entitled to resume postponed adoptive leave under the provisions of section 11C of the Adoptive Leave Act 1995.

(3) For the purposes of *sub-article (2)*, upon resumption of the period of entitlement to adoptive leave, adoptive benefit shall be paid—

(*a*) in one continuous period commencing not later than 7 days after the discharge of the child from hospital, and

(*b*) for the duration of the remaining period of adoptive benefit to which that person is entitled.

F115[CHAPTER 4A

Paternity Benefit]

Annotations

Amendments:

F115 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 5, in effect as per art. 3.

F116[**Definitions**

43A. In this Chapter—

"expected week of confinement" has the meaning assigned to it by section 47(1)(*a*);

"relevant day" has the meaning assigned to it by section 61A(1);

"relevant parent" has the same meaning as it has in section 61A(1);

"surviving parent" has the meaning assigned to it by section 61A(1).**]**

Annotations

Amendments:

F116 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 5, in effect as per art. 3.

F117[**Expected week of confinement and duration of paternity benefit in certain cases**

43B. (1) The expected week of confinement to be specified in any certificate pursuant to section 61B(1)(*b*)(ii)(I) shall not be more than 16 weeks after the week in which the certificate is given.

(2) Where in respect of a claim to paternity benefit it is certified by a registered medical practitioner or otherwise to the satisfaction of an officer of the Minister that a woman has been confined, and no such certificate as is referred to in clause (I) of section 61B(1)(*b*)(ii) has been given, the said clause shall for the purpose of that claim, be modified and shall apply as if the said clause required that it had been certified by a registered medical practitioner or otherwise to the satisfaction of an officer of the Minister that the woman concerned had been confined.

(3) In the case of a person to whom *sub-article (2)* applies, paternity benefit shall, subject to *article 43D*, be payable for such 2 week period as may be determined by a deciding officer.**]**

Annotations

Amendments:

F117 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 5, in effect as per art. 3.

F118[**Volunteer development workers — qualifying conditions**

43C. (1) (*a*) Subject to *paragraph (b)*, a volunteer development worker shall be entitled to paternity benefit where that person would otherwise qualify therefor but for the fact that the contribution conditions in section 61C are not satisfied.

(*b*) For the purposes of *paragraph (a)*, the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the relevant day.

(2) (*a*) Subject to *paragraph (b)*, a person who ceases to be a volunteer development worker shall be entitled to paternity benefit in respect of any claim made in the benefit year in which that person returns to the State from a developing country or in the next succeeding benefit year where the person would otherwise qualify therefor but for the fact that the contribution conditions in section 61C are not satisfied.

(*b*) For the purposes of *paragraph (a)*, the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the relevant day.**]**

Annotations

Amendments:

F118 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 5, in effect as per art. 3.

F119**[Disqualification**

43D. (1) Subject to *sub-article (2)*, a relevant parent or a surviving parent, as the case may be, shall be disqualified for receiving paternity benefit for such period as may be determined by a deciding officer if, during the period for which the benefit is payable, the relevant parent or surviving parent, as the case may be, engages in any form of insurable employment, insurable (occupational injuries) employment, insurable self-employment, any employment referred to in paragraph 1, 2, 3 or 6 of Part 2 of Schedule 1 to the Principal Act or any self-employment referred to in paragraph 1 or 5 of Part 3 of Schedule 1 to the said Act.

(2) A disqualification referred to in *sub-article (1)* shall commence not earlier than the first day on which the relevant parent or surviving parent, as the case may be, engages in any employment referred to in *sub-article (1)*.**]**

Annotations

Amendments:

F119 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 5, in effect as per art. 3.

F120**[Postponement of paternity benefit in certain circumstances**

43E. For the purposes of section 61B(9), the payment of paternity benefit may be postponed to the date of confinement and shall be payable within the period specified in section 61B(7)(*b*)(ii).**]**

Annotations

Amendments:

F120 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 5, in effect as per art. 3.

F121**[Postponement of paternity benefit during hospitalisation of child**

43F. For the purposes of section 61B(10), the maximum period for which the payment of paternity benefit may be postponed is 6 months.**]**

Annotations

Amendments:

F121 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 5, in effect as per art. 3.

F122[CHAPTER 4B

Parent's benefit]

Annotations

Amendments:

F122 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 5, in effect as per art. 3.

F123[**Definitions**

43G. In this Chapter—

"Act of 2019" means the Parent's Leave and Benefit Act 2019;

"period of parent's leave" means the period of parent's leave to which the relevant parent or surviving parent is entitled under Part 2 of the Parent's Leave and Benefit Act 2019, being a continuous period of 2 consecutive weeks or periods consisting of not less than one week beginning, as the case may be

(*a*) on or after the day of placement of the child, and ending not later than 52 weeks after the day of placement of the child, or

(*b*) on or after the date of birth of the child and ending not later than 52 weeks after the date of birth of the child;

"relevant day" has the meaning assigned to it by section 61F(1);

"relevant parent" has the meaning assigned to it by section 61F(1);

"surviving parent" has the meaning assigned to it by section 61F(1).**]**

Annotations

Amendments:

F123 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 5, in effect as per art. 3.

F124[**Volunteer development workers – qualifying conditions**

43H. (1) (*a*) Subject to *paragraph (b)*, a volunteer development worker shall be entitled to parent's benefit where that person would otherwise qualify therefor but for the fact that the contribution conditions in section 61H are not satisfied.

(*b*) For the purposes of *paragraph (a)*, the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the relevant day.

(2) (*a*) Subject to *paragraph (b)*, a person who ceases to be a volunteer development worker shall be entitled to parent's benefit in respect of any claim made in the benefit year in which that person returns to the State from a developing

country or in the next succeeding benefit year where the person would otherwise qualify therefor but for the fact that the contribution conditions in section 61H are not satisfied.

(*b*) For the purposes of *paragraph (a)*, the claimant must have qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with the person's entry into insurance and ending immediately before the relevant day.**]**

Annotations

Amendments:

F124 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 5, in effect as per art. 3.

F125**[Disqualification**

43I. (1) Subject to *sub-article (2)*, a relevant parent or a surviving parent, as the case may be, shall be disqualified for receiving parent's benefit for such period as may be determined by a deciding officer if, during the period for which the benefit is payable, the relevant parent or surviving parent, as the case may be, engages in any form of insurable employment, insurable (occupational injuries) employment, insurable self-employment, any employment referred to in paragraph 1, 2, 3 or 6 of Part 2 of Schedule 1 to the Principal Act or any self-employment referred to in paragraph 1 or 5 of Part 3 of Schedule 1 to the said Act.

(2) A disqualification referred to in *sub-article (1)* shall commence not earlier than the first day on which the relevant parent or surviving parent, as the case may be, engages in any employment referred to in *sub-article (1)*.**]**

Annotations

Amendments:

F125 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 5, in effect as per art. 3.

F126**[Postponement of parent's benefit during hospitalisation of child**

43J. (1) For the purposes of section 61G(12), the maximum period for which parent's benefit may be postponed is 6 months.**]**

Annotations

Amendments:

F126 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 5, in effect as per art. 3.

F127**[Postponement of parent's benefit by virtue of subsection (15) or paragraphs (*a*) or (*b*) of subsection (16)**

43K. (1) Where, by virtue of the application of section 61G(15), a relevant parent cannot receive his or her parent's benefit within the period of parent's leave, the period of parent's leave in which parent's benefit may be paid shall be postponed by a maximum period of 12 weeks.

(2) Where, by virtue of the application of paragraph (*a*) of section 61G(16), a relevant parent has his or her leave postposed in accordance with section 7(3)(*a*) of the Act

of 2019, the period of parent's leave in which parent's benefit may be paid shall be postponed by a maximum period of 6 weeks.

(3) Where, by virtue of the application of paragraph (*b*) of section 61G(16), a relevant parent has his or her leave postponed in accordance with section 13 of the Act of 2019, the period of parent's leave in which parent's benefit may be paid shall be postponed by a period equivalent to the period of postponement concerned, subject to such postponement not exceeding a period of 12 weeks.**]**

Annotations

Amendments:

F127 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 5, in effect as per art. 3.

CHAPTER 5

Jobseeker's Benefit

Days not to be treated as days of unemployment

44. (1) For the purposes of Chapter 12 of Part 2, a day shall not be treated as a day of unemployment if it is a day in respect of which a person—

(*a*) fails to prove to the satisfaction of the Minister that he or she is unemployed, capable of work and available for employment, or

F128**[**(*b*) follows any occupation from which he or she derives any remuneration or profit, unless such occupation—

(i) could ordinarily have been followed by him or her in addition to his or her usual employment and outside the ordinary working hours of that employment and—

F129**[**(I) the total remuneration or profit from any days of such occupation does not exceed €7,500 on an annual basis, or, €144 on a weekly basis, or**]**

(II) not less than 117 employment contributions have been paid in respect of him or her in respect of the period of 3 years immediately preceding that day or in respect of the last 3 complete contribution years immediately preceding that day,

or

(ii) constitutes employment as a retained fire fighter.**]**

(2) Where the provisions of *sub-paragraph (1)(b)(ii)* are satisfied as respects any day they shall continue to be regarded as satisfied in respect of any subsequent day which is in the same period of interruption of employment.

(3) For the purposes of Chapter 12 of Part 2 and notwithstanding the provisions of *sub-article (1)(b)*, any day on which a person is undergoing a course of rehabilitation training provided by an organisation (being an organisation approved of by the Minister for Health and Children for the purposes of the provision of such training) shall be treated as a day of unemployment and the person shall be deemed to be available for employment on any such day.

Annotations

Amendments:

F128 Substituted (10.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Retained Fire Fighters) Regulations 2013* (S.I. No. 254 of 2013), art. 4.

F129 Substituted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Subsidiary Employment) Regulations 2018* (S.I. No. 651 of 2018), art. 2.

Night workers

45. F130**[**(1) Where a person is employed to work continuously from a time on any day until a time on the next following day, that person shall, for the purposes of jobseeker's benefit, be regarded as being employed by virtue of that employment—

(*a*) only on the first day where the employment on the first day is longer than that on the second day and in that case that first day shall not be treated as a day of unemployment, and

(*b*) only on the second day in any other circumstances, and in that case that second day shall not be treated as a day of unemployment.**]**

(2) Where by virtue of the provisions of *sub-article (1)*, a person—

(*a*) is to be treated as having been employed on 1 day only of 2 days, and

(*b*) throughout that part of the other of those 2 days during which that person is not employed, or is deemed in accordance with regulations to be available for employment,

that person shall, for the purposes of Chapter 12 of Part 2, be deemed to be so available for employment, throughout that other of those 2 days.

Annotations

Amendments:

F130 Substituted (20.02.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Night Workers) Regulations 2013* (S.I. No. 62 of 2013), art. 3(*a*), in effect as per art. 2.

Special provision relating to delay or failure in claiming

46. Notwithstanding anything contained in *article 44*, a person who, in respect of any period of interruption of employment, would have been entitled to jobseeker's benefit for any day but for any delay or failure on his or her part to make or prosecute a claim, shall, for the purposes of section 67 be treated as having been entitled to jobseeker's benefit for that day, but a person shall not be so treated where he or she shows that he or she did not intend, by failing to acquire or establish a right to jobseeker's benefit for that day, to avoid the necessity of requalifying for jobseeker's benefit under the said section.

Qualifying conditions — jobseeker's benefit

47. (1) F131**[**Subject to *article 52HA*, for**]** the purposes of section 64(1)(*c*)—

F132**[**(*a*) the prescribed period, other than in the case of a person to whom section 64(1)(*c*)(ia) applies, shall be the governing contribution year,

(*aa*) the prescribed period for section 64(1)(*c*)(ia) shall be—

(i) the governing contribution year, or

(ii) the governing contribution year applicable to the jobseeker's benefit claim referred to in clause (II) of section 64(1)(*c*)(ia),

whichever is the more favourable,**]**

(*b*) subject to *sub-article (2)*, the prescribed reckonable weekly earnings or, in the case of a person who qualifies for jobseeker's benefit by virtue of having paid optional contributions, reckonable weekly income, shall be calculated as the total reckonable earnings or total reckonable income, as the case may be, in the prescribed period divided by the number of qualifying contributions in the said period, and

(*c*) in the case of a claim where—

(i) the period of interruption of employment commenced before 25 December 2003, the prescribed amount shall be €88.87, and

F133**[**(ii) the period of interruption of employment commenced on or after 25 December 2003 and before 1 January 2009, the prescribed amount shall be €149.99, and**]**

F134**[**(iii) the period of interruption of employment commenced on or after 1 January 2009, the prescribed amount shall be €300.00**]**

(2) In the case of a claimant whose reckonable weekly earnings or reckonable weekly income, as the case may be, if any, are less than €32.00, as calculated in accordance with *sub-article (1)(b)*, he or she shall be deemed to have reckonable weekly earnings or reckonable weekly income of €32.00.

(3) In the case of a claimant whose claim, by virtue of having been entitled to or in receipt of jobseeker's benefit or illness benefit in respect of any day in the 13 week period preceding 4 January 1993, forms part of a period of interruption of employment which commenced prior to that date, the provisions of this article shall not have the effect of reducing the rate of jobseeker's benefit payable below that to which he or she was previously entitled.

Annotations

Amendments:

F131 Substituted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*d*), in effect as per art. 2.

F132 Substituted (1.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 4(*b*), in effect as per art. 2(*a*).

F133 Substituted (1.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 7(*a*), in effect as per art. 2(*a*).

F134 Inserted (1.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 7(*a*), in effect as per art. 2(*a*).

F135**[Exemption from disqualification for course of study**

47A. (1) A person shall not be disqualified for receiving jobseeker's benefit—

(*a*) in accordance with section 68A(3)(*a*) while participating in a course provided or approved by an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013 (No. 11 of 2013) and known as Youthreach,

(*b*) in accordance with section 68A(3)(*c*) while attending a course of study, where that person is a mature student, or

(*c*) in accordance with section 68A, where that person is participating in an activity within the meaning of *article 120* and *article 120(4)* applies to that person.

(2) In this article—

"approved course", "approved higher education course" and "approved post-leaving certificate course" shall be construed in accordance with section 8 of the Student Support Act 2011 (No. 4 of 2011) and Regulation 4 of the Student Support Regulations 2015 (S.I. No. 154 of 2015);

"course of study" has the meaning given to it in section 148;

"mature student" means a student who on 1 January—

(*a*) in the year of entry for the first time to an approved post-leaving certificate course,

(*b*) in the year of entry for the first time to an approved higher education course (other than a course known for the time being as a post-leaving certificate course), or

(*c*) in the year of re-entry to an approved course,

is at least 23 years old.**]**

Annotations

Amendments:

F135 Substituted (20.06.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Exemption from Disqualification for Course of Study) Regulations 2016* (S.I. No. 327 of 2016), art. 3(*a*).

Editorial Notes:

E17 Previous affecting provision: article inserted (28.06.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Jobseeker's Payments) Regulations 2011* (S.I. No. 320 of 2011), art. 3(*a*); substituted (20.06.2016) as per F-Note above.

Partial satisfaction of conditions for jobseeker's benefit

48. F136**[**Subject to *article 52HA*, where**]** a claimant would be entitled to jobseeker's benefit but for the fact that the amount of his or her reckonable weekly earnings or, in the case of a person who qualifies for jobseeker's benefit by virtue of having paid optional contributions, reckonable weekly income, does not exceed the amount prescribed in *sub-article 47(1)(c)*, the following provisions shall apply—

(*a*) in the case of a claim to jobseeker's benefit where the period of interruption of employment commenced before 25 December 2003 and the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in *column (1)* of *Schedule 5*, there shall be entitlement to jobseeker's benefit, payable at the weekly rate shown opposite to that group of amounts in *column (2)* of the said Schedule,

F137**[**(*b*) in the case of a claim for jobseeker's benefit where the period of interruption of employment commenced on or after 25 December 2003 and before 1 January 2009 and the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in *column (1)* of *Schedule 6*, there shall

be entitlement to jobseeker's benefit payable at the weekly rate shown opposite that group of amounts in *column (2)* of the said Schedule,

(*ba*) in the case of a claim for jobseeker's benefit where the period of interruption of employment commenced on or after 1 January 2009 and the amount of reckonable weekly earnings or reckonable weekly income, as the case may be, is an amount included in one of the groups of amounts specified in *column (1)* of *Schedule 6A*, there shall be entitlement to jobseeker's benefit payable at the weekly rate shown opposite that group of amounts in *column (2)* of the said Schedule,**]**

(*c*) (i) any increase of jobseeker's benefit payable under section 66(1), in respect of a qualified adult, whose weekly income, calculated or estimated in accordance with *article 8*, does not exceed the limit prescribed in *article 7*, shall be at the weekly rate shown opposite to that group of amounts in *column (3)* of the said F138**[***Schedules 5*, *6* or *6A***]** as the case may be, and

(ii) any increase of jobseeker's benefit payable under section 297, in respect of a qualified adult, whose weekly income, calculated or estimated in accordance with *article 8*, is an amount specified in *column (1)* of *Schedule 7*, shall be payable at the weekly rate shown opposite to that group of amounts in *column (2)* of the said Schedule,

and

(*d*) any increase of jobseeker's benefit in respect of a qualified child, payable under section 66(2), shall be the same as if the condition as to the reckonable weekly earnings or reckonable weekly income had been fully satisfied.

Annotations

Amendments:

F136 Substituted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*e*), in effect as per art. 2.

F137 Substituted and inserted (1.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 7(*b*), in effect as per art. 2(*a*).

F138 Substituted (1.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 7(*c*), in effect as per art. 2(*a*).

F139**[Contribution conditions — jobseeker's benefit**

48A. Where a claimant would be entitled to jobseeker's benefit but for the fact that he or she does not satisfy the requirement contained in section 64(1)(*b*) that there must be qualifying contributions in respect of at least 13 contribution weeks in the governing contribution year, he or she shall be entitled to benefit if he or she—

(*a*) has qualifying contributions in respect of at least 13 contribution weeks in either of the 2 contribution years preceding the governing contribution year or in a subsequent contribution year,

(*b*) was immediately before claiming jobseeker's benefit in receipt of jobseeker's allowance and was a person to whom section 142(1)(*a*) applied, or

(*c*) was immediately before claiming jobseeker's benefit in receipt of—

(i) pre-retirement allowance, or

(ii) invalidity pension, or

(*d*) was, immediately before claiming joseeker's benefit—

(i) in receipt of carer's benefit or carer's allowance,

(ii) a prescribed relative within the meaning of section 179 and in respect of whom an allowance is payable,

(iii) providing full-time care to a person who is in receipt of an increase of disablement pension under section 78 in respect of the need for constant attendance.**]**

Annotations

Amendments:

F139 Inserted (5.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Jobseeker's Benefit) Regulations 2009* (S.I. No. 24 of 2009), art. 4, in effect as per art. 2.

F140[Satisfaction of conditions for jobseeker's benefit in the case of contributions applying to Covid-19 Pandemic Unemployment Payment

48B. Where a claimant becomes entitled to jobseeker's benefit by virtue of solely having qualifying contributions under Chapter 6A of Part 2 of the Principal Act, that person shall satisfy the condition in section 64(1)(c) to have weekly earnings or weekly income in excess of €300 in the governing contribution year, where the governing contribution year is 2021.**]**

Annotations

Amendments:

F140 Inserted (4.05.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023* (S.I. No. 234 of 2023), unnumbered article, para (*b*).

Substantial loss of employment

49. Where a claimant's reckonable earnings or reckonable income are reduced as a consequence of the loss of employment a claimant shall be regarded, for the purposes of section 62(1)(*d*), as having sustained a substantial loss of employment in any period of F141**[**7 consecutive days**]** as an officer of the Minister may determine, where he or she has lost 1 day of insurable employment.

Annotations

Amendments:

F141 Substituted (10.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Retained Fire Fighters) Regulations 2013* (S.I. No. 254 of 2013), art. 5.

Disqualification

50. The amount prescribed for the purposes of section 68(6)(*e*) shall be €50,000.

F142**[Refusal to engage with activation measures — prescribed schemes, courses etc**

50A. F143**[**(1) The following schemes and programmes of employment and work experience are prescribed for the purposes of section 62B—

(*a*) the scheme provided by the Minister and known as Community Employment, and

(*b*) such other scheme or programme of employment or work experience as may be approved by or on behalf of the Minister from time to time.**]**

F143**[**(2) The following courses of training and development are prescribed for the purposes of section 62B—

(*a*) a course of training or development provided by or on behalf of An tSeirbhís Oideachais Leanúnaigh agus Scileanna (SOLAS),

(*b*) a course of training or development provided by or on behalf of an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013,

or

(*c*) such other course of training or development as may be approved by or on behalf of the Minister from time to time.**]**

(3) The following courses of education are prescribed for the purposes of section 62B—

F143**[**(*a*) a course of education provided by or on behalf of an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013,**]**

or

(*b*) such other course of education as may be approved by or on behalf of the Minister from time to time.**]**

Annotations

Amendments:

F142 Inserted (15.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Activation Measures) Regulations 2013* (S.I. No. 259 of 2013), art. 2(*a*).

F143 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 8(a)-(c) in effect as per art. 2.

Editorial Notes:

E18 Previous affecting provision: sub-art. (1) substituted (6.10.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Prescribed Employment Schemes) Regulations 2014* (S.I. No. 440 of 2014), art. 3(*a*), in effect as per art. 2; substituted (1.11.2019) as per F-Note above.

Casual employment

51. (1) A person shall be regarded, for the purposes of section 62(1)(*d*), as being engaged in casual employment where—

(*a*) he or she is normally employed for periods of less than a week,

(*b*) the number of days and the days of the week on which he or she is employed in each period varies with the level of activity in the employer's business, and

(*c*) on the termination of each period of employment he or she has no assurance of being re-employed with the same employer.

(2) In determining, for the purposes of *sub-article (1)*, whether a person is engaged in casual employment account shall be taken of his or her employment in the 6 months immediately preceding the first day of his or her claim for jobseeker's benefit.

(3) Where a deciding officer or appeals officer considers that the period referred to in *sub-article (2)* is not appropriate to determine whether a person is engaged in casual employment, he or she may have regard to such other period which appears to him or her to be appropriate for that purpose.

F144[**Prescribed manner for proving unemployment**

52. (1) A person shall prove unemployment for the purposes of subsections (1)(*b*) and (1A) of section 62 by—

(*a*) attending at an office of the Minister at such time as the Minister may direct for the purpose of making—

(i) a written declaration in such form as the Minister may determine, or

(ii) where the Minister considers it appropriate, a declaration by means of an electronic communication by way of the transmission of a signature in electronic form,

or

(*b*) making a declaration in such other manner as the Minister may consider appropriate having regard to the circumstances, including by way of an electronic communication transmitted by means of the internet,

that he or she has been—

(I) continuously unemployed since the date of his or her claim for jobseeker's benefit, or

(II) unemployed or expects to be unemployed during each day in respect of which jobseeker's benefit is claimed.**]**

F145**[**(2) *Article 52(1)(a)* shall not apply to a person who has attained the age of 65 years, and who would otherwise, but for this article, qualify for jobseeker's benefit.**]**

Annotations

Amendments:

F144 Substituted (10.07.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Proving Unemployment) Regulations 2012* (S.I. No. 250 of 2012), art. 4.

F145 Inserted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*f*), in effect as per art. 2.

F146[**Emergency measures in the public interest — jobseeker's benefit**

52A. (1) Subject to *sub-article (2)*, section 62(4) shall not apply from 19 March 2020 until the date specified in *sub-article (2)*.

(2) This article shall cease to have effect on 9 May 2020.**]**

Annotations

Amendments:

F146 Inserted (19.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Emergency Measures in the Public Interest-Jobseeker's Benefit) Regulations 2020* (S.I. No. 95 of 2020), art. 3, in effect as per art. 2.

F147[CHAPTER 5A

Jobseekers Benefit (Self-Employed)]

Annotations

Amendments:

F147 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 4, in effect as per art. 2.

F148[**Weeks not to be treated as weeks of unemployment**

52A. (1) For the purposes of Chapter 12A of Part 2, a week shall not be treated as a week of unemployment if it is a week in respect of which a person—

(*a*) fails to prove to the satisfaction of the Minister that he or she is not engaged in self-employment, is capable of work and is available for employment, or

(*b*) follows any occupation from which he or she derives any remuneration or profit, unless such occupation—

(i) could ordinarily have been followed by him or her in addition to his or her usual employment and outside the ordinary working hours of that employment and—

(I) the total remuneration or profit from any week of such occupation does not exceed €144, or where the remuneration or profit is in respect of a period longer than a week, such remuneration or profit does not on the weekly average exceed that amount, or

(II) not less than 117 employment contributions have been paid in respect of him or her in respect of the period of 3 years immediately preceding that week or in respect of the last 3 complete contribution years immediately preceding that week,

or

(ii) constitutes employment as a retained fire fighter.

F149[(1A) For the purposes of this article and Chapter 12A of Part 2, and notwithstanding the provisions of *sub-article (1)(a)*, any week, where a person is a self-employed contributor solely in respect of reckonable income or reckonable emoluments arising from an approved retirement fund, as defined by section 784A of the Taxes Consolidation Act 1997, and that person—

(i) has sustained the loss of self-employment in their usual occupation, and

(ii) the loss occurred not earlier than the first day of the second last complete calendar year before the year in which his or her application for jobseeker's benefit (self-employed) is made,

shall be regarded as a week of unemployment.]

(2) Where the provisions of *sub-paragraph (1)(b)(ii)* are satisfied in respect of any week they shall continue to be regarded as satisfied in respect of any subsequent week which forms part of the same claim.

(3) For the purposes of Chapter 12A of Part 2 and notwithstanding the provisions of *sub-article (1)(b)*, any week where a person is undergoing a course of rehabilitation training provided by an organisation (being an organisation approved of by the Minister for Health and Children for the purposes of the provision of such training) shall be treated as a week of unemployment and the person shall be deemed to be available for employment in any such week.**]**

Annotations

Amendments:

F148 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 4, in effect as per art. 2.

F149 Inserted (25.10.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Weeks Not to be Treated as Weeks of Unemployment) Regulations 2022* (S.I. No. 540 of 2022), art. 2.

F150**[Night workers**

52B. (1) Where a person is employed to work continuously from a time on any day until a time on the next following day, that person shall, for the purposes of jobseeker's benefit (self-employed), be regarded as being employed by virtue of that employment—

(*a*) only on the first day where the employment on the first day is longer than that on the second day and in that case that first day shall not be treated as a day of unemployment, and

(*b*) only on the second day in any other circumstances, and in that case that second day shall not be treated as a day of unemployment.

(2) Where by virtue of the provisions of *sub-article (1)*, a person—

(*a*) is to be treated as having been employed on 1 day only of 2 days, and

(*b*) throughout that part of the other of those 2 days during which that person is not employed, or is deemed in accordance with regulations to be available for employment,

that person shall, for the purposes of Chapter 12A of Part 2, be deemed to be so available for employment, throughout that other of those 2 days.**]**

Annotations

Amendments:

F150 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 4, in effect as per art. 2.

F151**[Special provision relating to delay or failure in claiming**

52C. Notwithstanding anything contained in *article 52A*, a person who, in respect of any period of interruption of employment, would have been entitled to jobseeker's benefit (self-employed) for any week but for any delay or failure on his or her part to make or prosecute a claim, shall, for the purposes of section 68H be treated as having been entitled to jobseeker's benefit (self-employed) for that week, but a person shall not be so treated where he or she shows that he or she did not intend, by failing to acquire or establish a right to jobseeker's benefit (self-employed) for that week,

to avoid the necessity of requalifying for jobseeker's benefit (self-employed) under the said section.**]**

Annotations

Amendments:

F151 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 4, in effect as per art. 2.

F152**[Exemption from disqualification for course of study**

52D. (1) A person shall not be disqualified for receiving jobseeker's benefit (self-employed)—

(*a*) in accordance with section 68K(5)(*a*) while participating in a course provided or approved by an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013 (No. 11 of 2013) and known as Youthreach,

(*b*) in accordance with section 68K(5)(*c*) while attending a course of study, where that person is a mature student, or

(*c*) in accordance with section 68K, where that person is participating in an activity within the meaning of *article 120* and *article 120(4)* applies to that person.

(2) In this article—

"approved course", "approved higher education course" and "approved post-leaving certificate course" shall be construed in accordance with section 8 of the Student Support Act 2011 (No. 4 of 2011) and Regulation 4 of the Student Support Regulations 2015 (S.I. No. 154 of 2015);

"course of study" has the meaning given to it in section 148;

"mature student" means a student who on 1 January—

(*a*) in the year of entry for the first time to an approved post leaving certificate course,

(*b*) in the year of entry for the first time to an approved higher education course (other than a course known for the time being as a post-leaving certificate course), or

(*c*) in the year of re-entry to an approved course,

is at least 23 years old.**]**

Annotations

Amendments:

F152 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 4, in effect as per art. 2.

F153**[Disqualification**

52E. (1) The amount prescribed for the purposes of section 68K(3) shall be €50,000.

(2) The amount prescribed in *sub article (1)* is calculated as the net cash value received by the person from the sale of the business after all expenses and debts associated with the business have been paid.**]**

Annotations

Amendments:

F153 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 4, in effect as per art. 2.

F154**[Refusal to engage with activation measures — prescribed schemes, courses etc**

52F. (1) The following schemes and programmes of employment and work experience are prescribed for the purposes of section 68J—

(*a*) the scheme provided by the Minister and known as Community Employment, and

(*b*) such other scheme or programme of employment or work experience as may be approved by or on behalf of the Minister from time to time.

(2) The following courses of training and development are prescribed for the purposes of section 68J—

(*a*) a course of training or development provided by or on behalf of An tSeirbhís Oideachais Leanúnaigh agus Scileanna (SOLAS),

(*b*) a course of training or development provided by or on behalf of an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013,

or

(*c*) such other course of training or development as may be approved by or on behalf of the Minister from time to time.

(3) The following courses of education are prescribed for the purposes of section F155**[**68J**]**—

(*a*) a course of education provided by or on behalf of an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013,

or

(*b*) such other course of education as may be approved by or on behalf of the Minister from time to time.**]**

Annotations

Amendments:

F154 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 4, in effect as per art. 2.

F155 Substituted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*g*), in effect as per art. 2.

F156**[Prescribed manner for proving unemployment**

52G. (1) A person shall prove unemployment for the purposes of subsections (1)(*f*) and (3) of section 68C by—

(*a*) attending at an office of the Minister at such time as the Minister may direct for the purpose of making—

(i) a written declaration in such form as the Minister may determine, or

(ii) where the Minister considers it appropriate, a declaration by means of an electronic communication by way of the transmission of a signature in electronic form,

or

(*b*) making a declaration in such other manner as the Minister may consider appropriate having regard to the circumstances, including by way of an electronic communication transmitted by means of the internet,

that he or she has—

(i) not engaged in self-employment since the date of his or her claim for jobseeker's benefit (self-employed),

and

(ii) that they have lost their self-employment involuntarily and not as a consequence of a planned temporary or seasonal closure of the business.**]**

F157**[**(2) *Article 52G(1)(a)* shall not apply to a person who has attained the age of 65 years, and who would otherwise, but for this article, qualify for jobseeker's benefit (self-employed).**]**

Annotations

Amendments:

F156 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 4, in effect as per art. 2.

F157 Inserted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*h*), in effect as per art. 2.

F158**[Emergency measures in the public interest — jobseeker's benefit**

52H. (1) Subject to *sub-article (2)*, section 62(4) shall not apply from 19 March 2020 until the date specified in *sub-article (2)*.

F159**[**(2) This article shall cease to have effect on 30 June 2021.**]]**

Annotations

Amendments:

F158 Inserted (19.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 164 of 2020), art. 3, in effect as per art. 2.

F159 Substituted (1.04.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2021* (S.I. No. 161 of 2021), art. 2.

Editorial Notes:

E19 Previous affecting provision: sub-art. (2) substituted (28.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2021* (S.I. No. 34 of 2021), art. 2; substituted (1.04.2021) as per F-Note above.

E20 Previous affecting provision: sub-art. (2) substituted (24.09.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 369 of 2020), art. 2; substituted (28.01.2021) as per E-Note above.

E21 Previous affecting provision: sub-art. (2) substituted (18.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 310 of 2020), art. 2; substituted (24.09.2020) as per E-Note above.

E22 Previous affecting provision: sub-art. (2) substituted (17.06.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 223 of 2020), art. [unnumbered]; substituted (18.08.2020) as per E-Note above.

F160[Rates of payment for claimants over 65 years of age

52HA. Where a claimant who would otherwise qualify for jobseeker's benefit or jobseeker's benefit (self-employed) has attained the age of 65 years, then notwithstanding any provision in the Act or these Regulations, and in accordance with section 292,

(*a*) the weekly rate of jobseeker's benefit or jobseeker's benefit (self-employed) shall be as set out in column (2) of Part 1 of Schedule 2 to the Act,

(*b*) and except in the case where *article 9* applies, the weekly rate of jobseeker's benefit or jobseeker's benefit (self-employed) shall be increased by the amount set out in column (3) of Part 1 of Schedule 2 to the Act for any period during which the beneficiary has a qualified adult, subject to the restriction that a beneficiary shall not be entitled for the same period to an increase of benefit in respect of more than one person,

(*c*) in accordance with section 66 and section 68G, the weekly rate of jobseeker's benefit or jobseeker's benefit (self-employed) shall be increased by the amount set out—

(i) in column (4) of Part 1 of Schedule 2 to the Act in respect of each qualified child who has not attained the age of 12 years who normally resides with the beneficiary,

and

(ii) in column (5) of Part 1 of Schedule 2 to the Act in respect of each qualified child who has attained the age of 12 years who normally resides with the beneficiary.**]**

Annotations

Amendments:

F160 Inserted (25.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021), art. 3(*i*), in effect as per art. 2.

F161[**Satisfaction of conditions for jobseeker's benefit (self-employed) in the case of contributions applying to Covid-19 Pandemic Unemployment Payment**

52HB. Where a claimant becomes entitled to jobseeker's benefit (self-employed) by virtue of having qualifying contributions under Chapter 6A of Part 2 of the Principal Act, that person shall satisfy the condition in section 68D(1)(c) to have weekly earnings or weekly income in excess of €300 in the governing contribution year, where the governing contribution year is 2020 or 2021.**]**

Annotations

Amendments:

F161 Inserted (4.05.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023* (S.I. No. 234 of 2023), unnumbered article, para (*c*).

F162[CHAPTER 5B

Covid-19 Pandemic Unemployment Payment]

Annotations

Amendments:

F162 Inserted (5.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2020* (S.I. No. 370 of 2020), art. 3, in effect as per art. 2.

F163[**Calculation of reckonable weekly income**

52I. (1) For the purposes of this Chapter, reckonable weekly income means—

(*a*) in the case of an employed contributor, the income which ceased in the circumstances set out in subparagraph (i) of section 68L(1)(*b*), and

(*b*) in the case of a self-employed contributor, the reckonable income or reckonable emoluments which ceased, or reduced in the circumstances set out in subparagraph (ii) of section 68L(1)(*b*).

(2) For the purposes of section 68O(2) a person's average reckonable weekly income shall be—

F164[(*a*) in the case of an employed contributor, that person's reckonable earnings for the period 1 January 2019 to 31 December 2019 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, or that person's reckonable earnings for the period 1 January 2020 to 29 February 2020 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, or that person's reckonable earnings for the period 1 January 2020 to 30 September 2020 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, whichever is the greater.**]**

F165[(*aa*) in the case of an employed contributor, who in accordance with *article 52LA* qualifies for Covid-19 pandemic unemployment payment, that person's reckonable earnings for the period 1 January 2019 to 31 December 2019 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, or that person's reckonable earnings for the period 1 January 2020 to 29 February 2020 inclusive, divided by the number of weeks

in that period in which the person had reckonable earnings, or that person's reckonable earnings for the period 1 January 2020 to 30 September 2020 inclusive, or that person's reckonable earnings for the period 1 January 2020 to 31 December 2020 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, or that person's reckonable earnings for the period 1 January 2021 to 31 December 2021 inclusive, divided by the number of weeks in that period in which the person had reckonable earnings, whichever is the greater.**]**

F164**[**(*b*) in the case of a self-employed contributor, that person's reckonable income or reckonable emoluments for the 2018 income tax year, divided by the number of contribution weeks in that period, or that person's reckonable income or reckonable emoluments for the 2019 income tax year, divided by the number of contribution weeks in that period, whichever is the greater and**]**

F166**[**(*ba*) in the case of a self-employed contributor, who in accordance with *article 52LA* qualifies for Covid-19 pandemic unemployment payment, that person's reckonable income or reckonable emoluments for the 2018 income tax year, divided by the number of contribution weeks in that period, or that person's reckonable income or reckonable emoluments for the 2019 income tax year, or that person's reckonable income or reckonable emoluments for the 2020 income tax year, divided by the number of contribution weeks in that period, whichever is the greater.**]**

F164**[**(*c*) in the case of a person whose reckonable weekly income during the 2019 income tax year derived from reckonable earnings as an employed contributor and reckonable income or reckonable emoluments as a self-employed contributor, the aggregate of that income divided by the number of contribution weeks in the said income tax year.**]**

F167**[**(*ca*) in the case of a person, who in accordance with *article 52LA* qualifies for Covid-19 pandemic unemployment payment, and whose reckonable weekly income during the 2019 income tax year or the 2020 income tax year derived from reckonable earnings as an employed contributor and reckonable income or reckonable emoluments as a self-employed contributor, the aggregate of that income divided by the number of contribution weeks in the said income tax year.**]**

F164**[**(*d*) The number of weeks in which the person had reckonable earnings in *sub-article (a)* shall not include weeks in which the person's employer was in receipt of the temporary wage subsidy in respect of the person.**]]**

F168**[**(*da*) The number of weeks in which the person, who in accordance with *article 52LA* qualifies for Covid-19 pandemic unemployment payment, had reckonable earnings in *sub-article (aa)* shall not include weeks in which the person's employer was in receipt of the temporary wage subsidy in respect of the person.**]**

Annotations

Amendments:

F163 Inserted (5.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2020* (S.I. No. 370 of 2020), art. 3, in effect as per art. 2.

F164 Substituted (2.10.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Covid-19 Pandemic Unemployment Payment — New Band of Payment and Reference Period) Regulations 2020* (S.I. No. 572 of 2020), art. 4, in effect as per art. 2

F165 Inserted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*a*)(i).

F166 Inserted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*a*)(ii).

F167 Inserted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*a*)(iii).

F168 Inserted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*a*)(iv).

F169[Rates of payment

52J. (1) F170**[**Subject to *article 52MB*, in the case**]** of a person whose average reckonable weekly income, calculated in accordance with *article 52I*, is less than €200.00, the weekly rate of Covid-19 pandemic unemployment payment shall, subject to *article 52M*, be as follows:

F171**[**(*a*) €203.00, from 3 September 2021, and

(*b*) €208.00, from 24 December 2021.**]**

(2) F170**[**Subject to *article 52MB,* in the case**]** of a person whose average reckonable weekly income, calculated in accordance with *article 52I*, is equal to or greater than €200.00 but less than €300.00, the weekly rate of Covid-19 pandemic unemployment payment shall, subject to *article 52M*, be as follows:

F172**[**(*a*) €203.00, from 3 September 2021, and

(*b*) €208.00, from 24 December 2021.**]**

(3) F170**[**Subject to *article 52MB*, in the case**]** of a person whose average reckonable weekly income, calculated in accordance with *article 52I*, is equal to or greater than €300.00 but less than €400.00, the weekly rate of Covid-19 pandemic unemployment payment shall, subject to *article 52M*, be as follows:

F173**[**F174**[**(*a*) €250.00, from 3 September 2021,

(*b*) €203.00, from 5 November 2021 and

(*c*) €208.00, from 24 December 2021.**]**

(*c*) €208.00, from 24 December 2021.**]**

(4) F170**[**Subject to *article 52MB*, in the case**]** of a person whose average reckonable weekly income, calculated in accordance with *article 52I*, is greater than €400.00, the weekly rate of Covid-19 pandemic unemployment payment shall, subject to *article 52M*, be as follows:

(*a*) €300.00, from 3 September 2021,

(*b*) €250.00, from 5 November 2021, and

F175**[**(*c*) €208.00, from 25 February 2022.**]]**

Annotations

Amendments:

F169 Substituted (3.09.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 448 of 2021), art. 3(*a*), in effect as per art. 2.

F170 Substituted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*d*).

F171 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*a*)(i).

F172 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*a*)(ii).

F173 Substituted (24.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 4(1)(*a*), in effect as per art. 3(*a*).

F174 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*a*)(iii). Paragraphs (*a*), (*b*) and a new paragraph (*c*) were substituted for the existing paragraphs (*a*) and (*b*), leaving the existing paragraph (*c*) in place.

F175 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*a*)(iv).

Editorial Notes:

E23 Previous affecting provision: sub-art. (4)(c) substituted (24.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 4(1)(*b*), in effect as per art. 3(*a*); substituted (3.02.2022) as per F-Note above.

E24 Previous affecting provision: article substituted (30.11.2020 with retrospective effect from 16.10.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Covid-19 Pandemic Unemployment Payment — New Band of Payment and Reference Period) Regulations 2020* (S.I. No. 572 of 2020), art. 5; substituted (3.09.2021) as per F-Note above.

E25 Previous affecting provision: article inserted (5.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2020* (S.I. No. 370 of 2020), art. 3, in effect as per art. 2; substituted (30.11.2020 with retrospective effect from 16.10.2020) as per E-Note above.

F176[Self-employment income limits

52K. (1) In accordance with sections 68L(1)(*b*)(ii) and 68L(1)(*ba*) the Covid-19 Pandemic Unemployment Payment shall be payable to a person whose net earnings from self-employment, calculated in accordance with *sub-article (2)*, does not exceed €960 in an eight week period.

(2) For the purposes of section 68P(1)(*da*), where a deciding officer or an appeals officer assesses the income of a person for Covid-19 Pandemic Unemployment Payment, the net earnings from self-employment shall be calculated or estimated insofar as it comprises income from any form of self-employment, by reference to the net amount of such income, calculated or estimated in relation to an eight week period which appears to the officer to be appropriate for that purpose.

(3) Where the net earnings from self-employment calculated in accordance with *sub-article (2)* exceeds €960 in an eight week period Covid-19 Pandemic Unemployment Payment shall not be payable.**]**

Annotations

Amendments:

F176 Inserted (28.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Covid-19 Pandemic Unemployment Payment — Self-Employment Income Limits) Regulations 2021* (S.I. No. 32 of 2021), art. 2.

F177[Date on which applications for the Covid-19 pandemic unemployment payment shall cease

52L. F178**[**Subject to *article 52LA* for**]** the purposes of section 68N(2)(*a*), the 8th day of July 2021 is prescribed as the date on which applications for Covid-19 pandemic unemployment payment shall cease.**]**

Annotations

Amendments:

F177 Inserted (7.07.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 332 of 2021), art. 2.

F178 Substituted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*b*).

F179**[Certain business sectors - applications for the Covid-19 pandemic unemployment payment**

52LA. (1) Notwithstanding *article 52L*, where, by reason of the Government's decision of 3 December 2021 to temporarily impose restrictions on the trading of certain business sectors, a person who is—

an employed contributor on or after 7 December before he or she ceased to earn an income from the employment concerned and lost his or her employment as a consequence of Covid-19 (including the adverse effects of Covid-19 on the business of his or her employer and the adverse effects of measures required to be taken by his or her employer in order to comply with, or as a consequence of, Government policy, to prevent, limit, minimise or slow the spread of infection of Covid-19),

or

in insurable self-employment in the week immediately before 7 December in which he or she can demonstrate to the Minister that the reckonable income or reckonable emoluments ceased, or reduced significantly, as a direct consequence of Covid-19 (including the adverse effects of Covid-19 on such self-employment and the adverse effects of measures required to be taken by him or her in order to comply with, or as a consequence of, Government policy to prevent, limit, minimise or slow the spread of infection of Covid-19), to the extent that he or she would be available to take up full-time employment,

that person shall, in respect of any period of cessation of income arising on or after 7 December 2021, be entitled to apply for Covid-19 pandemic unemployment payment.

(2) This article shall cease to have effect in line with the cessation of the temporary restrictions on certain business sectors introduced by reason of the Government's decision (S180/20/10/0648L) of 3 December 2021.**]**

F180**[**(3) For the purposes of *sub-article (2)*, the 22nd day of January 2022 shall be the date on which the temporary restrictions on certain business sectors introduced by the Government Decision of 3 December 2021 shall cease.**]**

Annotations

Amendments:

F179 Inserted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*c*).

F180 Inserted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*a*)(i).

F181**[Date on which payment of the covid-19 pandemic unemployment payment shall cease to be made**

52M. (1) F182**[**Subject to *article 52MA*, for**]** the purposes of section 68N(2)(*b*), in the case of a person who is attending a course of study as defined in section 148, and who by virtue of section 68A, 68K or 148 would not be entitled to receive, as the case may be, jobseeker's benefit, jobseeker's benefit (self-employed) or jobseeker's allowance, the 3rd day of September 2021 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made.

(2) For the purposes of section 68N(2)(*b*)—

(*a*) F183**[**Subject to *article 52MB*, in the case**]** of a person who has an average reckonable weekly income, calculated in accordance with *article 52I*, of less than €200.00—

(i) where, subject to *subparagraph (iii)*, that person is a person who would qualify for payment of jobseeker's benefit, the 22nd day of October 2021 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

(ii) where, in accordance with *article 223F*, that person is in receipt of Covid-19 pandemic unemployment payment and other than child benefit, any payment specified in *sub-article (2)* of that article, the 5th day of November 2021 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made, or

(iii) where that person, notwithstanding the fact that he or she may be a person who would qualify for payment of jobseeker's benefit—

(I) has made an application for jobseeker's benefit (self-employed) or jobseeker's allowance by the 21st day of October 2021, and a deciding officer has made a decision regarding that person's eligibility for payment of jobseeker's benefit (self-employed) or jobseeker's allowance, the date on which the decision takes effect is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

or

(II) has not made an application for jobseeker's benefit (self-employed) or jobseeker's allowance by the 21st day of October 2021, the 22nd day of October 2021 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

(*b*) F183**[**Subject to *article 52MB*, in the case**]** of a person who has an average reckonable weekly income, calculated in accordance with *article 52I*, equal to or greater than €200.00 but less than €300.00—

(i) where, subject to *subparagraph (iii)*, that person is a person who would qualify for payment of jobseeker's benefit, the 5th day of November 2021 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

(ii) where, in accordance with *article 223F*, that person is in receipt of Covid-19 pandemic unemployment payment and other than child benefit, any payment specified in *sub-article (2)* of that article, the F184**[**25th day of February**]** 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made, or

(iii) where that person, notwithstanding the fact that he or she may be a person who would qualify for payment of jobseeker's benefit—

(I) has made an application for jobseeker's benefit (self-employed) or jobseeker's allowance by the 4th day of November 2021, and a deciding officer has made a decision regarding that person's eligibility for payment of jobseeker's benefit (self-employed) or jobseeker's allowance, the date on which the decision takes effect is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

or

(II) has not made an application for jobseeker's benefit (self-employed) or jobseeker's allowance by the 4th day of November 2021, the 5th day of November 2021 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

(*c*) F183**[**Subject to *article 52MB*, in the case**]** of a person who has an average reckonable weekly income, calculated in accordance with *article 52I*, equal to or greater than €300—

(i) where, subject to *subparagraph (iii)*, that person is a person who would qualify for payment of jobseeker's benefit, the F185**[**25th day of March**]** 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

(ii) where, in accordance with *article 223F,* that person is in receipt of Covid-19 pandemic unemployment payment and other than child benefit, any payment specified in *sub-article (2)* of that article, the 25th day of March 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made, or

(iii) where that person, notwithstanding the fact that he or she may be a person who would qualify for payment of jobseeker's benefit—

(I) has made an application for jobseeker's benefit (self-employed) or jobseeker's allowance by the F186**[**24th day of March**]** 2022, and a deciding officer has made a decision regarding that person's eligibility for payment of jobseeker's benefit (self-employed) or jobseeker's allowance, the date on which the decision takes effect is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

or

F187**[**(II) has not made an application for jobseeker's benefit (self-employed) or jobseeker's allowance by the 24th day of March 2022,

the 25th day of March 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made.**]**

(3) Notwithstanding the provisions of *sub-article (2)*, the F188**[**31st day of May**]** 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made for any person who would otherwise have an entitlement to the payment on that date.**]**

Annotations

Amendments:

F181 Substituted (21.10.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 546 of 2021), art. 2(*a*).

F182 Substituted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*e*)(i).

F183 Substituted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*e*)(ii).

F184 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*c*)(i)(I).

F185 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*c*)(i)(II)(A).

F186 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*c*)(i)(II)(B)(a).

F187 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*c*)(i)(II)(B)(b).

F188 Substituted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*c*)(ii).

Editorial Notes:

E26 Previous affecting provision: article inserted (3.09.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 448 of 2021), art. 3(*b*), in effect as per art. 2; substituted (21.10.2021) as per F-Note above.

F189**[Exception to *article 52M(1)* for those in specified business sectors whose income ceased on or after 7 December 2021**

52MA. *Article 52M(1)* shall not apply in respect of any period on or after 7 December 2021 in the case of a person to whom *article 52LA* also applies to that person in respect of that period.**]**

Annotations

Amendments:

F189 Inserted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*f*).

F190**[Rates of payment for those in specified business sectors whose income ceased on or after 7 December 2021**

52MB. (1) Notwithstanding *articles 52J* and *52M*, where a deciding officer determines that a person is entitled to Covid-19 pandemic unemployment payment in accordance with *article 52LA*, the weekly rates of Covid-19 pandemic unemployment payment shall be as follows:

Band A: €150.00 in the case of a person whose average reckonable weekly income calculated in accordance with *article 52I* is less than €151.50,

Band B: F191**[**€208**]** in the case of a person whose average reckonable weekly income calculated in accordance with *article 52I* is equal to or greater than €151.50 but less than €200.00,

Band C: €250.00 in the case of a person whose average reckonable weekly income calculated in accordance with *article 52I* is equal to or greater than €200.00 but less than €300.00,

Band D: €300.00 in the case of a person whose average reckonable weekly income calculated in accordance with *article 52I* is equal to or greater than €300.00 but less than €400.00, and

Band E: €350.00 in the case of a person whose average reckonable weekly income calculated in accordance with *article 52I* is equal to or greater than €400.00.

(2) The rates of payment specified in *sub-article (1)* shall apply from 3 December 2021.**]**

F192**[**(3) In the case of a person to whom *article 52LA* applies whose average reckonable weekly income, calculated in accordance with *article 52I*, is equal to or greater than €151.50 the weekly rate of Covid-19 pandemic unemployment payment shall be:

€208.00 from 25th February 2022.**]**

Annotations

Amendments:

F190 Inserted (9.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021), art. 2(*f*).

F191 Substituted (24.12.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 4(2), in effect as per art. 3(*a*).

F192 Inserted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*d*).

F193[Date on which payment of the Covid-19 pandemic unemployment payment shall cease to be made in the case of a person to whom *article 52LA* applies

52MC. (1) For the purposes of section 68N(2)(*b*), in the case of a person to whom article 52LA applies—

(i) where, subject to *subparagraph (iii)*, that person is a person who would qualify for payment of jobseeker's benefit, the 25th day of March 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

(ii) where, in accordance with *article 223F*, that person is in receipt of Covid-19 pandemic unemployment payment and other than child benefit, any payment specified in *sub-article (2)* of that article, the 25th day of March 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made, or

(iii) where that person, notwithstanding the fact that he or she may be a person who would qualify for payment of jobseeker's benefit—

(I) has made an application for jobseeker's benefit (self-employed) or jobseeker's allowance by the 24th day of March 2022, and a deciding officer has made a decision regarding that person's eligibility for payment of jobseeker's benefit (self-employed) or jobseeker's allowance, the date on which the decision takes effect is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made,

or

(II) has not made an application for jobseeker's benefit (self-employed) or jobseeker's allowance by the 24th day of March 2022, the 25th day of March 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made.

(2) Notwithstanding the provisions of *sub-article (1)*, the 31st day of May 2022 is prescribed as the date on which payment of Covid-19 pandemic unemployment payment shall cease to be made for any person who would otherwise have an entitlement to the payment on that date.**]**

Annotations

Amendments:

F193 Inserted (3.02.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022), art. 2(*e*).

CHAPTER 6

Carer's Benefit

Interpretation

53. In this Chapter—

"carer" has the meaning assigned to it by section 99;

"institution" means—

(*a*) a hospital, convalescent home or home for persons suffering from physical or mental disability or accommodation ancillary thereto and any other similar establishment providing residence, maintenance or care for the persons therein, or

(*b*) a private dwelling wherein a person is boarded out under an arrangement with the Executive;

"relevant person" has the meaning assigned to it by section 99.

Conditions to be satisfied by non-resident carer

54. (1) Subject to *sub-article (2)* the conditions prescribed for the purposes of paragraph (*b*) of the definition of "carer" contained in section 99(1) are that—

(*a*) a direct system of communication must exist between the carer's residence and that of the relevant person, and

(*b*) the relevant person is not already receiving full-time care and attention within his or her own residence from a person other than the applicant.

(2) For the purposes of *paragraph (a)* of *sub-article (1)* a system of communication shall include a telephone or alarm system.

Prescribed manner for certification of disability

55. F194**[**...**]**

Annotations

Amendments:

F194 Revoked (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 4.

F195**[Circumstances in which carer is to be regarded as providing full-time care and attention**

56. A carer may, for the purposes of Chapter 14 of Part 2, be regarded as providing full time care and attention to a relevant person where—

(*a*) that carer would qualify for payment of benefit but for the fact that either the carer or the relevant person is undergoing medical or other treatment of a temporary nature in an institution for a period of not longer than 13 weeks, or

(*b*) the relevant person is attending —

(i) a non residential course of rehabilitation training provided by an organisation (being an organisation recognised by the Minister for Health and Children for the purposes of the provision of such training), or

(ii) a non residential place of day care approved by the Minister for Health and Children,

and

(*c*) that carer provides care for not less than 35 hours in a period of 7 consecutive days, and care is provided on any 5 days, whether consecutive or not, within a period of 7 consecutive days.**]**

Annotations

Amendments:

F195 Substituted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 4(*a*).

Conditions and circumstances under which a carer may engage in employment, self-employment, training and education

57. (1) Subject to *sub-article (2)*, where it is shown to the satisfaction of a deciding officer or an appeals officer that adequate provision has been made for the care of the relevant person, a carer may—

(*a*) engage, subject to *sub-article (3)*, in employment, or

(*b*) engage, subject to *sub-article (4)*, in self-employment, or

(*c*) undertake such training or course of education as the Minister may from time to time determine.

(2) The aggregate duration of the activities F196**[**...**]** referred to in *paragraphs (a)*, *(b)* and *(c)* of *sub-article (1)* shall not exceed F197**[**18.5**]** hours per week.

(3) The earnings derived from employment F196**[**...**]** under *paragraph (a)* of *sub-article (1)* and calculated in accordance with *sub-article (5)* shall not exceed F198**[**€350.00**]** per week.

(4) The conditions for the purposes of *paragraph (b)* of *sub-article (1)* are that the amount of gross income derived from such self-employment, F196**[**...**]**, reduced by any expenses necessarily incurred, does not exceed F198**[**€350.00**]** per week.

(5) For the purposes of *sub-article (3)* the earnings shall be calculated as the gross earnings reduced by the aggregate of—

(*a*) any allowable contribution referred to in F199**[**Regulation 31 of the Income Tax (Employments) Regulations 2018 (S.I. No. 345 of 2018)**]**,

(*b*) any income tax payable under the provisions of the Income Tax Acts as defined in section 1 of the Taxes Consolidation Act 1997 (No. 39 of 1997),

(*c*) any contributions payable under section 13(2)(*b*) and Regulations made under section 14,

(*d*) F200**[**...**]**

(*e*) any payment to a Trade Union,

(*f*) any health insurance contract premium.

Annotations

Amendments:

F196 Deleted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 4(*b*).

F197 Substituted (1.01.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Carers) Regulations 2019* (S.I. No. 635 of 2019), art. 3(*a*), in effect as per art. 2.

F198 Substituted (2.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 17) (Earnings Disregard) Regulations 2021* (S.I. No. 783 of 2021), art. 4(*a*)(i), in effect as per art. 3.

F199 Substituted (2.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 17) (Earnings Disregard) Regulations 2021* (S.I. No. 783 of 2021), art. 4(*a*)(ii), in effect as per art. 3.

F200 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

Editorial Notes:

E27 Previous affecting provision: sub-arts. (3) and (4) amended (3.04.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard) Regulations 2008* (S.I. No. 75 of 2008), art. 4(*a*), in effect as per art. 2; substituted (2.06.2022) as per F-Note above.

E28 Previous affecting provision: sub-arts. (3) and (4) amended (5.04.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard and Family Income Supplement) Regulations 2007* (S.I. No. 148 of 2007), art. 4(*a*), in effect as per art. 2; substituted (3.04.2008) as per E-Note above.

F201**[Conditions and circumstances under which a carer on leave from employment shall satisfy the condition on engagement in remunerative full-time employment as an employed contributor**

57A. (1) The condition specified in section 100(1)(*a*) shall be regarded as being satisfied in respect of a person who was absent from his or her employment within the relevant period referred to in section 100(1)(*a*), by reason of being on such leave as:

(*a*) adoptive leave,

(*b*) health and safety leave,

(*c*) maternity leave,

(*d*) parental leave,

(*e*) parent's leave, or

(*f*) paternity leave,

if he or she was engaged in remunerative full-time employment as an employed contributor for 8 weeks, whether consecutive or not, within the relevant period.

(2) The relevant period in *sub-article (1)* shall be the period of 26 weeks prior to the relevant period of 26 weeks under section 100(1)(*a*), or a period which comprises two or more periods which, taken together, amount to a period of 26 weeks) in the 52 weeks prior to the relevant period of 26 weeks under section 100(1)(*a*).**]**

Annotations

Amendments:

F201 Inserted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 4(*c*).

Medical examination and disqualification

58. (1) An officer of the Minister may, on giving not less than 3 days notice in writing, require a relevant person to submit himself or herself to medical or other examination at such time and place as may be specified in the notice.

(2) Notice of the time and place of the examination referred to in *sub-article (1)* shall also be sent to the registered medical practitioner in attendance on the person required to submit himself or herself to such examination.

(3) Subject to *sub-article (4)*, a carer shall be disqualified for receiving carer's benefit if and for so long as the person in respect of whose full-time care and attention the benefit is payable, fails without good cause to attend for or submit to the medical examination in accordance with this article.

(4) A disqualification referred to in *sub-article (3)* shall not commence earlier than the day on which the failure to attend for or submit to the medical examination occurs.

CHAPTER 7

State Pension (Contributory)

Interpretation

59. In this Chapter—

F202**[**"aggregated contributions method" has the meaning assigned to it by section 108(2);**]**

"entry into insurance" in the case of a relevant person has the meaning assigned to it by section 108(5);

F202**[**"home caring period" has the meaning assigned to it by section 108(2);**]**

"relevant period" means the period over which the yearly average of contributions is calculated for State pension (contributory) purposes in accordance with section 108(2);

"relevant person" has the meaning assigned to it by section 108(4);

F203**[**"yearly average" has the meaning assigned to it by section 108(2).**]**

Annotations

Amendments:

F202 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*a*).

F203 Definition of "yearly average" substituted and definition of "alterative yearly average" deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*a*)(i) and (ii), in effect as per art. 3.

Conditions to be satisfied by non-resident homemaker

60. (1) Subject to *sub-article (2)* the conditions prescribed for the purposes of paragraph (*c*)(iii) of the definition of "homemaker" contained in section 108(2) are that—

(*a*) a direct system of communication must exist between the homemaker's residence and that of the relevant person, and

(*b*) the relevant person is not already receiving full-time care and attention within his or her own residence from a person other than the applicant.

(2) For the purposes of *paragraph (a)* of *sub-article (1)* a system of communication shall include a telephone or alarm system.

(3) For the purposes of this article "relevant person" has the meaning given to it by section 179.

F204**[Home carers**

60A. Subject to *articles 60C* and *60D*, a person shall, for the purpose of section 108(2) of the Act, be regarded as a home carer—

(*a*) for any week that person, being over the age of 16 years, is or was residing with and exercising full parental responsibility for a child under the age of 12 years,

(*b*) for any week that person is or was in receipt of carer's benefit, carer's allowance or domiciliary care allowance,

or

(*c*) or any week that person, being over the age of 16 years, is or was providing continuous supervision and regular assistance throughout the day to a person aged 12 years or over with the activities of daily living, including, but not limited to, those linked to personal care, food provision and nursing care, subject to the person receiving the assistance not receiving full time assistance within his or her own residence from a person other than the applicant, for the week in question.**]**

Annotations

Amendments:

F204 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*b*).

F205**[Classes of person in respect of whom a home carer may provide care**

60B. Subject to *articles 60C* and *60D*, the following persons shall be regarded as persons to whom continuous supervision and regular assistance may be provided by a home carer:

(*a*) a child under the age of 12 years at the time of the provision of the home care,

(*b*) a person, in respect of whom carer's benefit, carer's allowance or domiciliary care allowance is or was payable at the time of the provision of the home care,

or

(*c*) a person aged 12 years or over requiring continuous supervision and regular assistance throughout the day with the activities of daily living, including, but not limited to, assistance with personal care, food provision and nursing care, at the time of the provision of the home care.**]**

Annotations

Amendments:

F205 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*b*).

F206**[Circumstances in which a home carer may be regarded as providing continuous supervision and regular assistance**

60C. (1) A home carer may be regarded as providing continuous supervision and regular assistance to a person where—

(*a*) either the home carer, or the person to whom continuous supervision and regular assistance is or was being provided, is or was undergoing medical or other treatment of a temporary nature in an institution for a period not longer than 13 weeks,

(*b*) the person to whom continuous supervision and regular assistance is or was being provided is or was attending—

(i) a non-residential course of rehabilitation training provided by an organisation (being an organisation recognised by the Minister for Health for the purposes of the provision of such training), or

(ii) a non-residential place of day care approved by the Minister for Health, or

(*c*) subject to *sub-article (2)*, where it is shown to the satisfaction of the Minister that adequate provision is being made or was made, as the case may be, for

the care of the person to whom continuous supervision and regular assistance is or was being provided,

the home carer—

(i) may engage or have engaged, as the case may be, in employment,

(ii) may engage or have engaged, as the case may be, in self-employment, or

(iii) may undertake or have undertaken such training or courses of education, as the case may be, as the Minister may from time to time determine, or as the case may be, have so previously determined.

(2) The aggregate duration of the activities outside the home referred to in *subparagraphs (i)*, *(ii)* and (*iii)* of *sub-article (1)(c)* shall not exceed 15 hours per week.

(3) In this article, "institution" means—

(*a*) a hospital, convalescent home or home for persons suffering from physical or mental disability, or accommodation ancillary thereto, and any other similar establishment providing residence, maintenance or care for the persons therein,

or

(*b*) a private dwelling wherein a person is boarded out under an arrangement with the Executive.**]**

Annotations

Amendments:

F206 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*b*).

F207**[Application to be regarded as a home carer**

60D. Other than in the case of a person who is entitled to or in receipt of carer's benefit, carer's allowance or domiciliary care allowance, an application to be regarded as a home carer for the purposes of section 108(2) shall be made in the manner approved by the Minister.**]**

Annotations

Amendments:

F207 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*b*).

F208**[Evidence demonstrating the nature, extent and duration of home caring**

60E. A person who makes application to be regarded as a home carer for the purposes of section 108(2) shall furnish such certificates, documents, information and evidence as may be required by the Minister for the purposes of deciding such application.**]**

Annotations

Amendments:

F208 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*b*).

Reckoning of contributions under National Health Insurance Acts

61. (1) Notwithstanding section 108(4), a person who—

(*a*) had not attained the age of 60 years before 5 January 1953, and

(*b*) had not entered into insurance before attaining that age,

shall be deemed to satisfy the condition for State pension (contributory) contained in section 109(1)(*a*) if contributions as an employed contributor under the National Health Insurance Acts had been paid by or in respect of him or her, but, in any such case, the yearly average for the purposes of section 109(1)(*c*) shall be calculated in accordance with *sub-article (3)*.

(2) Notwithstanding section 108(5), for the purpose of satisfying the contribution condition for State pension (contributory) contained in section 109(1)(*b*), contributions paid by or in respect of an employed contributor under the National Health Insurance Acts shall, subject to *article 18* be taken into account, but, in any such case, the yearly average for the purposes of section 109(1)(*c*) shall be calculated in accordance with *sub-article (3)*.

(3) The yearly average, in the case of a person to whom *sub-article (1)* or *(2)* applies, shall be the average per contribution year of contribution weeks in respect of which that person has qualifying contributions, voluntary contributions or credited contributions reckonable for State pension (contributory) purposes in the period commencing—

(*a*) on 5 January 1953, in case the claimant is a man, or

(*b*) on 6 July 1953, in case the claimant is a woman,

and ending at the end of the last complete contribution year before the date of the claimant's attaining pensionable age.

F209**[Partial satisfaction of contribution conditions for State pension (contributory) where person attains pensionable age on or after 1 September 2012**

62. F210**[**(1) Subject to *sub-article (2)*, where a person attains pensionable age on or after 1 September 2012 and would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where that person's yearly average is not less than 10, be entitled to State pension (contributory) at a rate determined in accordance with this article.

(2) For the purposes of this article, where a person has a yearly average of less than 20, but not less than 10 and that person has attained pensionable age—

(*a*) on or after 1 September 2012, but before 1 January 2013, he or she is required to have qualifying contributions in respect of not less than 260 contribution weeks since entry into insurance, or

(*b*) on or after 1 January 2013, he or she is required to have qualifying contributions in respect of not less than 520 contribution weeks since entry into insurance.**]**

(3) In the case of a person to whom *sub-article (1)* applies, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 8* to these Regulations, the pension shall be payable at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person.

(4) In the case of a person to whom *sub-article (3)* applies, any increase payable under section 112(1) shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in *column (3)* of *Schedule 8* opposite the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person, and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in *column (4)* of *Schedule 8* opposite to the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person.

F211**[**(5) In the case of a person to whom *sub-article (3)* applies**]**, any increase payable in accordance with section 297 shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 2* to these Regulations, at the weekly rate set out—

(i) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,

(ii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30,

(iii) in *column (5)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 20,

(iv) in *column (6)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and

(v) in *column (7)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10,

and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 3* to these Regulations, at the weekly rate set out—

(i) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,

(ii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30,

(iii) in *column (5)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 20,

(iv) in *column (6)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and

(v) in *column (7)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10.**]**

Annotations

Amendments:

F209 Substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 5, in effect as per art. 3.

F210 Substituted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 4, in effect as per art. 3.

F211 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 9: thereby renumbering as sub-art. (5) what had previously appeared as sub-art. (6).

Editorial Notes:

E29 Previous affecting provision: sub-arts. (3) to (7) substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 6; substituted (1.09.2012) as per F-Note above.

E30 Previous affecting provision: sub-art. (5) substituted (2.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 7(*a*), in effect as per art. 2(*f*); substituted (21.11.2011) as per E-Note above.

E31 Previous affecting provision: sub-art. (5) amended (4.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 8(*a*), in effect as per art. 2(*f*); substituted (2.01.2009) as per E-Note above.

F212**[Partial satisfaction of contribution conditions for State pension (contributory) where person attains pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies**

62A. (1) Subject to *sub-article (2)*, where a person has attained pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies and would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall be entitled to pension at a rate determined in accordance with this article.

(2) *Sub-article (1)* shall apply in the case of a person—

(*a*) who has a yearly average of not less than 10, and

(*b*) where he or she has a yearly average of less than 20, he or she has qualifying contributions in respect of not less than 260 contribution weeks since entry into insurance.

(3) In the case of a person to whom *sub-article (1)* applies, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 8A* to these Regulations, the pension shall be payable at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person.

(4) In the case of a person to whom *sub-article (3)* applies, any increase payable under section 112(1) shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in *column (3)* of *Schedule 8A* opposite the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person, and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in *column (4)* of *Schedule 8A* opposite to the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person.

(5) In the case of a person to whom *sub-article (3)* applies, any increase payable in accordance with section 297 shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 2A* to these Regulations, at the weekly rate set out—

(i) in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and

(iii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10,

and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 3A* to these Regulations, at the weekly rate set out—

(i) in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15, and

(iii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10.**]**

Annotations

Amendments:

F212 Inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 6, in effect as per art. 3.

F213[**Partial satisfaction of contribution conditions for State pension (contributory) where section 109(10) applies**

62B. (1) In the case of a person to whom section 109(10) applies and who would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall be entitled to pension, where the person's yearly average is not less than 10, at a rate determined in accordance with this article.

(2) In the case of a person to whom *sub-article (1)* applies, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 8B* to these Regulations, the pension shall be payable at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person.

(3) In the case of a person to whom *sub-article (2)* applies, any increase payable under section 112(1) shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in *column (3)* of *Schedule 8B* opposite the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person, and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in *column (4)* of *Schedule 8B* opposite the relevant band of numbers in *column (1*) of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom *sub-article (2)* applies, any increase payable in accordance with section 297 shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 9* to these Regulations, at the weekly rate set out—

(i) in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20, and

(ii) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 10,

and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 9* to these Regulations, at the weekly rate set out—

(i) in *column (5)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly

average of the claimant or beneficiary is less than 48, but not less than 20, and

(ii) in *column (6)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 10.**]**

Annotations

Amendments:

F213 Inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 6, in effect as per art. 3.

F214**[Aggregated contributions method – increase for qualified adult**

62C. (1) In the case of a claimant who, in accordance with section 109(6B), has their pension calculated under the aggregated contributions method, any increase payable under section 297 shall be—

(*a*) where his or her spouse, civil partner or cohabitant has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 2* to these Regulations—

that percentage, which equates to the percentage rate obtained in respect of the claimant in accordance with section 109(6B), of the amount specified in *column (2)* of *Schedule 2* to these Regulations opposite the relevant band of income in *column (1)* of that Schedule that corresponds to the weekly income of that spouse, civil partner or cohabitant,

and

(*b*) where his or her spouse, civil partner or cohabitant has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 3* to these Regulations—

that percentage, which equates to the percentage rate obtained in respect of the claimant in accordance with section 109(6B), of the amount specified in *column (2)* of *Schedule 3* to these Regulations opposite the relevant band of income in *column (1)* of that Schedule that corresponds to the weekly income of that spouse, civil partner or cohabitant.**]**

Annotations

Amendments:

F214 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*c*).

Entitlement to pro-rata State pension (contributory)

63. In the case of a relevant person who—

(*a*) would, but for the fact that the contribution condition set out in section 109(1)(*c*) is not satisfied, be entitled to State pension (contributory),

(*b*) is not entitled to pension under F215**[***article 62, 62A* or *62B***]**,

(*c*) is not in receipt of an State pension (contributory) by virtue of F216**[***article 65, 65A* or *65B***]**, Regulation (EEC) 1408/71[1] of the Council of the European

1 OJ No. L 149, 5.7.1971, p. 2

Communities or by virtue of a reciprocal agreement under the provisions of section 287, and

(*d*) had periods in which he or she had been—

(i) employed mainly in one or more of the employments in respect of which employment contributions at the rate specified in articles 81(2)(*a*), 82(2)(*a*) or 83(2)(*a*) of the Regulations of 1996 were paid, and

F217**[**(ii) an employed contributor, or a self-employed contributor or a voluntary contributor in respect of whom an aggregate of at least 260 contributions, reckonable for the purposes of the contribution conditions for entitlement to State pension (contributory), have been paid in respect of him or her.**]**

he or she shall be entitled to a State pension (contributory) at the rate calculated in accordance with *article 64*.

Annotations

Amendments:

F215 Substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 11(*a*), in effect as per art. 3.

F216 Substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 11(*b*), in effect as per art. 3.

F217 Substituted (12.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Entitlement to Pro-rata State Pension) Regulations 2007* (S.I. No. 860 of 2007), art. 3.

F218**[Entitlement to pro-rata State pension (contributory), where a person has modified contributions, under the aggregated contributions method**

63A. In the case of a person to whom section 109(16) applies, and who, in accordance with section 109(6B), has their pension calculated under the aggregated contributions method, he or she shall be entitled to a State pension (contributory) at the rate calculated in accordance with *article 64A*.**]**

Annotations

Amendments:

F218 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*d*).

Calculation of rate of pro-rata State pension (contributory)

64. (1) The rate of State pension (contributory) payable to a relevant person referred to in article 63 shall be calculated in accordance with the formula—

$$A \times \frac{B}{C}$$

where—

A is the rate of State pension (contributory) which would be payable to the relevant person if all of the contributions specified at C in respect of that person during the relevant period were reckonable for State pension (contributory) purposes,

B is the number of—

(i) employment contributions paid in respect of or credited to the relevant person,

(ii) self-employment contributions paid by him or her, and

(iii) voluntary contributions paid by him or her,

during the relevant period, which are reckonable for the purposes of the contribution conditions for entitlement to State pension (contributory), and

C is the total number of—

(i) all of the employment contributions (other than employment contributions payable by a person who becomes an insured person by virtue of section 12(1)(*b*) only) paid in respect of or credited to the relevant person,

(ii) all of the self-employment contributions paid by him or her, and

(iii) all of the voluntary contributions paid by him or her,

during the relevant period.

(2) Notwithstanding *sub-article (1)*, any increase payable under section 112(2), (4), (5) or (6) shall be the same as if the contribution condition set out in section 109(1)(*c*) had been fully satisfied.

F219**[Calculation of rate of pro-rata State pension (contributory), where a person has modified contributions, under the aggregated contributions method**

64A. (1) The rate of State pension (contributory) payable to a relevant person referred to in *article 63A* shall be calculated in accordance with the formula—

$$\mathbf{A} \times \frac{\mathbf{B}}{\mathbf{C}}$$

where —

A is the rate of State pension (contributory) which would be payable to the relevant person if—

(*a*) all of the contributions specified at **C**

and

(*b*) all of the home caring periods determined in accordance with section 108(2)

in respect of that person during the relevant period are reckonable for State pension (contributory) purposes,

subject to—

(i) the number of credited contributions not exceeding 520,

(ii) the number of home caring perioods not exceeding 1040, and

(iii) the aggregate number of credited contributions referred to in *subparagraph (i)* and home caring periods referred to in *subparagraph (ii)* not exceeding in any event 1040.

B is the number of—

(i) employment contributions paid in respect of or credited to the relevant person,

(ii) self employment contributions paid by him or her,

(iii) voluntary contributions paid by him or her, and

(iv) all of the home caring periods determined in accordance with section 108(2)

during the relevant period, which are reckonable for the purposes of the contribution conditions for entitlement to State pension (contributory), and

C is the total number of—

(i) all of the employment contributions (other than employment contributions payable by a person who becomes an insured person by virtue of section 12(1)(*b*) only) paid in respect of or credited to the relevant person,

(ii) all of the self employment contributions paid by him or her,

(iii) all of the voluntary contributions paid by him or her, and

(iv) all of the home caring periods determined in accordance with section 108(2)

during the relevant period.

(2) Notwithstanding *sub-article (1)*, any increase payable under section 112(2), (4), (5) or (6) shall be the same as if the contribution condition set out in section 109(1)(*c*) had been fully satisfied.**]**

Annotations

Amendments:

F219 Inserted (12.02.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019), art. 3(*e*).

Special partial State pension (contributory) where person attains pensionable age on or after 1 September 2012

65. F220**[**...**]**

Annotations

Amendments:

F220 Deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 5, in effect as per art. 3.

Editorial Notes:

E32 Previous affecting provision: article substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 7, in effect as per art. 3; deleted (1.01.2013) as per F-Note above.

E33 Previous affecting provision: sub-arts. (2) to (6) substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 7; substituted (1.09.2012) as per E-Note above.

E34 Previous affecting provision: sub-art. (4) substituted (2.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 7(*b*), in effect as per art. 2(*f*); substituted (21.11.2011) as per E-Note above.

E35 Previous affecting provision: sub-art. (4) amended (4.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 8(*b*), in effect as per art. 2(*f*); substituted (2.01.2009) as per E-Note above.

F221[**Special partial State pension (contributory) where person attains pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies**

65A. (1) In the case of a person who—

(*a*) became an employed contributor paying employment contributions reckonable for the purposes of entitlement to State pension (contributory) at the time of and as a consequence of the coming into operation of section 12 of the Act of 1973, having earlier ceased to be an employed contributor,

(*b*) attained pensionable age before 1 September 2012 and is not a person to whom section 109(10) applies,

(*c*) would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, and

(*d*) is not entitled to State pension (contributory) under *articles 62*, *62A*, *62B*, *65* or *65B*,

that person shall, where he or she has a yearly average of not less than 5, be entitled to State pension (contributory) at a rate determined in accordance with this article.

(2) In the case of a person to whom *sub-article (1)* applies, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 8A* to these Regulations, the pension shall be payable at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average of that person.

(3) In the case of a person to whom *sub-article (2)* applies, any increase payable under section 112(1) shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in *column (3)* of *Schedule 8A* opposite the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person, and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in *column (4)* of *Schedule 8A* opposite the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom *sub-article (2)* applies, any increase payable in accordance with section 297 shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 2A* to these Regulations, at the weekly rate set out—

(i) in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly

average of the claimant or beneficiary is less than 20, but not less than 15,

(iii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10, and

(iv) in *column (5)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 10, but not less than 5,

and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 3A* to these Regulations, at the weekly rate set out—

(i) in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 15,

(iii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 15, but not less than 10, and

(iv) in *column (5)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 10, but not less than 5.**]**

Annotations

Amendments:

F221 Inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 8, in effect as per art. 3.

F222**[Special partial State pension (contributory) where section 109(10) applies**

65B. (1) In the case of a person who—

(*a*) became an employed contributor paying employment contributions reckonable for the purposes of entitlement to State pension (contributory) at the time of and as a consequence of the coming into operation of section 12 of the Act of 1973, having earlier ceased to be an employed contributor,

(*b*) is a person to whom section 109(10) applies,

(*c*) would be entitled to State pension (contributory) but for the fact that the relevant yearly average contribution conditions are not satisfied, and

(*d*) is not entitled to State pension (contributory) under *articles 62*, *62A*, *62B*, *65* or *65A*,

that person shall, where he or she has a yearly average of not less than 5, be entitled to State pension (contributory) at a rate determined in accordance with this article.

(2) In the case of a person to whom *sub-article (1)* applies, where the yearly average is a number included in one of the groups of numbers specified in *column (1)* of *Schedule 8B*, the pension shall be payable at the weekly rate shown opposite to that group of numbers in *column (2)* of the said Schedule.

(3) In the case of a person to whom *sub-article (2)* applies, any increase payable under section 112(1) shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in *column (3)* of *Schedule 8B* opposite the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person, and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in *column (4)* of *Schedule 8B* opposite the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom *sub-article (2)* applies, any increase payable in accordance with section 297 shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 9* to these Regulations, at the weekly rate set out—

(i) in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 10, and

(iii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 10, but not less than 5,

and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 9* to these Regulations, at the weekly rate set out—

(i) in *column (5)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 20,

(ii) in *column (6)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 20, but not less than 10, and

(iii) in *column (7)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly

average of the claimant or beneficiary is less than 10, but not less than 5.**]**

Annotations

Amendments:

F222 Inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 8, in effect as per art. 3.

Calculation of yearly average

66. F223**[**...**]**

Annotations

Amendments:

F223 Deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*b*), in effect as per art. 3.

Saver

67. The provisions of this Chapter shall not operate so as to disentitle to a State pension (contributory), or to reduce the rate of such pension payable to, a person who satisfies the contribution conditions for State pension (contributory) contained in section 109(1) by virtue solely of his or her insurance under the Principal Act.

CHAPTER 8

State Pension (Transition)

Interpretation

68. In this Chapter—

"entry into insurance" in the case of a relevant person has the meaning assigned to it by section 114(5);

"relevant period" means the period over which the yearly average of contributions is calculated for State pension (transition) purposes in accordance with section 114(3);

"relevant person" has the meaning assigned to it by section 114(4);

F224**[**"yearly average" has the meaning assigned to it by section 108(2).**]**

Annotations

Amendments:

F224 Definition of "yearly average" substituted and definition of "alterative yearly average" deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*c*), in effect as per art. 3.

Reckoning of contributions under National Health Insurance Acts

69. (1) Notwithstanding section 114(5), a person who—

(*a*) had not attained the age of 55 years before 5 January 1953, and

(*b*) had not entered into insurance before attaining that age,

shall be deemed to satisfy the condition for State pension (transition) contained in section 115(1)(*a*) if contributions as an employed contributor under the National Health Insurance Acts had been paid by or in respect of him or her, but, in any such case, the yearly average for the purposes of section 115(1)(*c*) shall be calculated in accordance with section 114(3).

(2) Notwithstanding section 114(5), for the purpose of satisfying the contribution condition for State pension (transition) contained in section 115(1)(*b*), contributions paid by or in respect of an employed contributor under the National Health Insurance Acts shall, subject to *article 18*, be taken into account, but, in any such case, the yearly average for the purposes of section 115(1)(*c*) shall be calculated in accordance with section 114(3).

Period of retirement

70. For the purposes of section 114, a period of retirement shall be—

(*a*) where the person has attained the age of 65 years and has not yet attained the age of 66 years, any period subsequent to his or her retirement from employment which is insurable employment or insurable self-employment under the Principal Act (other than employment which is insurable for occupational injuries benefit only) during which he or she does not engage in such employment, or

(*b*) where the person has attained the age of 66 years, any period subsequent to his or her attainment of that age whether he or she is engaged in employment or not.

F225**[Partial satisfaction of contribution conditions for State pension (transition) where person attains 65 years of age on or after 1 January 2013**

70A. (1) Where a person attains the age of 65 years on or after 1 January 2013 and would be entitled to State pension (transition) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where the person's yearly average is not less than 24, be entitled to State pension (transition) at a rate determined in accordance with this article.

(2) In the case of a person to whom *sub-article (1)* applies, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 10* to these Regulations, the pension shall be payable at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person.

(3) In the case of a person to whom *sub-article (2)* applies, any increase payable under section 117(1) shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age, at the weekly rate set out in *column (3)* of *Schedule 10* opposite the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person, and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age, at the weekly rate set out in *column (4)* of *Schedule 10* opposite to the relevant band of numbers in *column (1)* of that Schedule that corresponds to the yearly average for that person.

(4) In the case of a person to whom *sub-article (2)* applies, any increase payable in accordance with section 297 shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 2* to these Regulations, at the weekly rate set out—

(i) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly

average of the claimant or beneficiary is less than 48, but not less than 40,

(ii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30, and

(iii) in *column (5)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 24,

and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 3* to these Regulations, at the weekly rate set out—

(i) in *column (3)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 40,

(ii) in *column (4)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 40, but not less than 30, and

(iii) in *column (5)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 30, but not less than 24.**]**

Annotations

Amendments:

F225 Inserted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 6, in effect as per art. 3.

Editorial Notes:

E36 The article heading is taken from the amending article in the absence of one included in the amendment.

F226**[Partial satisfaction of contribution conditions for State pension (transition) where person attains 65 years of age on or after 1 September 2012**

71. (1) Where a person attains the age of 65 years F227**[**on or after 1 September 2012, but before 1 January 2013**]** and would be entitled to State pension (transition) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where the person's yearly average is not less than 24, be entitled to State pension (transition) at a rate determined in accordance with this article.

(2) In the case of a person to whom *sub-article (1)* applies, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 10* to these Regulations, the pension shall be payable at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person, but any increase payable under

section 117 shall be the same as if the contribution condition set out in section 115(1)(*c*) had been fully satisfied.

(3) In the case of a person to whom *sub-article (2)* applies, any increase payable in accordance with section 297 shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 2A* to these Regulations, at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 24, and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 3A* to these Regulations, at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 24.**]**

Annotations

Amendments:

F226 Substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 9, in effect as per art. 3.

F227 Substituted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 7(*b*), in effect as per art. 3.

F228**[Partial satisfaction of contribution conditions for State pension (transition) where person attains 65 years of age before 1 September 2012**

71A. (1) Where a person has attained the age of 65 years before 1 September 2012 and would be entitled to State pension (transition) but for the fact that the relevant yearly average contribution conditions are not satisfied, he or she shall, where the person's yearly average is not less than 24, be entitled to State pension (transition) at a rate determined in accordance with this article.

(2) In the case of a person to whom *sub-article (1)* applies, where the yearly average is less than 48 but not less than 24, the pension shall be payable at the weekly rate of €225.80, but any increase payable under section 117 shall be the same as if the contribution condition set out in section 115(1)(*c*) had been fully satisfied.

(3) In the case of a person to whom *sub-article (2)* applies, any increase payable in accordance with section 297 shall be payable—

(*a*) where his or her spouse or civil partner or a cohabitant of that person has attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of *Schedule 2A* to these Regulations, at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 24, and

(*b*) where his or her spouse or civil partner or a cohabitant of that person has not attained pensionable age and the weekly income of that spouse, civil partner or cohabitant, as the case may be, calculated in accordance with *article 8*, does not exceed the highest amount specified in *column (1)* of

Schedule 3A to these Regulations, at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of income in *column (1)* that corresponds to the said weekly income, where the yearly average of the claimant or beneficiary is less than 48, but not less than 24.**]**

Annotations

Amendments:

F228 Inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 10, in effect as per art. 3.

Entitlement to pro-rata State pension (transition)

72. In the case of a relevant person who—

(*a*) would, but for the fact that the contribution condition set out in section 115(1)(*c*) is not satisfied, be entitled to State pension (transition),

(*b*) is not entitled to pension under F229**[***article 70A, 71* or *71A***]**,

(*c*) is not in receipt of a State pension (transition) by virtue of Regulation (EEC) 1408/71 of the Council of the European Communities or by virtue of a reciprocal agreement under the provisions of section 287, and

(*d*) had periods in which he or she had been—

(i) employed mainly in one or more of the employments in respect of which employment contributions at the rate specified in article 81(2)(*a*), 82(2)(*a*) or 83(2)(*a*) of the Regulations of 1996 were paid, and

F230**[**(ii) an employed contributor, or a self-employed contributor or a voluntary contributor in respect of whom an aggregate of at least 260 contributions, reckonable for the purposes of the contribution conditions for entitlement to State pension (transition), have been paid in respect of him or her.**]**

he or she shall be entitled to a State pension (transition) at the rate calculated in accordance with *article 73*.

Annotations

Amendments:

F229 Substituted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 7(*c*), in effect as per art. 3.

F230 Substituted (12.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Entitlement to Pro-rata State Pension) Regulations 2007* (S.I. No. 860 of 2007), art. 4.

Editorial Notes:

E37 Previous affecting provision: para. (*b*) amended (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 11(*c*), in effect as per art. 3; substituted (1.01.2013) as per F-Note above.

Calculation of rate of pro-rata State pension (transition)

73. (1) The rate of State pension (transition) payable to a relevant person referred to in *article 72* shall be calculated in accordance with the formula—

$$\mathbf{A} \times \frac{\mathbf{B}}{\mathbf{C}}$$

where—

A is the rate of State pension (transition) which would be payable to the relevant person if all of the contributions specified at C in respect of that person during the relevant period were reckonable for State pension (transition) purposes,

B is the number of—

(i) employment contributions paid in respect of or credited to the relevant person, and

(ii) voluntary contributions paid by him or her,

during the relevant period, which are reckonable for the purposes of the contribution conditions for entitlement to State pension (transition), and

C is the total number of—

(i) all of the employment contributions (other than employment contributions payable by a person who becomes an insured person by virtue of section 12(1)(*b*) only) paid in respect of or credited to the relevant person,

(ii) all of the self-employment contributions paid by him or her, and

(iii) all of the voluntary contributions paid by him or her,

during the relevant period.

(2) Notwithstanding *sub-article (1)*, any increase payable under section 117(2), (4), (5) or (6) shall be the same as if the contribution condition set out in section 115(1)(*c*) had been fully satisfied.

Calculation of yearly average

74. F231**[**...**]**

Annotations

Amendments:

F231 Deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*d*), in effect as per art. 3.

Saver

75. The provisions of this Chapter shall not operate so as to disentitle to a State pension (transition), or to reduce the rate of such pension payable to, a person who satisfies the contribution conditions for State pension (transition) contained in section 115(1) by virtue solely of his or her insurance under the Principal Act.

CHAPTER 9

Invalidity Pension

Definition of permanently incapable of work

76. (1) Subject to *sub-article (2)*, for the purposes of section 118, a person shall be regarded as being permanently incapable of work if immediately before the date of claim for the said pension—

(*a*) he or she has been continuously incapable of work for a period of one year and it is shown to the satisfaction of a deciding officer or an appeals officer that the person is likely to continue to be incapable of work for at least a further year, or

(*b*) he or she is incapable of work and evidence is adduced to establish to the satisfaction of a deciding officer or an appeals officer that the incapacity for work is of such a nature that the likelihood is that the person will be incapable of work for life.

(2) *Sub-article (1)* shall not apply where it is subsequently shown to the satisfaction of a deciding officer or an appeals officer that the person is no longer likely to continue to be incapable of work for at least a further year or for life, as the case may be.

Conditions for receipt of invalidity pension

77. For the purposes of section 119(2)(*b*), the "relevant date" means any date subsequent to the commencement of a period of incapacity for work where evidence is adduced to establish to the satisfaction of a deciding officer or an appeals officer that the incapacity for work is of such a nature that the likelihood is that the person will be incapable of work for life.

Disqualification

78. (1) A person shall be disqualified for receiving invalidity pension if and so long as he or she fails without good cause to—

(*a*) F232**[**attend for or submit to any**]** medical or other examination at such time or place as may be required by an officer of the Minister, provided that he or she has been given not less than 7 days notice in writing,

(*b*) obey any instructions, relating to his or her behaviour or any other matter concerning his or her incapacity, of a medical practitioner attending on him or her or whom he or she has attended for medical or other examination in accordance with *paragraph (a)*,

F232**[**(*c*) see an officer of the Minister or a medical assessor and to answer any reasonable enquiries by any such officer or medical assessor relating to his or her claim for invalidity pension.**]**

(2) F233**[**...**]**

F234**[**(3) Notwithstanding section 118(3A), a person shall not be disqualified for receipt of invalidity pension where that person, with the prior written permission of an officer of the Minister, undertakes for a specified period of time the following types of work or training—

(*a*) having become permanently incapable of following his or her usual occupation, a course of training with a view to taking up some other occupation, or

(*b*) light work for which no remuneration is or would ordinarily be payable.

(3A) Notwithstanding section 118(3A), where a person has—

(*a*) received the prior written permission of an officer of the Minister, and

(*b*) is in receipt of invalidity pension immediately before 13 February 2012 while also engaged in work in the nature of rehabilitation or occupational therapy,

that person may continue to receive invalidity pension for the unexpired portion of the period of time specified in that written permission which occurs on or after 13 February 2012, if that person continues, during the unexpired portion of such specified period, to satisfy the conditions for entitlement to invalidity pension.**]**

Annotations

Amendments:

F232 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 3 and sch. item 4(*a*), (*b*).

F233 Deleted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 5(2)(*a*), in effect as per art. 3.

F234 Substituted and inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 5(2)(*b*), in effect as per art. 3.

CHAPTER 10

Widow's (Contributory) Pension and Widower's (Contributory) Pension

Interpretation

79. In this Chapter—

"existing pensions contributor" means any person who at any time was, or was deemed to be or treated as, an insured person under the Widows' and Orphans' Pensions Acts;

F235**[**"pension" means a widow's (contributory) pension in the case of a widow, a widower's (contributory) pension in the case of a widower and a surviving civil partner's (contributory) pension in the case of a surviving civil partner;**]**

"relevant contribution condition" means the contribution condition set out in section 125(1)(*b*)(ii);

"relevant period" means the period over which the yearly average of contributions per contribution year is calculated for pension purposes in accordance with section 125(1)(*b*)(ii);

"yearly average" has the meaning assigned to it by section 123.

Annotations

Amendments:

F235 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 8(*a*).

F236**[Partial satisfaction of contribution conditions for pension**

80. (1) Where a person would be entitled to pension but for the fact that the relevant contribution condition is not satisfied the person shall be entitled to pension, where the person's yearly average in the relevant period is not less than 24, at a rate determined in accordance with *sub-article (2)*.

(2) In the case of a person to whom *sub-article (1)* applies and who has not attained the age of 66 years, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 11* to these Regulations, widow's (contributory) pension, widower's (contributory) pension or surviving civil partner's (contributory) pension shall be payable at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person, but any increase payable under section 127 shall be the same as if the contribution condition set out in section 125(1)(*b*)(ii) had been fully satisfied.

(3) In the case of a person to whom *sub-article (1)* applies and who has attained the age of 66 years, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 11* to these Regulations, widow's (contributory) pension, widower's (contributory) pension or surviving civil partner's (contributory) pension shall be payable at the weekly rate set out in *column (3)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person, but any increase payable under section 127 shall be the same as if the contribution condition set out in section 125(1)(b)(ii) had been fully satisfied.**]**

Annotations

Amendments:

F236 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 8(*b*).

F237**[Special partial pension**

81. (1) In the case of a person who became an employed contributor as a consequence of the coming into operation of section 12 of the Act of 1973 having earlier ceased to be an employed contributor and where there would be entitlement to pension by virtue of the insurance record of that person or that person's spouse or civil partner but for the fact that the relevant contribution condition is not satisfied and there is no entitlement to pension under *article 80*, the person shall be entitled to pension, where the person's yearly average in the relevant period is not less than 5, at a rate determined in accordance with *sub-article (2)*.

(2) In the case of a person to whom *sub-article (1)* applies and who has not attained the age of 66 years, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 11* to these Regulations F238**[**...**]** widow's (contributory) pension, widower's (contributory) pension or surviving civil partner's (contributory) pension shall be payable at the weekly rate set out in *column (2)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person, but any increase payable under section 127 shall be the same as if the contribution condition set out in section 125(1)(*b*)(ii) had been fully satisfied.

(3) In the case of a person to whom *sub-article (1)* applies and who has attained the age of 66 years, where the yearly average is a number included in one of the bands of numbers specified in *column (1)* of *Schedule 11* to these Regulations, fractions of whole numbers being disregarded, widow's (contributory) pension, widower's (contributory) pension or surviving civil partner's (contributory) pension shall be payable at the weekly rate set out in *column (3)* of that Schedule opposite the relevant band of numbers in *column (1)* that corresponds to the yearly average for that person, but any increase payable under section 127 shall be the same as if the contribution condition set out in section 125(1)(*b*)(ii) had been fully satisfied.**]**

Annotations

Amendments:

F237 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 8(*b*).

F238 Deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*e*), in effect as per art. 3.

Reckoning of contributions paid under Widows' and Orphans' Acts

82. (1) In determining whether the contribution condition for pension contained in section 125(1)(*a*) has been satisfied in respect of an existing pensions contributor—

(*a*) entry into insurance under the Widows' and Orphans' Pensions Acts shall be treated as entry into insurance under the Principal Act, and

(*b*) every 2 contributions paid by or in respect of such contributor under the Widows' and Orphans' Pensions Acts shall be treated as 3 employment contributions paid under the Principal Act and any odd contribution shall be treated as 2 employment contributions paid under the said Act.

(2) For the purposes of section 125(1)(*b*) and *article 80*, the following provisions shall have effect in relation to an existing pensions contributor—

(*a*) in determining whether the contribution condition for pension contained in the said section or article, as the case may be, has been satisfied every 2 contributions paid or excused or deemed to have been, or treated as, paid by or in respect of such contributor under the Widows' and Orphans' Pensions Acts since the date of such contributor's entry into insurance under the said Acts shall be treated as 3 contributions paid or credited under the Principal Act and any odd contribution under the Widows' and Orphans' Pensions Act shall be treated as 2 contributions paid or credited under the said Principal Act,

(*b*) any period which is a period of insurance for the purposes of the said Acts commencing with the date of such contributor's entry into insurance under the said Acts shall be treated as a period of insurance under the Principal Act and contribution years in any such period shall be treated as contribution years under the said Act but in relation to a male existing pensions contributor the period from 2 July 1951 to the 4 January 1953, shall be treated as one contribution year, and

(*c*) entry into insurance under the Widows' and Orphans' Pensions Acts may be treated as entry into insurance under the Principal Act.

Calculation of yearly average

83. F239**[**...**]**

Annotations

Amendments:

F239 Deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*f*), in effect as per art. 3.

CHAPTER 11

Deserted Wife's Benefit

Interpretation

84. In this Chapter—

"deserted wife's benefit" means a payment referred to in paragraph (*a*) of the definition of "relevant payment" in section 178(1);

"relevant period" means the period over which the yearly average of contributions per contribution year is calculated for the purposes of deserted wife's benefit in accordance with section 178A(2)(*b*)(ii);

F240**[**"yearly average" has the meaning assigned to it by section 178A(3A).**]**

Annotations

Amendments:

F240 Substituted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*g*), in effect as per art. 3.

Conditions for receipt of deserted wife's benefit

85. A payment under paragraph (*a*) in the definition of "relevant payment" in section 178(1) shall be made, subject to the following—

(*a*) a woman who has been deserted by her husband shall make and continue to make appropriate efforts, in the particular circumstances, to obtain maintenance from her husband, and

F241**[**(*b*) she shall not be a cohabitant.**]**

Annotations

Amendments:

F241 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 9(*a*).

Income limit

F242**[86.** The amount prescribed for the purpose of section 178A(1)(*a*) shall be 20,000.**]**

Annotations

Amendments:

F242 Substituted (3.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 6, in effect as per art. 2(*b*).

Partial satisfaction of contribution conditions

87. (1) Subject to *article 89*, where a woman would be entitled to deserted wife's benefit but for the fact that the yearly average contribution conditions are not satisfied, she shall be entitled to deserted wife's benefit, where the yearly average in the relevant period is not less than 24, at a rate determined in accordance with *sub-article (2)*.

(2) In the case of a woman to whom *sub-article (1)* applies and who has not attained the age of 66 years, where the yearly average is a number included in one of the groups of numbers specified in *column (1)* of *Schedule 11*, deserted wife's benefit shall be payable at the weekly rate shown opposite to that group of numbers in *column (2)* of the said Schedule, but any increase payable under section 178A(3) shall be the same as if the contribution condition set out in section 178A(2)(*b*)(ii) had been fully satisfied.

(3) In the case of a woman to whom *sub-article (1)* applies and who has attained the age of 66 years, where the yearly average is a number included in one of the groups of numbers specified in *column (1)* of *Schedule 11*, deserted wife's benefit shall be payable at the weekly rate shown opposite to that group of numbers in *column (3)* of the said Schedule, but any increase payable under section 178A(3) shall be the same as if the contribution condition set out in section 178A(2)(*b*)(ii) had been fully satisfied.

Special partial payment

88. (1) Subject to *article 89*, in the case of a person who became an employed contributor as a consequence of the coming into operation of section 12 of the Act of 1973 having ceased to be an employed contributor and where there would be entitlement to deserted wife's benefit by virtue of the person's or the person's F243**[**husband's**]** social insurance contribution record but for the fact that the relevant contribution condition set out in section 178A(2)(*b*)(ii) is not satisfied and there is no entitlement to benefit under *article 87*, she shall be entitled to deserted wife's benefit, where the yearly average in the relevant period is not less than 5, at a rate determined in accordance with *sub-article (2)*.

(2) In the case of a woman to whom *sub-article (1)* applies and who has not attained the age of 66 years, where the yearly average is a number included in one of the groups of numbers specified in *column (1)* of *Schedule 11* F244**[**...**]** deserted wife's benefit shall be payable at the weekly rate shown opposite to that group of numbers in *column (2)* of the said Schedule, but any increase payable under section 178A(3) shall be the same as if the contribution condition set out in section 178A(2)(*b*)(ii) had been fully satisfied.

(3) In the case of a woman to whom *sub-article (1)* applies and who has attained the age of 66 years, where the yearly average is a number included in one of the groups of numbers specified in *column (1)* of *Schedule 11*, fractions of whole numbers being disregarded, deserted wife's benefit shall be payable at the weekly rate shown opposite to that group of numbers in *column (3)* of the said Schedule, but any increase payable under section 178A(3) shall be the same as if the contribution condition set out in section 178A(2)(*b*)(ii) had been fully satisfied.

Annotations

Amendments:

F243 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 9(*b*).

F244 Deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*h*), in effect as per art. 3.

Application of income limit

89. F245**[**...**]**

Annotations

Amendments:

F245 Deleted (3.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 7(*a*), in effect as per art. (2)(*b*).

Calculation of yearly average

90. F246**[**...**]**

Annotations

Amendments:

F246 Deleted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 8(*i*), in effect as per art. 3.

F247[Transitional payment

90A. (1) Subject to *sub-article (2)*, where a woman who has been in receipt of deserted wife's benefit for a period of 52 consecutive weeks, ceases to be entitled to the payment by virtue of her gross annual earnings exceeding the amount specified in *article 86*, she shall, notwithstanding the provisions of *article 86*, continue to be entitled to a payment under this article, calculated in accordance with *sub-article (3)*, for a period of 6 months commencing from the date on which her gross annual earnings exceed the amount specified in *article 86*.

(2) A payment referred to in *sub-article (1)*, may be made where a woman continues to satisfy the conditions for entitlement to deserted wife's benefit other than that specified in section 178A(1)(*a*).

(3) In the case of a woman to whom *sub-article (1)* applies, the amount payable shall be equal to 50 per cent of the weekly rate payable to the woman immediately before the day on which she ceases to be entitled to deserted wife's benefit and such amount shall be rounded up to the nearest 10 cent where it is a multiple of 5 cent but not also a multiple of 10 cent and shall be rounded to the nearest 10 cent where it is not a multiple of 5 cent or 10 cent.

(4) Where a woman has been entitled to a payment in accordance with *sub-article (1)* for a continuous period of 6 months she shall not be entitled to any further payment under that sub-article.**]**

Annotations

Amendments:

F247 Inserted (3.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 8, in effect as per art. (2)(*b*).

CHAPTER 12

Treatment Benefit

Interpretation

91. In this Chapter—

F248**[**...**]**

F248**[**...**]**

"appliance" means an appliance—

(*a*) provided as benefit under these Regulations including the repair thereof, and

(*b*) which complies with Council Directive 93/42/EEC of 14 June 1993 concerning medical devices[2];

"audiologist" means—

(*a*) a member of the Irish Society of Hearing Aid Audiologists, or

(*b*) a member of the British Society of Hearing Aid Audiology, or

(*c*) a member of the British Society of Audiology Technicians Group having passed the B.A.A.A.T. examinations Parts 1 and 2, or

(*d*) a member of the International Hearing Society having passed the National Board for Certification in Hearing Instrument Sciences (NBC-HIS) National Competency Examinations in the United States, or

[2] OJ No L 169/1, 12.7.1993, p. 4

(*e*) a person who has an equivalent recognised qualification in Hearing Aid Audiology, or

(*f*) a company being a body corporate employing a person with one of the above qualifications;

"claimant" means a person who has made a claim for dental benefit, optical benefit or medical appliance benefit, as the case may be;

F249**[**"dental treatment" means the carrying out of a dental examination by a dentist;**]**

"dentist" means—

(*a*) a person registered, or

(*b*) a person entitled to be registered

in the Register of Dentists in Ireland;

F250**[**"dependent spouse, civil partner or cohabitant" means—

(*a*) a spouse, civil partner or cohabitant who is a qualified adult as defined in section 2(2) and by *article 6*, or

(*b*) a spouse, civil partner or cohabitant who is not a qualified adult as so defined in *sub-paragraph (a)* by virtue of being engaged in insurable employment and who immediately prior to taking up such employment was a qualified adult entitled to treatment benefit, or

(*c*) a spouse, civil partner or cohabitant who would be a qualified adult as so defined, but for the receipt by that spouse, civil partner or cohabitant of carer's benefit under Chapter 14 of Part 2, State pension (non-contributory) under Chapter 4 of Part 3 or carer's allowance under Chapter 8 of Part 3 in his or her own right;**]**

F251**[**...**]**

F252**[**"Hair replacement provider" means a person engaged in the commercial provision of non-surgical hair replacement, either full or partial scalp, using either synthetic or natural materials;**]**

F253**[**"medical appliances benefit" means the provision of contact lens supplied for medical reason and hearing aids;**]**

"ophthalmologist" means—

(*a*) (i) a person registered, or

(ii) a person entitled to be registered

in the Ophthalmology Specialists Register of the Irish Medical Council, or

(*b*) a person with a recognised qualification in ophthalmology from the College of Ophthalmologists Ireland, or

(*c*) a person who has an equivalent recognised qualification in ophthalmology;

F254**[**"optical treatment" means the carrying out of an optical examination by an ophthalmologist or an optometrist;**]**

"optometrist" means—

(*a*) a person registered, or

(*b*) a person entitled to be registered

in the Register of Optometrists in Ireland;

F248**[**...**]**

"Register of Dentists in Ireland" means a register established under Part III of the Dentists Act 1985 (No. 9 of 1985);

"Register of Optometrists in Ireland" means a register established under Part III of the Opticians Act 1956 (No. 17 of 1956) as amended;

F255**[**...**]**

"relevant contribution year" means the second last complete contribution year before the beginning of the benefit year in which the relevant date occurs or, where the claimant has attained pensionable age, either the second or third last complete contribution year before the relevant date;

"relevant date" means the date on which benefit is claimed or, where the claimant is of or over pensionable age, the date on which he or she attained pensionable age;

"scale of charges" means, as respects any benefit, the scale of fees or charges appropriate to such benefit for the time being fixed by the Minister;

F248**[**...**]**

F256**[**"treatment benefit" means dental treatment, optical treatment and medical appliances benefit.**]**

Annotations

Amendments:

F248 Deleted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*a*)(i), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

F249 Substituted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*a*)(ii), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

F250 Substituted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*a*)(ii), in effect as per art. 2.

F251 Deleted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*a*)(iii), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

F252 Inserted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*a*)(i), in effect as per art. 2.

F253 Inserted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*a*)(iv), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

F254 Inserted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*a*)(v), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

F255 Deleted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*a*)(vi), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

F256 Substituted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*a*)(vii), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

Editorial Notes:

E38 Previous affecting provision: article amended (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 10(*a*); substituted (28.05.2022) as per F-Note above.

Treatment Benefit

F257**[92.** The treatment benefit to be provided under section 138 shall be—

(*a*) dental treatment,

(*b*) optical treatment, and

(*c*) medical appliances benefit;**]**

Annotations

Amendments:

F257 Substituted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*b*), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

Entitlement to treatment benefit

93. Subject to this Chapter, a person shall be entitled to treatment benefit if he or she satisfies the contribution conditions in *articles 94* or *95*.

F258**[Contribution conditions**

94. (1) Subject to this Chapter, the contribution conditions for entitlement to treatment benefit shall be—

(*a*) in the case of a claimant who is under the age of 21 years, that he or she has qualifying contributions in respect of not less than 39 contribution weeks between the date of his or her entry into insurance and the relevant date, or

(*b*) in the case of a claimant who is of or over the age of 21 years and under the age of F259**[**29**]** years—

(i) that he or she has qualifying contributions in respect of not less than 39 contribution weeks between the date of his or her entry into insurance and the relevant date, and

(ii) that he or she has—

(I) qualifying contributions or credited contributions in respect of not less than 39 contribution weeks in the relevant contribution year, or

(II) qualifying contributions in respect of not less than 26 contribution weeks in both the relevant contribution year and the contribution year immediately before the relevant contribution year, or

(*c*) in the case of a claimant who is of or over the age of F259**[**29**]** years—

(i) that he or she has qualifying contributions in respect of not less than 260 contribution weeks between the date of his or her entry into insurance and the relevant date, and

(ii) that he or she has—

(I) qualifying contributions or credited contributions in respect of not less than 39 contribution weeks in the relevant contribution year, or

(II) qualifying contributions in respect of not less than 26 contribution weeks in both the relevant contribution year and the contribution year immediately before the relevant contribution year.

(2) The contribution conditions contained in *sub-paragraph 1(c)(ii)* shall not apply in the case of a person who has attained pensionable age before 6 July 1992.

(3) The contribution conditions contained in *sub-paragraphs (1)(c)(i)* and *(1)(c)(ii)* requiring the claimant to have qualifying contributions in respect of at least 260 contribution weeks between the date of his or her entry into insurance and the relevant date and qualifying or credited contributions in respect of not less than 39 contribution weeks in the relevant contribution year shall—

(*a*) in respect of a person who has attained pensionable age before 1 October 1987, have effect as if "156 contribution weeks" were substituted for "260 contribution weeks", and

(*b*) in respect of a person who has attained pensionable age before 6 July 1992, have effect as if "208 contribution weeks" were substituted for "260 contribution weeks".**]**

Annotations

Amendments:

F258 Substituted (22.08.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Treatment Benefit) Regulations 2017* (S.I. No. 381 of 2017), art. 3(*a*).

F259 Substituted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 5, in effect as per art. 2.

Contribution conditions for volunteer development workers

95. The contribution conditions to be satisfied by a volunteer development worker for treatment benefit in respect of any claim made in the benefit year in which he or she returns to the State from a developing country or in the next succeeding benefit year shall be—

(*a*) that he or she has qualifying contributions paid in respect of not less than 26 contribution weeks in the period from his or her entry into insurance to the relevant date, and

(*b*) that he or she has qualifying contributions or credited contributions in respect of not less than 26 contribution weeks in the relevant contribution year.

F260**[Treatment Benefit for Dependent Spouse, Civil Partner or Cohabitant**

96. A spouse, civil partner or cohabitant shall be entitled to treatment benefit where the contribution conditions specified in *articles 94* or *95* are satisfied by his or her spouse, by his or her civil partner or by his or her cohabitant, as appropriate.**]**

Annotations

Amendments:

F260 Substituted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*b*), in effect as per art. 2.

Editorial Notes:

E39 Previous affecting provision: article substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 10(*b*); substituted (28.05.2022) as per F-Note above.

F261**[Continued Benefit to Dependent Spouse, Civil Partner or Cohabitant after the Death of an Insured Person**

97. On the death of an insured person whose dependent spouse, civil partner or cohabitant, at the date of the death, was or would have been entitled to treatment benefit under *article 96*, the dependent spouse, civil partner or cohabitant shall continue to be entitled to treatment benefit for as long as that person remains a widow, widower, surviving civil partner or surviving cohabitant, as the case may be.**]**

Annotations

Amendments:

F261 Substituted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*b*), in effect as per art. 2.

Editorial Notes:

E40 Previous affecting provision: article substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 10(*b*); substituted (28.05.2022) as per F-Note above.

F262**[Continued entitlement over age 60**

98. Where an insured person is or would have been entitled to treatment benefit under this Chapter at any time between the age of 60 and attaining pensionable age, he or she shall thereafter continue throughout his or her life to be so entitled.**]**

Annotations

Amendments:

F262 Substituted (22.08.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Treatment Benefit) Regulations 2017* (S.I. No. 381 of 2017), art. 3(*b*).

Reckoning of contributions paid under National Health Insurance Acts

99. (1) For the purposes of this article an "existing contributor" means a person whose insurance as an employed contributor or a voluntary contributor under the National Health Insurance Acts was effective immediately before 5 January 1953.

(2) In determining for the purposes of satisfying the contribution condition for treatment benefit contained in *subparagraph (i)* of *article 94(1)(c)*, every two contributions paid by or in respect of an existing contributor under the National Health Insurance Acts shall be reckoned as three qualifying contributions paid under

the Principal Act, and any odd contribution paid under the said Acts shall be reckoned as two qualifying contributions paid under the Principal Act.

Claim for treatment benefit

100. A claim for treatment benefit shall be made in the form and in such manner for the time being approved by the Minister.

Limitation on benefit for a claimant who is a member of the Defence Forces

F263**[101.** Subject to *article 94*, a claimant to whom article 87 of the Regulations of 1996 applies shall be entitled to medical appliances benefit and to no other treatment benefit.**]**

Annotations

Amendments:

F263 Substituted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*c*), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

Cost of medical certificates

102. A claimant for treatment benefit may be granted the cost of any medical certificate required by the Minister and necessarily incurred for the purposes of the claim.

Time limit for obtaining treatment benefit

103. (1) The time within which any treatment, service or appliance is to be obtained is 3 months.

(2) The Minister may, if he or she is satisfied that there are good grounds for so doing, extend the time within which any treatment, service or appliance is to be obtained.

(3) A grant of treatment benefit which is not obtained within the time as fixed or extended by the Minister shall lapse to the extent to which the benefit has not been obtained.

(4) The Minister may renew a grant of treatment benefit which has lapsed.

Notice of decision

104. (1) The Minister shall cause notification of the decision on a claim for treatment benefit to be given to the claimant and of the procedure to be complied with for the purpose of obtaining that benefit.

(2) The claimant shall be advised where he or she is required to pay any sum towards the cost of the treatment benefit and of the amount of such sum, if known.

Payment by the Minister

105. (1) The Minister shall—

(*a*) on being informed in writing by the claimant that he or she has received to his or her satisfaction the treatment, service or appliance in respect of which he or she is entitled to treatment benefit (not being benefit received in a case falling within *paragraph (2)*), and

(*b*) the audiologist, dentist, F264**[**hair replacement provider,**]** dispensing optician, ophthalmologist or optometrist, as the case may be, has entered into an agreement with the Minister in respect of the provision of dental, optical or medical appliance treatment and that agreement is for the time being in force,

pay the sum which the Minister is liable to pay in respect of that benefit.

(2) The Minister shall, on being informed in writing by the claimant that he or she has received to his or her satisfaction the treatment, service or appliance in another Member State F265**[**or the United Kingdom,**]**in respect of which he or she is entitled to treatment benefit, pay the sum which the Minister is liable to pay in respect of that benefit.

Annotations

Amendments:

F264 Inserted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*c*), in effect as per art. 2.

F265 Inserted (31.12.2020 at 11.00 p.m.) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Treatment Benefit — Payment by the Minister) Regulations 2020* (S.I. No. 716 of 2020), art. 3, in effect as per art. 2.

Panels

106. The Minister may, for the purposes of information, from time to time, prepare and publish a list of—

(*a*) dentists, for the purposes of dental benefit,

F266**[**(*b*) opthalmologist or optometrists for the purposes of optical benefit and medical appliance benefit, F267**[**...**]]**

(*c*) audiologists, for the purposes of medical appliance benefit, F268**[**and

(*d*) hair replacement providers, for the purposes of medical appliance benefit,**]**

with whom agreements, in accordance with this Chapter, have been made by the Minister and which shall be known as the Dental Panel, the Optical Panel F269**[**, the Hair Replacement Provider Panel,**]** or the Hearing Aid Panel, as the case may be.

Annotations

Amendments:

F266 Substituted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*d*), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

F267 Deleted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*d*)(i), in effect as per art. 2.

F268 Inserted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*d*)(ii), in effect as per art. 2.

F269 Inserted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*d*)(iii), in effect as per art. 2.

Limitation on dental benefit for a claimant who is a member of the Defence Forces

107. F270**[**...**]**

Annotations

Amendments:

F270 Deleted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*e*), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

Amount payable in respect of dental benefit

108. The payment to be made by the Minister in respect of dental benefit shall be so much of the cost of the dental treatment, subject to the maximum cost defined in accordance with the scale of charges as may from time to time be fixed by the Minister, and the remainder of the said cost, if any, shall be paid by the claimant.

Benefit in respect of medical appliances

109. The appliances to be provided as benefit under *articles 110* and *111* shall be contact lenses supplied for F271**[**medical reason, hearing aids and non-surgical hair replacement.**]**

Annotations

Amendments:

F271 Substituted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*e*), in effect as per art. 2.

Amount payable in respect of medical appliance benefit

F272**[110.** The payment to be made by the Minister in respect of medical appliance benefit under this article and *article 111* shall be F273**[**the cost of providing an appliance or of repairing a hearing aid,**]** subject to a maximum payment as may from time to time be fixed by the Minister, and the remainder of the said cost, if any, shall be paid by the claimant.**]**

Annotations

Amendments:

F272 Substituted (27.03.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2021* (S. I. No. 77 of 2021), art. 3, in effect as per art. 2.

F273 Substituted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*f*), in effect as per art. 2.

F274**[Hearing aids**

110A. A person shall be entitled to medical appliance benefit in relation to the provision of hearing aids once in every four years or such other frequency as may, from time to time, be fixed by the Minister.**]**

Annotations

Amendments:

F274 Inserted (1.01.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2011* (S.I. No. 720 of 2011), art. 4, in effect as per art. 3.

F275[Medical lenses

110B. A person shall be entitled to medical appliance benefit in relation to the provision of medical lenses once in every two years, or such other frequency as may, from time to time, be fixed by the Minister.**]**

Annotations

Amendments:

F275 Inserted (25.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Treatment Benefit) Regulations 2022* (S.I. No. 360 of 2022), art. 2.

F276[Non-surgical hair replacement

110C. A person shall be entitled to medical appliance benefit in relation to the provision of non-surgical hair replacement, relating to hair loss on the scalp area, once in every calendar year or such other frequency as may, from time to time, be fixed by the Minister.**]**

Annotations

Amendments:

F276 Inserted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*g*), in effect as per art. 2.

Claims for and payment of medical appliance benefit

111. (1) Subject to *sub-article (2)* a claimant for medical appliance benefit shall submit with the claim—

(*a*) a recommendation from his or her medical practitioner, and

F277**[**(*b*) an estimate of the cost of appliances or the repair of hearing aids, and

(*c*) in the case of hair replacement, confirmation from his or her medical practitioner that the hair loss is a result of a disease or the treatment of a disease,**]**

(2) The Minister may, if he or she thinks fit, dispense with the submission of a recommendation from the medical practitioner where the benefit claimed is in respect of the repair of an appliance.

(3) When a claim for medical appliance benefit is awarded, the Minister shall notify the claimant.

[(4) For the purposes of *sub-article (1)*, in the case of hair replacement, any act to be performed by a medical practitioner may also be performed by a cancer nurse specialist.

(5) For the purposes of *paragraph (c)* of *sub-article (1)*, "disease" shall mean any of the following:

(i) alopecia areata (which includes alopecia totalis/universalis, diffuse alopecia areata, alopecia ophiasis),

(ii) primary scarring alopecias (including cicatricial alopecia, frontal fibrosing alopecia and lichen planopilaris alopecia),

(iii) chemotherapy induced alopecia (anagen effluvium),

(iv) alopecia resulting from surgery or trauma, including burns,

(v) such other forms of alopecia as may be approved by the Minister.**]**

Annotations

Amendments:

F277 Substituted (28.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022), art. 4(*h*), in effect as per art. 2.

Claims for and payment of optical benefit

112. (1) The Minister may require a certificate from an ophthalmic surgeon to be submitted with a claim for optical benefit.

(2) Where a claim for optical benefit is awarded, the Minister shall notify the claimant.

Limitation on optical benefit for claimant who is a member of the Defence Forces

113. F278**[**...**]**

Annotations

Amendments:

F278 Deleted (1.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009), art. 3(*e*), in effect as per art. 4(*a*) subject to the proviso in art. 4(*b*).

Amount payable in respect of optical benefit

114. The payment to be made by the Minister in respect of optical benefit shall be so much of the cost of the optical treatment, subject to the maximum cost defined in accordance with the scale of charges as may from time to time be fixed by the Minister, and the remainder of the cost, if any, shall be paid by the claimant.

Sight tests

115. (1) A person shall be entitled to optical benefit in respect of a sight test, once in any period of two years, save where the Minister is satisfied that there are good clinical reasons in a particular case for more frequent testing.

(2) Sight tests provided by way of optical benefit shall be undertaken at the optical practitioner's normal place of business.

PART 3

Social Assistance Payments

CHAPTER 1

Jobseeker's Allowance

Interpretation

116. In this Chapter "continuous period of unemployment" shall be read in accordance with section 141(3).

F279**[Days of unemployment**

117. (1) Other than in the case of a person to whom section 148A applies, for the purposes of Chapter 2 of Part 3, a day shall be treated as a day of unemployment if it is a day in respect of which a person—

(*a*) proves unemployment in accordance with *article 118*, and

(*b*) subject to *sub-article (2)*, does not work for wages or other remuneration, whether paid in money or otherwise.

(2) *Sub-article (1)(b)* shall not apply to employment as a retained fire fighter.**]**

Annotations

Amendments:

F279 Substituted (10.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Retained Fire Fighters) Regulations 2013* (S.I. No. 254 of 2013), art. 6.

Editorial Notes:

E41 Previous affecting provision: article amended (4.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Allowance Transition) Regulations 2013* (S.I. No. 244 of 2013), art. 4, in effect as per art. 3; substituted (10.07.2013) as per F-Note above.

F280**[Prescribed manner for proving unemployment**

118. (1) A person shall prove unemployment for the purposes of subsections (1)(*b*) and (1A) of section 141 by—

(*a*) attending at an office of the Minister at such time as the Minister may direct for the purpose of making—

(i) a written declaration in such form as the Minister may determine, or

(ii) where the Minister considers it appropriate, a declaration by means of an electronic communication by way of the transmission of a signature in electronic form,

or

(*b*) making a declaration in such other manner as the Minister may consider appropriate having regard to the circumstances, including by way of an electronic communication transmitted by means of the internet,

that he or she has been—

(I) continuously unemployed since the date of his or her claim for jobseeker's allowance, or

(II) unemployed or expects to be unemployed during each day in respect of which jobseeker's allowance is claimed.**]**

Annotations

Amendments:

F280 Substituted (10.07.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Proving Unemployment) Regulations 2012* (S.I. No. 250 of 2012), art. 5.

F281**[Prescribed manner for making declaration under section 148A**

118A. A person shall make a declaration for the purposes of subsections (2) and (3) of section 148A by—

(*a*) attending at an office of the Minister at such time as the Minister may direct for the purpose of making—

(i) a written declaration in such form as the Minister may determine, or

(ii) where the Minister considers it appropriate, a declaration by means of an electronic communication by way of the transmission of a signature in electronic form,

or

(*b*) making a declaration in such other manner as the Minister may consider appropriate having regard to the circumstances, including by way of an electronic communication transmitted by means of the internet,

that he or she—

(I) is the parent, step-parent, adoptive parent or legal guardian of at least one child who has not attained the age of 14 years and who normally resides, in accordance with *article 128*, with that person, and

(II) is not a cohabitant.**]**

Annotations

Amendments:

F281 Inserted (4.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Allowance Transition) Regulations 2013* (S.I. No. 244 of 2013), art. 5, in effect as per art. 3.

F282**[Night workers**

119. Where a person is employed to work continuously from a time on any day until a time on the next following day, that person shall, for the purposes of jobseeker's allowance, be regarded as being employed by virtue of that employment—

(*a*) only on the first day where the employment on the first day is longer than that on the second day and in that case that first day shall not be treated as a day of unemployment, and

(*b*) only on the second day in any other circumstances, and in that case that second day shall not be treated as a day of unemployment.**]**

Annotations

Amendments:

F282 Substituted (20.02.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Night Workers) Regulations 2013* (S.I. No. 62 of 2013), art. 3(*b*), in effect as per art. 2.

Persons deemed to be available for employment

120. (1) Where by virtue of the provisions of *article 119* a person

(*a*) is to be treated as having been employed on one day only of 2 days, and

(*b*) throughout that part of the other of those 2 days during which that person is not employed,

that person shall, for the purposes of Chapter 2 of Part 3, be deemed to be available for employment, throughout that other of those 2 days.

(2) A person shall be deemed to be available for employment on any day in which he or she is participating in an activity where that person—

(*a*) commences and continues to participate in an activity in a continuous period of unemployment,

(*b*) has given prior notice to the Minister of his or her intention to participate in that activity,

(*c*) is aged 21 or over, and

F283**[**(*d*) has been in receipt of jobseeker's allowance, jobseeker's benefit, jobseeker's benefit (self-employed), or jobseeker's allowance and jobseeker's benefit, or jobseeker's allowance and jobseeker's benefit (self-employed), for a period of not less than 156 days or 26 weeks.**]**

(3) In the case of a person who is undergoing a course of rehabilitation training provided by an organisation (being an organisation approved of by the Minister for Health and Children for the purposes of the provision of such training) he or she shall be deemed to be available for employment on any day on which he or she is undergoing such training.

(4) A person shall be deemed to be available for employment on any day in which he or she is participating in an activity where that person—

(*a*) commences and continues to participate in an activity in a continuous period of unemployment,

(*b*) has given prior notice to the Minister of his or her intention to participate in that activity,

(*c*) is aged 18 years or over and under 21 years,

(*d*) has, at the commencement of the activity, been in receipt of jobseeker's benefit, jobseeker's allowance or jobseeker's benefit and jobseeker's allowance, for a period of not less than 156 days, and

(*e*) has not been enrolled in or attending an institute of education, for the purposes of completing a course of education or a course of instruction, within the 2 years immediately preceding the commencement of the activity.

(5) In this article "activity" means participation by a person in a course of education, training or development approved by the Minister.

Annotations

Amendments:

F283 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 2, in effect as per art. 2.

F284**[Refusal to engage with activation measures — prescribed schemes, courses etc**

120A. F285**[**(1) The following schemes and programmes of employment and work experience are prescribed for the purposes of section 141B—

(*a*) the scheme provided by the Minister and known as Community Employment, and

(*b*) such other scheme or programme of employment or work experience as may be approved by or on behalf of the Minister from time to time.**]**

F285**[**(2) The following courses of training and development are prescribed for the purposes of section 141B—

(*a*) a course of training or development provided by or on behalf of An tSeirbhís Oideachais Leanúnaigh agus Scileanna (SOLAS),

(*b*) a course of training or development provided by or on behalf of an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013,

or

(*c*) such other course of training or development as may be approved by or on behalf of the Minister from time to time.**]**

(3) The following courses of education are prescribed for the purposes of section 141B—

F285**[**(*a*) a course of education provided by or on behalf of an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013,**]**

or

(b) such other course of education as may be approved by or on behalf of the Minister from time to time.**]**

Annotations

Amendments:

F284 Inserted (15.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Activation Measures) Regulations 2013* (S.I. No. 259 of 2013), art. 2(*b*).

F285 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 9(*a*)-(*c*) in effect as per art. 2.

Editorial Notes:

E42 Previous affecting provision: sub-art. (1) substituted (6.10.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Prescribed Employment Schemes) Regulations 2014* (S.I. No. 440 of 2014), art. 3(*b*), in effect as per art. 2; substituted (1.11.2019) as per F-Note above.

F286**[Exemption from disqualification for course of study**

121. (1) A person shall not be disqualified for receiving jobseeker's allowance—

(*a*) in accordance with section 148(3)(*a*) while participating in a course provided or approved by an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013 (No. 11 of 2013) and known as Youthreach,

(*b*) in accordance with section 148(3)(*c*) while attending a course of study, where that person is a mature student, or

(*c*) in accordance with section 148, where that person is participating in an activity within the meaning of *article 120* and *article 120(4)* applies to that person.

(2) In this article—

"approved course", "approved higher education course" and "approved post-leaving certificate course" shall be construed in accordance with section 8 of the Student Support Act 2011 (No. 4 of 2011) and Regulation 4 of the Student Support Regulations 2015 (S.I. No. 154 of 2015);

"course of study" has the meaning given to it in section 148;

"mature student" means a student who on 1 January—

(*a*) in the year of entry for the first time to an approved post-leaving certificate course,

(*b*) in the year of entry for the first time to an approved higher education course (other than a course known for the time being as a post-leaving certificate course), or

(*c*) in the year of re-entry to an approved course,

is at least 23 years old.**]**

Annotations

Amendments:

F286 Substituted (20.06.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Exemption from Disqualification for Course of Study) Regulations 2016* (S.I. No. 327 of 2016), art. 3(*b*).

Editorial Notes:

E43 Previous affecting provision: article substituted (28.06.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Jobseeker's Payments) Regulations 2011* (S.I. No. 320 of 2011), art. 3(*b*); substituted (20.06.2016) as per F-Note above.

F287**[Emergency measures in the public interest — jobseeker's allowance**

121A. (1) Subject to *sub-article (2)*, section 141(2)(*a*) shall not apply from 18 March 2020 until the date specified in *sub-article (2)*.

F288**[**(2) This article shall cease to have effect on 30 June 2021.**]]**

Annotations

Amendments:

F287 Inserted (18.03.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 94 of 2020), art. 3, in effect as per art. 2.

F288 Substituted (1.04.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Emergency Measures in the Public Interest— Jobseeker's Allowance) Regulations 2021* (S.I. No. 162 of 2021), art. 2.

Editorial Notes:

E44 Previous affecting provision: sub-art. (2) substituted (28.01.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2021* (S.I. No. 33 of 2021), art. 2; substituted (1.04.2021) as per F-Note above.

E45 Previous affecting provision: sub-art. (2) substituted (24.09.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 368 of 2020), art. 2; substituted (28.01.2021) as per E-Note above.

E46 Previous affecting provision: sub-art. (2) substituted (18.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.10) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 309 of 2020), art. 2; substituted (24.09.2020) as per F-Note above.

E47 Previous affecting provision: sub-art. (2) substituted (17.06.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 222 of 2020), art. 2; substituted (18.08.2020) as per E-Note above.

E48 Previous affecting provision: sub-art. (2) substituted (8.05.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 163 of 2020), art. 2; substituted (17.06.2020) as per E-Note above.

CHAPTER 2

Pre-Retirement Allowance

Conditions for entitlement

122. (1) The age specified for the purposes of section 149(1)(*a*) shall be 55 years.

(2) The period prescribed for the purposes of section 149(1)(*c*)(ii) shall be 15 months.

(3) A person shall be regarded as a separated spouse for the purposes of section 149(1)(*c*)(ii) where he or she and his or her spouse have lived apart from one another for a continuous period of 3 months preceding the date of his or her claim for pre-retirement allowance and continue to so live apart.

F289**[**(4) A person shall be regarded as a civil partner who is not living with the other civil partner of the civil partnership for the purposes of section 149(1)(*c*)(ii*a*) where he or she and his or her civil partner have lived apart from one another for a continuous period of 3 months preceding the date of his or her claim for preretirement allowance and continue to so live apart.**]**

Annotations

Amendments:

F289 Substituted (19.12.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Pre-Retirement Allowance) Regulations 2013* (S.I. No. 515 of 2013), art. 2.

Editorial Notes:

E49 Previous affecting provision: sub-art. (4) inserted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 11; substituted (19.12.2013) as per F-Note above.

Period of retirement

123. For the purposes of Chapter 3 of Part 3, any period during which a person does not engage in insurable employment or insurable self-employment shall be regarded as a period of retirement.

F290**[Prescribed date for the purposes of section 149(7)**

123A. The date prescribed for the purposes of section 149(7) is 4 July 2007.**]**

Annotations

Amendments:

F290 Inserted (27.04.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Pre-Retirement Allowance) Regulations 2007* (S.I. No. 223 of 2007), art. 2.

CHAPTER 3

One-Parent Family Payment

F291[Definitions

124. In this Chapter—

"Council Directive" means Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (insofar as it relates to Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection);

"liable relative" has the meaning assigned to it by section 2(7).**]**

Annotations

Amendments:

F291 Substituted (30.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (One-Parent Family Payment) Regulations 2022* (S.I. No. 285 of 2022), art. 2(*a*).

F292[Circumstances in which a person is to be regarded as being a separated spouse

125. (1) A person is to be regarded for the purposes of Chapter 7 of Part 3 as being a separated spouse if—

(*a*) he or she and his or her spouse have lived apart from one another for a continuous period of at least 3 months immediately preceding the date of his or her claim for one parent family payment and continue to so live apart, and

(*b*) he or she makes and continues to make appropriate efforts, in the particular circumstances, to obtain maintenance from a liable relative.

(2) Notwithstanding *sub-article (1)*, a person is to be regarded for the purposes of Chapter 7 of Part 3 as being a separated spouse if he or she and his or her spouse are living apart from one another other due to the fact that the person is currently resident in Ireland under the Council Directive.

(3) *Sub-article (2)* shall cease to have effect on 17 May 2023.**]**

Annotations

Amendments:

F292 Substituted (30.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (One-Parent Family Payment) Regulations 2022* (S.I. No. 285 of 2022), art. 2(*a*).

F293[**Circumstances in which a civil partner is to be regarded as a civil partner who is not living with the other civil partner of the civil partnership**

125A. A civil partner is to be regarded for the purpose of Chapter 7 of Part 3 of the Principal Act as being a civil partner who is not living with the other civil partner of the civil partnership if—

(*a*) he or she and his or her civil partner have lived apart from one another for a continuous period of at least 3 months immediately preceding the date of his or her claim for one-parent family payment and continue to so live apart, and

(*b*) he or she makes and continues to make appropriate efforts, in the particular circumstances, to obtain maintenance from a liable relative.**]**

Annotations

Amendments:

F293 Inserted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 12(*a*).

F294[**Circumstances in which a person is to be regarded as being an unmarried person**

126. (1) A person is to be regarded for the purposes of Chapter 7 of Part 3 as being an unmarried person if—

(*a*) not being a married person or a party to a civil partnership, he or she is the parent of a relevant child, and

(*b*) he or she makes such reasonable efforts, as may be required from time to time by an officer of the Minister, to obtain maintenance from a liable relative.

(2) For the purposes of this article a parent shall include, in the case of a child who has been adopted under an adoption order within the meaning of section 3(1) of the Adoption Act 2010 , or under such other form of adoption as the Minister considers appropriate in the circumstances, the adopter.

(3) Notwithstanding *sub-article (1)*, a person is to be regarded for the purposes of Chapter 7 of Part 3 as being an unmarried person if not being a married person or a party to a civil partnership, he or she is the parent of a relevant child, and is living apart from the other parent due to the fact that the person is currently resident in Ireland under the Council Directive.

(4) *Sub-article (3)* shall cease to have effect on 17 May 2023.**]**

Annotations

Amendments:

F294 Substituted (30.05.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (One-Parent Family Payment) Regulations 2022* (S.I. No. 285 of 2022), art. 2(*b*).

Editorial Notes:

E50 Previous affecting provision: article substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 5(*a*); substituted (30.05.2022) as per F-Note above.

E51 Previous affecting provision: sub-art. (1) substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 12(*b*); substituted (12.11.2012) as per E-Note above.

F295**[Circumstances in which a person is to be regarded as being a prisoner's spouse or civil partner**

127. (1) A person is to be regarded for the purposes of Chapter 7 of Part 3 as being a prisoners spouse or civil partner if he or she is the spouse or civil partner, as the case may be, of a person who—

(*a*) is in a prison or place of detention, and

(*b*) has for a period of not less than 6 months immediately preceding the date of claim been in custody by order of a Court or a responsible authority, or is committed in custody by a Court or a responsible authority for a period of not less than 6 months.

(2) For the purposes of *sub-article (1)*, a certificate from a responsible authority shall be accepted as evidence of the duration of a period of custody.**]**

Annotations

Amendments:

F295 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 12(*c*).

F296**[Residence of child**

128. (1) Subject to this article, for the purposes of Chapter 7 of Part 3 of the Principal Act a relevant child or a qualified child, as the case may be, shall be regarded as normally residing with—

(*a*) a qualified parent, or

(*b*) another person to whom one-parent family payment is payable in accordance with the said Chapter 7,

where—

(i) the child is resident with that parent or other person, and

(ii) that parent or other person has the main care and charge of the child.

(2) A relevant child or a qualified child, as the case may be, who is resident in an institution shall be regarded as normally residing with a qualified parent or another person to whom one-parent family payment is payable in accordance with Chapter 7 of Part 3 of the Principal Act where—

(*a*) that parent or other person contributes towards the cost of the child's maintenance in the institution, and

(*b*) the child would, in accordance with *sub-article (1)*, be regarded as normally residing with that parent or other person, if the child were not resident in an institution.

(3) A relevant child or a qualified child, as the case may be, may, in such circumstances as an officer of the Minister considers appropriate, be regarded as normally residing with—

(*a*) a qualified parent, or

(*b*) another person to whom one-parent family payment is payable in accordance with Chapter 7 of Part 3 of the Principal Act,

who is resident in an institution.

(4) In this article "institution" means—

(*a*) a hospital, convalescent home or home for persons suffering from physical or mental disability or accommodation ancillary thereto,

(*b*) any other similar establishment providing residence, maintenance or care for the persons therein, or

(*c*) any prison, place of detention or other establishment to which *articles 218* and *219* apply.**]**

Annotations

Amendments:

F296 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 5(*b*).

Continued entitlement to payment

129. F297**[**...**]**

Annotations

Amendments:

F297 Deleted (27.04.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (One-Parent Family Payment) Regulations 2011* (S.I. No. 90 of 2011), art. 5, in effect as per art. 2.

Transfer of maintenance

130. For the purposes of section 358, a person in receipt of one-parent family payment shall be liable to transfer to the Minister payments made to that person in compliance with an order of the Court insofar as they exceed the lesser of €4,952 per annum in respect of housing costs or the annual housing costs actually incurred by F298**[**that person**]**.

Annotations

Amendments:

F298 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 5(*c*).

CHAPTER 4

Carer's Allowance

Interpretation

131. In this Chapter—

"carer" has the meaning assigned to it by section 179;

"institution" means—

(*a*) a hospital, convalescent home or home for persons suffering from physical or mental disability or accommodation ancillary thereto and any other similar establishment providing residence, maintenance or care for the persons therein, or

(*b*) a private dwelling wherein a person is boarded out under an arrangement with the Executive;

"relevant person" has the meaning assigned to it by section 179.

Conditions to be satisfied by carer

132. Subject to *article* F299**[***136(1)(d)***]**, the conditions prescribed for the purposes of section 180 are that the carer, being resident in the State—

(*a*) is not engaged in employment or self-employment F300**[**...**]**,

(*b*) has attained the age of 18 years, and

(*c*) is not residing in an institution.

Annotations

Amendments:

F299 Substituted (23.02.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Allowance) Regulations 2021* (S.I. No. 76 of 2021), art. 2(*a*)(i).

F300 Deleted (23.02.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Allowance) Regulations 2021* (S.I. No. 76 of 2021), art. 2(*a*)(ii).

Conditions to be satisfied by non-resident carer

133. (1) Subject to *sub-article (2)* the conditions prescribed for the purposes of paragraph (*b*) of the definition of "carer" contained in section 179(1) are that—

(*a*) a direct system of communication must exist between the carer's residence and that of the relevant person, and

(*b*) the relevant person is not already receiving full-time care and attention within his or her own residence from a person other than the applicant.

(2) For the purposes of *sub-article (1)(a)* a system of communication shall include a telephone or alarm system.

Prescribed manner for certification of disability

134. F301**[**...**]**

Annotations

Amendments:

F301 Revoked (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 4.

Medical examination

135. (1) An officer of the Minister may, on giving not less than 3 days notice in writing, require a relevant person to submit himself or herself to medical or other examination at such time and place as may be specified in the notice.

(2) Notice of the time and place of the examination referred to in *sub-article (1)* shall also be sent to the registered medical practitioner in attendance on the person required to submit himself or herself to such examination.

(3) Subject to *sub-article (4)*, a carer shall be disqualified for receiving carer's allowance if and for so long as the relevant person fails without good cause to attend for or submit to medical examination in accordance with this article.

(4) A disqualification referred to in *sub-article (3)* shall not commence earlier than the day on which the failure to attend for or submit to the medical examination occurs.

F302[**Circumstances in which carer is to be regarded as providing full-time care and attention**

136. (1) For the purposes of Chapter 8 of Part 3 of the Principal Act and this Chapter, a carer may—

(*a*) continue to be regarded as providing full-time care and attention to a relevant person where he or she would qualify for payment of an allowance but for the fact that either the carer or the relevant person is undergoing medical or other treatment of a temporary nature in an institution for a period not longer than 13 weeks,

(*b*) continue to be regarded as providing full-time care and attention to a relevant person where—

(i) subject to *subparagraph (ii)*, he or she would qualify for payment of an allowance but for the fact that the relevant person has been permanently admitted to an institution, and

(ii) the maximum period for payment of the allowance, under *subparagraph (i)*, does not exceed 12 weeks,

(*c*) be regarded as providing full-time care and attention to a relevant person where the relevant person is attending—

(i) a non-residential course of rehabilitation training provided by an organisation (being an organisation recognised by the Minister for Health for the purposes of the provision of such training), or

(ii) a non-residential place of day care approved by the Minister for Health, or

(*d*) be regarded as providing full-time care and attention to a relevant person where, subject to *sub-article (2)*, it is shown to the satisfaction of a deciding officer or an appeals officer that adequate provision has been made for the care of the relevant person, and may—

(i) engage in employment,

(ii) engage in self-employment, or

(iii) undertake such training or courses of education as the Minister may from time to time determine, and

(*e*) be regarded as providing full-time care and attention to a relevant person, where the number of hours providing such care is not less than 35 hours in a period of 7 consecutive days, and care is provided on any 5 days, whether consecutive or not, within a period of 7 consecutive days.

F303[(1A) Notwithstanding *sub-article (1)*, a carer may continue to be regarded as providing full-time care and attention to a relevant person who has not attained the age of 16 years and is a person in respect of whom a payment under Chapter 8A of

Part 3 is being made, where he or she would qualify for payment of an allowance but for the fact that the relevant person is undergoing medical or other treatment of a temporary nature in an institution for a period not longer than 26 weeks.**]**

(2) The aggregate duration of the activities referred to in *subparagraphs (i)*, *(ii)* and *(iii)* of *sub-article (1)(d)* shall not exceed 18.5 hours per week.**]**

Annotations

Amendments:

F302 Substituted (23.02.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Allowance) Regulations 2021* (S.I. No. 76 of 2021), art. 2(*b*).

F303 Inserted (24.01.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 6) (Carers Allowance) Regulations 2022* (S.I. No. 201 of 2022), art. 4, in effect as per art. 2.

Editorial Notes:

E52 Previous affecting provision: sub-art. (2) amended (1.01.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Carers) Regulations 2019* (S.I. No. 635 of 2019), art. 3(*b*), in effect as per art. 2; substituted (23.02.2021) as per F-Note above.

E53 Previous affecting provision: article substituted (2.01.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Carer's Allowance) Regulations 2016* (S.I. No. 620 of 2016), art. 3, in effect as per art. 2; substituted (23.02.2021) as per F-Note above.

F304**[Circumstances and conditions under which a payment under section 186A may be made**

136A. A payment under section 186A, in these regulations referred to as a "Half-Rate Carer's Allowance", may be made to a carer who—

(*a*) is not a person to whom subsection 186A(5)(*d*) refers,

(*b*) has attained the age of 18 years,

(*c*) is not resident in an institution, and

(i) is a person entitled to or is in receipt of any benefit, pension, assistance or allowance under Part 2 or Part 3 of the Principal Act, or

(ii) is the spouse, civil partner or cohabitant of a person who is entitled to or is in receipt of any benefit, pension, assistance or allowance under Part 2 or Part 3 of the Principal Act (other than Supplementary Welfare Allowance under section 197), and, in respect of whom an increase for a qualified adult is in payment.**]**

Annotations

Amendments:

F304 Inserted (23.02.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Allowance) Regulations 2021* (S.I. No. 76 of 2021), art. 2(*b*).

F305**[Circumstances in which carer in receipt of a Half-Rate Carer's Allowance may engage in employment, self-employment, education or training**

136B. (1) A carer in receipt of a Half-Rate Carer's Allowance may, for the purposes of section 186A and this Chapter, and subject to *sub-article (2)*, engage in employment, self-employment, education or training, where it is shown to the satisfaction of a deciding officer or an appeals officer that adequate provision has been made for the care of the relevant person.

(2) The aggregate duration of the employment, self-employment, education or training referred to in *sub-article (1)* shall not exceed 18.5 hours per week.**]**

Annotations

Amendments:

F305 Inserted (23.02.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Allowance) Regulations 2021* (S.I. No. 76 of 2021), art. 2(*b*).

CHAPTER 5

Disability Allowance

Specified disability

137. (1) Subject to *sub-article (2)*, for the purposes of section 210, a person shall be regarded as being substantially restricted in undertaking suitable employment by reason of a specified disability where he or she suffers from an injury, disease, congenital deformity or physical or mental illness which has continued or, in the opinion of a deciding officer or an appeals officer, may reasonably expect to continue for a period of at least 1 year.

(2) A person shall not be regarded as being substantially restricted in undertaking suitable employment where it is subsequently shown to the satisfaction of a deciding officer or an appeals officer that he or she is no longer likely to continue to be substantially restricted in the undertaking of employment for a period of at least 1 year.

Disqualification

138. A person shall be disqualified for receiving disability allowance if and so long as he or she fails without good cause to—

(*a*) F306**[**attend for or submit to any**]** medical examination or other examination at such time or place as may be required by an officer of the Minister, provided that he or she has been given not less than 7 days notice in writing,

(*b*) obey any instructions, relating to his or her behaviour or any other matter concerning his or her disability, of a medical practitioner attending on him or her or whom he or she has attended for medical or other examination in accordance with paragraph (*a*),

F306**[**(*c*) see an officer of the Minister or a medical assessor and to answer any reasonable enquiries by any such officer or medical assessor relating to his or her claim for disability allowance.**]**

Annotations

Amendments:

F306 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 3 and sch. item 5(*a*), (*b*).

Temporary residence

139. A person who is ordinarily resident in an institution shall be entitled to receive disability allowance in respect of any week which forms part of a period of not less than 4 consecutive weeks in which that person is, under an arrangement administered by the said institution, temporarily resident outside of the institution for a period of consecutive days numbering not more than 3 and not less than 2 in respect of each such week.

Holidays

140. (1) Disability allowance may be paid to a person who is normally resident in an institution in respect of any week during which that person is temporarily resident elsewhere while absent from the institution during a period on holidays under an arrangement administered by the said institution.

(2) For the purposes of *sub-article (1)*, "period on holidays" means a period consisting of at least 3 but not exceeding 13 consecutive weeks taken on holidays within the State in a calendar year.

F307[CHAPTER 5A

Domiciliary Care Allowance]

Annotations

Amendments:

F307 Chapter inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 3.

F308[**Interpretation**

140A. In this Chapter—

"institution", "qualified child" and "qualified person" have the meanings assigned to them in section 186B of the Principal Act.]

Annotations

Amendments:

F308 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 3.

F309[**Prescribed manner for certification of disability and duration of full-time care and attention**

140B. F310[...]]

Annotations

Amendments:

F309 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 3.

F310 Revoked (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 4.

F311**[Normal residence of qualified child**

140C. (1) Subject to *sub-article (2)* the person with whom a qualified child normally resides shall be determined in accordance with *Article 13* of the Principal Regulations.

(2) Except as provided for F312**[**in *sub-article (3)***]** in *Article 140D* a qualified child who resides with a person for less than 5 days in any one week shall not be regarded as normally residing with that person for the purposes of domiciliary care allowance.**]**

F312**[**(3) Notwithstanding *sub-article (2)*, and subject to *articles 140D* and *140E*, where, in accordance with the terms of a joint custody agreement, a qualified child resides with and is cared for, in turn, by two persons who are living apart, and one or other of those persons would be a qualified person but for the residence condition in *sub-article (2)*, domiciliary care allowance shall be payable in accordance with *sub-article (4)*.

(4) For the purposes of *sub-article (3)*, the qualified child shall be regarded as residing with the person nominated in writing to an officer of the Minister, by both persons, as the qualified person for the purposes of this sub-article, and the allowance shall be paid to that person, and where no such nomination is provided, domiciliary care allowance shall be paid to the person to whom child benefit is payable in respect of that child.**]**

F313**[**(5) Notwithstanding any other provision in this Chapter or the Act, where *article 140E* applies, a qualified child shall be regarded as normally residing with the qualified person, and the qualified person shall be regarded as providing for the care of the child.**]**

Annotations

Amendments:

F311 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 3.

F312 Inserted (23.01.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Domiciliary Care Allowance - Normal Residence of Qualified Child) Regulations 2019* (S.I. No. 11 of 2019), art. 2(*a*), (*b*).

F313 Inserted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Domiciliary Care Allowance) Regulations 2023* (S.I. No. 129 of 2023), art. 3(*a*), in effect as per art. 2.

Editorial Notes:

E54 Term "Principal Regulations" defined (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 2 as follows:

Definitions.

2. In these Regulations—

"Principal Regulations" means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007);

...

F314**[Payment in respect of temporary part-time residence in an institution**

140D. (1) Notwithstanding *article 140C* for the purposes of section 186E(1), domiciliary care allowance shall be payable in respect of a qualified child who is temporarily resident with a qualified person for not less than 2 days and not more than 4 days in any one week in which the child would otherwise be regarded as residing in an institution.

(2) In the case a qualified child to whom *sub-article (1)* applies, the monthly amount of domiciliary care allowance payable shall be 50 per cent of the amount set out in Part 5 of Schedule 4 to the Principal Act.

(3) The amount payable in accordance with *sub-article (1)* shall be rounded up to the nearest 10 cent.**]**

Annotations

Amendments:

F314 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 3.

F315**[Payment in respect of temporary full-time residence in an institution**

140E. For the purpose of section 186E(3) domiciliary care allowance shall be payable in respect of a qualified child for not more than 26 weeks in a 12 month period, where—

(i) immediately after birth, the qualified child, being a child born on or after 1 January 2023, remains in hospital or is transferred to another hospital for medical or other treatment, or

(ii) the qualified child is admitted to an institution on a full-time basis for the purpose of receiving medical or other treatment of a temporary nature.**]**

Annotations

Amendments:

F315 Substituted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Domiciliary Care Allowance) Regulations 2023* (S.I. No. 129 of 2023), art. 3(*a*), in effect as per art. 2.

Editorial Notes:

E55 Previous affecting provision: article amended (24.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.1) (Domiciliary Care Allowance - Temporary Residence in an Institution) Regulations 2022* (S.I. No. 200 of 2022), art. 3, in effect as per art. 2; substituted (1.01.2023) as per F-Note above.

E56 Previous affecting provision: article inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 3; substituted (1.01.2023) as per F-Note above.

F316**[Medical examination and disqualification**

140F. (1) An officer of the Minister may, giving not less than 7 days notice in writing, require that a qualified person shall submit such medical or other evidence in respect of the qualified child in the form for the time being approved by the Minister.

(2) An officer of the Minister may, giving not less than 7 days notice in writing, require that a qualified child shall attend for or submit to such medical or other examination at such time and place as may be specified in the notice.

(3) Where a medical examination under *sub-article (2)* is deemed necessary a notice of the time and place of the examination referred to in *sub-article (2)* shall be sent to the qualified person.

(4) Subject to *sub-article (5)*, a qualified person shall be disqualified for receiving domiciliary care allowance—

(*a*) where the evidence referred to in *sub-article (1)* is not submitted,or

(*b*) if and for so long as the qualified child in respect of whom domiciliary care allowance is payable fails without good cause to attend for or submit to such medical or other examination in accordance with *sub-article (2)*.

(5) A disqualification referred to in *sub-article (4)* shall not commence earlier than the day on which the failure to submit the medical or other evidence requested or the failure to attend for or submit to the medical examination occurs.**]**

Annotations

Amendments:

F316 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 3.

CHAPTER 6

Miscellaneous Provisions for Assessment of Means

Exemption from assessment of property

F317**[141.** (1) The weekly value of property mentioned in Rules 1(1) of Part 2, 1(1) of Part 3 and 1(1) of Part 5 of Schedule 3 to the Principal Act, being property which though capable of investment or profitable use is not invested or put to profitable use by a person, shall not include the weekly value of a house in which the claimant or beneficiary ordinarily resides or resided but has vacated—

(*a*) on a temporary basis, or

(*b*) indefinitely, as a consequence of his or her old age or incapacity, or

(*c*) where the house is offered for sale by the claimant or beneficiary, for a period not exceeding 2 years from the date on which the house was vacated and remains unsold.**]**

(2) In this article, "house" means a dwelling house or part of a dwelling house which is, or has been occupied by the claimant or beneficiary as his or her principal residence or land which he or she has for his or her own occupation and enjoyment with that residence as its gardens or grounds up to an area not exceeding one acre.

Annotations

Amendments:

F317 Substituted (20.04.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Assessment of Means) Regulations 2010* (S.I. No. 157 of 2010), art. 4.

Assessment of means — non-cash benefits

142. The non-cash benefits prescribed for the purposes of Rules 1(2) of Part 2, 1(2) of Part 3 and 1(2) of Part 5 of Schedule 3 to the Principal Act shall be—

(*a*) the net cash value to the person of his or her annual housing costs actually incurred and paid by a liable relative insofar as the cash value exceeds €4,952 per annum, and

F318**[**(*b*) where the cost is met in full by the State, the net cash value to the person of housing, food and associated benefits provided in kind by the Department of Justice and Equality to—

(i) a person who, having been granted refugee status, subsidiary protection or permission to remain under the Refugee Act 1996 or the International Protection Act 2015, receives, on an administrative basis, housing, food

and associated benefits equivalent to those provided under the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018) after the date of such grant of refugee status, subsidiary protection or permission to remain, or

(ii) a person who is residing in a centre operated by the Department of Justice and Equality for persons who are Programme Refugees within the meaning of section 24 of the Refugee Protection Act 1996 or section 59 of the International Protection Act 2015.

F319**[**(iii) This paragraph will cease to have effect on 30 September 2020.**]]**

Annotations

Amendments:

F318 Substituted (24.07.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Assessment of Means) Regulations 2018* (S.I. No. 306 of 2018), art. 2.

F319 Substituted (17.12.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.16) (Assessment of Means) Regulations 2019* (S.I. No. 666 of 2019), art. 2.

Editorial Notes:

E57 Previous affecting provision: art. 142(*b*)(iii) substituted (27.06.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Assessment of Means) Regulations 2019* (S.I. No. 303 of 2019), art. 2; substituted (17.12.2019) as per F-Note above.

E58 Previous affecting provision: art. 142(*b*)(iii) substituted (31.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Assessment of Means) Regulations 2018* (S.I. No. 649 of 2018), art. 2; substituted (27.06.2019) as per E-Note above.

Maintenance arrangements

143. (1) Subject to *sub-article (2)*, the maximum amount prescribed for the purposes of Rule 1(2)(*b*)(ii) of Part 2, F320**[**Rule 1(2)(*b*)(i) of Part 3**]** of Part 3 and Rule 1(2)(*b*)(ii) of Part 5 of Schedule 3 to the Principal Act shall be €4,952.

(2) The maintenance arrangements prescribed for the purposes of *sub-article (1)* shall be all forms of formal and informal arrangements whether procured by way of Court Order or otherwise.

Annotations

Amendments:

F320 Substituted (8.05.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Earnings Disregard) Regulations 2008* (S.I. No. 138 of 2008), art. 6, in effect as per art. 2.

Editorial Notes:

E59 Previous affecting provision: sub-art. (1) amended (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 7, in effect as per art. 2(1); amended (8.05.2008) as per F-Note above.

Assessment of means — carer's allowance

144. (*a*) The amount prescribed for the purposes of Rule 1(5) of Part 5 of Schedule 3 to the Principal Act shall be F321**[**€350**]** per week.

(*b*) The amount prescribed for the purposes of Rule 4(3) of Part 5 of Schedule 3 to the Principal Act shall be F321**[**€750**]** per week.

Annotations

Amendments:

F321 Substituted (2.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 17) (Earnings Disregard) Regulations 2021* (S.I. No. 783 of 2021), art. 4(*b*), in effect as per art. 3.

Editorial Notes:

E60 Previous affecting provision: article amended (3.04.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard) Regulations 2008* (S.I. No. 75 of 2008), art. 4(*b*), in effect as per art. 2; substituted (2.06.2022) as per F-Note above.

E61 Previous affecting provision: article amended (5.04.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard and Family Income Supplement) Regulations 2007* (S.I. No. 148 of 2007), art. 4(*b*)(i), (ii), in effect as per art. 2; substituted (3.04.2008) as per E-Note above.

F322**[Assessment of claimant's earnings — jobseeker's allowance and farm assist**

145. (1) F323**[**Other than in the case of a person to whom section 148A applies, for the purposes of**]** Rules 1(5) and 1(8) of Part 2 of Schedule 3 to the Principal Act, the value of any money derived by a claimant for each week in respect of which he or she is engaged in insurable employment shall be 60 per cent of the average weekly earnings from that employment calculated in accordance with *sub-article (2)*.

(2) For the purposes of sub-article (1), the average weekly earnings shall be determined by reference to the gross earnings received from insurable employment in the 13 weeks preceding the date of claim for jobseeker's allowance or farm assist or such other period which a deciding officer or an appeals officer considers appropriate having regard to the circumstances of the particular case, less an amount calculated in accordance with *sub-article (3)*.

(3) For the purposes of *sub-article (2)* the amount shall be the aggregate of—

(*a*) any allowable contribution referred to in Regulations 41 and 42 of the Income Tax (Employments) (Consolidation) Regulations 2001 (S.I. No. 559 of 2001),

(*b*) any contributions payable under section 13(2)(*b*) and regulations made under section 14 or section 21,

(*c*) F324**[**...**]**

(*d*) any payment to a trade union, and

(*e*) €20 in respect of each day of insurable employment, subject to a maximum of €60 per week.**]**

Annotations

Amendments:

F322 Substituted (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 8, in effect as per art. 2(1).

F323 Substituted (7.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Jobseeker's Allowance Transition) Regulations 2015* (S.I. No. 597 of 2015), art. 3(*a*), in effect as per art. 2.

F324 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

F325**[Assessment of claimant's earnings — jobseeker's allowance payable under section 148A**

145A. (1) In the case of a person to whom section 148A applies, for the purposes of Rule 1(5) of Part 2 of Schedule 3 to the Principal Act, the value of any money derived by a claimant for each week in respect of which he or she is engaged in insurable employment shall be 50 per cent of the average weekly earnings from that employment calculated in accordance with *sub-article (2)*.

(2) For the purposes of *sub-article (1)*, the average weekly earnings shall be determined by reference to the gross earnings received from insurable employment in the 13 weeks preceding the date of claim for jobseeker's allowance or such other period which a deciding officer or an appeals officer considers appropriate having regard to the circumstances of the particular case, less an amount calculated in accordance with *sub-article (3)*.

(3) For the purposes of *sub-article (2)* the amount shall be the aggregate of—

(*a*) any allowable contributions referred to in regulations 41 and 42 of the Income Tax (Employments) (Consolidation) regulations 2001 (S.I. No. 559 of 2001),

(*b*) any contributions payable under section 13(2)(*b*) and regulations made under section 14 or section 21,

(*c*) any payment to a trade union, and

(*d*) F326**[**€165**]** per week in respect of each week in which he or she is engaged in insurable employment.**]**

Annotations

Amendments:

F325 Inserted (7.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Jobseeker's Allowance Transition) Regulations 2015* (S.I. No. 597 of 2015), art. 3(*b*), in effect as per art. 2.

F326 Substituted (9.01.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Jobseeker's Transitional Payment) Regulations 2019* (S.I. No. 636 of 2019), art. 3, in effect as per art. 2.

Editorial Notes:

E62 Previous affecting provision: sub-art. (3)(*d*) amended (28.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Transitional Payment) Regulations 2019* (S.I. No. 103 of 2019), art. 3, in effect as per art. 2; substituted (9.01.2020) as per F-Note above.

E63 Previous affecting provision: sub-art. (3)(*d*) amended (29.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Jobseeker's Transitional Payment) Regulations 2018* (S.I. No. 103 of 2018), art. 3, in effect as per art. 2; substituted (28.03.2019) as per E-Note above.

E64 Previous affecting provision: sub-art. (3)(*d*) amended (5.01.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Transitional Payment) Regulations 2016* (S.I. No. 621 of 2016), art. 3, in effect as per art. 2; substituted (29.03.2018) as per E-Note above.

Assessment of claimant's seasonal earnings — jobseeker's allowance and farm assist

146. For the purposes of Rules 1(6) and 1(8) of Part 2 of Schedule 3 to the Principal Act, the value of any moneys derived by a claimant engaged in insurable employment of a seasonal nature shall be the average weekly earnings from such employment, calculated F327**[**in accordance with *article 145* or *145A*, as the case may be,**]** which he or she may reasonably expect to receive during the period of seasonal employment.

Annotations

Amendments:

F327 Substituted (7.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Jobseeker's Allowance Transition) Regulations 2015* (S.I. No. 597 of 2015), art. 3(*c*), in effect as per art. 2.

F328**[Earnings disregard — disability allowance**

147. (1) For the purposes of Rule 1(2)(*b*)(viii) of Part 2 of Schedule 3 to the Principal Act, in calculating the value of any weekly earnings derived by a claimant for each week in respect of which he or she is engaged in employment or self-employment, the following amounts shall be disregarded:

(*a*) any allowable contribution referred to in Regulation 31 of the Income Tax (Employments) Regulations 2018 (S.I. No. 345 of 2018),

(*b*) any contributions payable under section 13(2)(b) and regulations made under section 14 or section 21,

(*c*) any payment to a trade union,

(*d*) the first F329**[**€165**]** of earnings from employment or self-employment, and

(*e*) where the claimant's weekly earnings exceed the aggregate of the amounts calculated in accordance with *paragraphs (a)*, *(b)*, *(c)* and *(d)*, half the weekly earnings in excess of that aggregate amount below €350.

(2) For the purposes of this article, for any period after 30 May 2022, *paragraph (e)* of *sub-article (1)* shall be read as if "€375" were substituted for "€350". **]**

Annotations

Amendments:

F328 Substituted (2.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 17) (Earnings Disregard) Regulations 2021* (S.I. No. 783 of 2021), art. 4(*c*), in effect as per art. 3.

F329 Substituted (4.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Earnings Disregard) Regulations 2022* (S.I. No. 614 of 2022), art. 4(*a*), in effect as per art. 3(*a*).

Editorial Notes:

E65 Previous affecting provision: sub. arts. (3)(*e*) amended (2.06.2021) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 8) (Earnings Disregard) Regulations 2021* (S.I. No. 78 of 2021), art. 3(*a*), in effect as per art. 3(*a*); substituted (2.06.2022) as per F-Note above.

E66 Previous affecting provision: sub. arts. (1), (2) and (3)(*e*) amended (31.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Earnings Disregard) Regulations 2019* (S.I. No. 42 of 2019), art. 4(*a*), in effect as per art. 3; substituted (2.06.2022) as per F-Note above.

E67 Previous affecting provision: sub. art. (3)(*c*) deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch; substituted (2.06.2022) as per F-Note above.

E68 Previous affecting provision: article substituted (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 9, in effect as per art. 2(1); substituted (2.06.2022) as per F-Note above.

Earnings disregard — State pension (non-contributory)

148. (1) For the purposes of Rule 1(2)(*b*)(vi) of Part 3 of Schedule 3 to the Principal Act, the value of any earnings derived by the person for each week in respect of which he or she is engaged in employment shall be the average weekly earnings from that employment calculated in accordance with *sub-article (2)*.

(2) For the purposes of *sub-article (1)*, the average weekly earnings shall be determined by reference to the gross earnings received from that employment in the 13 weeks preceding the date of claim, or such other period as a deciding officer or an appeals officer considers appropriate having regard to the circumstances of the case, less an amount calculated in accordance with *sub-article (3)*.

(3) For the purposes of *sub-article (2)* the amount shall be the aggregate of—

(*a*) any allowable contribution referred to in Regulations 41 and 42 of the Income Tax (Employments) (Consolidation) Regulations 2001 (S.I. No. 559 of 2001),

(*b*) F330**[**...**]**

(*c*) any payment to a trade union, and

(*d*) the first €200 of weekly earnings.

Annotations

Amendments:

F330 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

Earnings disregard — Widow's (non-contributory) pension and widower's (non-contributory) pension

149. (1) For the purposes of Rule 1(2)(*b*)(vii) of Part 5 of Schedule 3 to the Principal Act, the value of any earnings derived by the person for each week in respect of which he or she is engaged in employment shall be the average weekly earnings from that employment calculated in accordance with *sub-article (2)*.

(2) For the purposes of *sub-article (1)*, the average weekly earnings shall be determined by reference to the gross earnings received from that employment in the 13 weeks preceding the date of claim, or such other period as a deciding officer or an appeals officer considers appropriate having regard to the circumstances of the case, less an amount calculated in accordance with *sub-article (3)*.

F331**[**(3) For the purposes of *sub-article (2)* the amount shall be the aggregate of—

(*a*) any allowable contribution referred to in Regulations 41 and 42 of the Income Tax (Employments) (Consolidated) Regulations 2001 (S.I. No. 559 of 2001),

(*b*) any contributions payable under section 13(2)(*b*) and Regulations made under section 14,

(*c*) F332**[**...**]**

(*d*) any payment to a trade union, and

(*e*) the first €100 of weekly earnings.**]**

Annotations

Amendments:

F331 Substituted (8.05.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Earnings Disregard) Regulations 2008* (S.I. No. 138 of 2008), art. 4, in effect as per art. 2.

F332 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

F333**[Earnings disregard – blind pension**

F334**[150.** (1)**]** For the purposes of Rule 1(2)(*b*)(x) of Part 5 of Schedule 3 to the Principal Act, in calculating the value of any weekly earnings derived by a claimant for each week in respect of which he or she is engaged in employment or self-employment, the following amounts shall be disregarded:

(*a*) any allowable contribution referred to in Regulation 31 of the Income Tax (Employments) Regulations 2018 (S.I. No. 345 of 2018),

(*b*) any contributions payable under section 13(2)(b) and regulations made under section 14 or section 21,

(*c*) any payment to a trade union,

(*d*) the first F335**[**€165**]** of earnings from employment or self-employment, and

(*e*) where the claimant's weekly earnings exceed the aggregate of the amounts calculated in accordance with *paragraphs (a)*, *(b)*, *(c)* and *(d)*, half the weekly earnings in excess of that aggregate amount below €350.

(2) For the purposes of this article, for any period after 30 May 2022, *paragraph (e)* of *sub-article (1)* shall be read as if "€375" were substituted for "€350".**]**

Annotations

Amendments:

F333 Substituted (2.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 17) (Earnings Disregard) Regulations 2021* (S.I. No. 783 of 2021), art. 4(*d*), in effect as per art. 3.

F334 Substituted (6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Earnings Disregard) Regulations 2022* (S.I. No. 614 of 2022), art. 4(*b*)(i), in effect as per art. 3(*b*).

F335 Substituted (6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Earnings Disregard) Regulations 2022* (S.I. No. 614 of 2022), art. 4(*b*)(ii), in effect as per art. 3(*b*).

Editorial Notes:

E69 Previous affecting provision: sub-art. (3)(*d*) amended (3.06.2021) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 8) (Earnings Disregard) Regulations 2021* (S.I. No. 78 of 2021), art. 3(*b*), in effect as per art. 2(*b*); amending provision amended (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 6; substituted (2.06.2022) as per F-Note above.

E70 Previous affecting provision: sub-arts. (1), (2) and (3)(*e*) amended (31.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Earnings Disregard) Regulations 2019* (S.I. No. 42 of 2019), art. 4(*b*), in effect as per art. 3; substituted (2.06.2022) as per F-Note above.

E71 Previous affecting provision: sub-art. (3)(*c*) deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch; substituted (2.06.2022) as per F-Note above.

E72 Previous affecting provision: article substituted (21.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 6; substituted (2.06.2022) as per F-Note above.

F336**[Income limit — one-parent family payment**

151. (1) For the purposes of section 173(3), in assessing the income of a person for one-parent family payment, the weekly earnings from employment or weekly income from self-employment shall be calculated or estimated as follows—

(*a*) insofar as it comprises earnings from employment by reference to the weekly amount of such earnings calculated by dividing the gross amount of such earnings in the last complete income tax year by 52,

(*b*) insofar as it comprises income from any form of self-employment, by reference to the weekly amount of such income, calculated or estimated by dividing the income in the last complete income tax year by 52.

(2) Where a deciding officer or an appeals officer considers that the periods referred to in *sub-article (1)* would not suffice in determining either the amount of weekly earnings from employment or weekly income from self-employment, he or she may, for the purpose of this article, have regard to any other period which appears to the officer to be appropriate for that purpose.

(3) Where the gross weekly earnings (including wages and profit from self-employment) calculated in accordance with *sub-articles (1)* and *(2)* above exceed the amount specified in section 173(3) a one-parent family payment shall not be payable.**]**

Annotations

Amendments:

F336 Substituted (8.05.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Earnings Disregard) Regulations 2008* (S.I. No. 138 of 2008), art. 5, in effect as per art. 2.

F337**[Earnings disregard — one-parent family payment**

151A. (1) For the purposes of Rule 1(4)(*a*) of Part 5 of Schedule 3 to the Principal Act, in the case of a person whose gross weekly earnings from employment or gross weekly income from self-employment do not exceed the amount specified in section 173(3), an amount, calculated in accordance with *sub-article (2)* shall be disregarded.

F338**[**(2) For the purposes of *sub-article (1)*, the amount shall be the aggregate of—

(*a*) any allowable contribution referred to in Regulations 41 and 42 of the Income Tax (Employments) (Consolidated) Regulations 2001 (S.I. No. 559 of 2001),

(*b*) any contributions payable under section 13(2)(*b*) and Regulations made under section 14, and

(*c*) any payment to a trade union.**]]**

Annotations

Amendments:

F337 Inserted (8.05.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Earnings Disregard) Regulations 2008* (S.I. No. 138 of 2008), art. 5, in effect as per art. 2.

F338 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

Prescribed activity — exemption of income

152. For the purposes of reference 19 in Table 2 of Schedule 3 to the Principal Act, in relation to jobseeker's allowance and pre-retirement allowance, the prescribed income from the harvesting of seaweed shall be €1,270 per year.

F339[**Assessment of spouse's earnings — jobseeker's allowance, pre-retirement allowance, disability allowance and farm assist**]

153. F340[(1) This article applies to a person to whom F341[*article 7(2), (2A), (4)* and *(4A)* apply,].]

F342[(2) F343[Subject to *sub-article (2A)*, for the purposes of] Rule 1(2)(*b*)(vi) of Part 2 of Schedule 3 to the Principal Act, the value of any money derived by the spouse, civil partner or cohabitant, as the case may be, of a claimant or beneficiary for each week in respect of which he or she is engaged in insurable employment shall be 60 per cent of the average weekly earnings from that employment calculated in accordance with *sub-article (3)*.]

F344[(2A) For the purposes of *sub-article (2)*, in the case where *article 7(2A)* or *(4A)* apply, the value of money derived shall be half the value calculated in accordance with *sub-article (2)*.]

(3) For the purposes of *sub-article (2)*, the average weekly earnings shall be determined by reference to the gross earnings received from insurable employment in the 13 weeks preceding the date of claim or such other period which a deciding officer or an appeals officer considers appropriate having regard to the circumstances of the particular case, less an amount calculated in accordance with *sub-article (4)*.

(4) For the purposes of *sub-articles (3)* the amount shall be the aggregate of—

(*a*) any allowable contribution referred to in Regulations 41 and 42 of the Income Tax (Employments) (Consolidation) Regulations 2001 (S.I. No. 559 of 2001),

(*b*) any contributions payable under section 13(2)(*b*) and regulations made under section 14 or section 21,

(*c*) F345[...]

(*d*) any payment to a trade union, and

(*e*) €20 in respect of each day of insurable employment, subject to a maximum of €60 per week.]

F346[(*f*) any amount payable, on or after 1 January 2023, by way of an increase for a qualified child, to the spouse, civil partner, or cohabitant, who is a participant under a scheme provided by the Minister and known as Community Employment, of a person entitled to or in receipt of jobseeker's allowance.]

Annotations

Amendments:

F339 Substituted (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 10, in effect as per art. 2(1).

F340 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

F341 Substituted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023), art. 5(i), in effect as per art. 2.

F342 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 13(*a*).

F343 Substituted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023), art. 5(ii), in effect as per art. 2.

F344 Inserted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023), art. 5(iii), in effect as per art. 2.

F345 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

F346 Inserted (1.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023), art. 5(iv), in effect as per art. 2.

F347**[Saver**

153A. F348**[**(1) This article applies to a person to whom *article 7*, other than *sub-articles (2)* and *(4)*, applies**]**

F349**[**(2) For the purposes of Rule 1(2)(*b*)(vi) of Part 2 of Schedule 3 to the Principal Act, the value of any money derived by the spouse, civil partner or cohabitant, as the case may be, of a claimant or beneficiary for each week in respect of which he or she is engaged in insurable employment shall be the average weekly earnings from that employment calculated in accordance with sub-article (3).**]**

(3) For the purposes of *sub-article (2)* the average weekly earnings shall be determined by reference to the gross earnings received from that employment in the 13 weeks preceding the date of claim for jobseeker's allowance, pre-retirement allowance, disability allowance or farm assist or such other period as a deciding officer or an appeals officer considers appropriate having regard to the circumstances of the case, less an amount calculated in accordance with *sub-article (4)*.

(4) For the purposes of *sub-article (3)* the amount shall be the aggregate of—

(*a*) any allowable contribution referred to in Regulations 41 and 42 of the Income Tax (Employments) (Consolidation) Regulations 2001 (S.I. No. 559 of 2001),

(*b*) any income tax payable under the provisions of the Income Tax Acts as defined in section 1 of the Taxes Consolidation Act 1997 (No. 39 of 1997),

(*c*) any contributions payable under section 13(2)(*b*) and regulations made under section 14 or section 21,

(*d*) F350**[**...**]**

(*e*) any payment to a trade union,

(*f*) any health insurance contract premium,

(*g*) the first €50.00, or €153.00 where the employment is outside the State or Northern Ireland, of weekly earnings together with any travel expenses necessarily incurred, where that employment is in respect of 3 days or less in the week, and

(*h*) the first €100.00, or €153.00 where the employment is outside the State or Northern Ireland, of weekly earnings where that employment is in excess of 3 days in the week.**]**

Annotations

Amendments:

F347 Inserted (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 10, in effect as per art. 2(1).

F348 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

F349 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 13(*b*).

F350 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

F351[Assessment of seasonal earnings of spouse, civil partner or cohabitant — jobseeker's allowance, pre-retirement allowance, disability allowance and farm assist

154. (1) For the purposes of Rules 1(2), 1(7) and 1(8) of Part 2 of Schedule 3 to the Principal Act, the value of any money derived by the spouse, civil partner or cohabitant of a claimant from insurable employment of a seasonal nature shall be 60 per cent of the average weekly earnings from such employment calculated in accordance with *sub-articles (2)* and *(3)*.

(2) For the purposes of *sub-article (1)* the average weekly earnings shall be calculated by reference to the gross earnings which he or she may reasonably expect to receive during the period of seasonal employment less an amount calculated in accordance with *article 153(3)* or *153A(4)* as the case may be.

(3) For the purposes of *sub-article (1)*, in the absence of any other means of obtaining it, the average weekly earnings may be determined by reference to the gross earnings received from insurable employment of a seasonal nature in the preceding year less an amount calculated in accordance with *article 153(3)* or *153A(4)* as the case may be.**]**

Annotations

Amendments:

F351 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 13(*c*).

Editorial Notes:

E73 Previous affecting provision: art. 154 substituted (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 11, in effect as per art. 2(1); substituted (21.11.2011) as per F-Note above.

F352**[Disregard of certain income**

155. The income prescribed for the purposes of Reference 19 in Table 2 to Schedule 3 to the Principal Act shall be—

(*a*) all income derived 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,

(*b*) 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,

F353**[**(*ba*) 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,**]**

F354**[**...**]**

F355**[**(*bb*) any *ex gratia* payments made under the Scheme of Compensation for Personal Injuries suffered at the Stardust, Artane on 14 February 1981,

F356**[**...**]]**

F357**[**(*bc*) any *ex gratia* payments made by the Minister for Health in accordance with recommendations proposed by the Scoping Inquiry into the CervicalCheck Screening Programme,**]**

F358**[**(*bca*) any income derived from the scheme to compensate persons who suffered harm or injury while in the care of Kerry CAMHS in the period 1st July 2016 to 19th April 2021, as identified through the Maskey Report and who have been notified by the Child and Adolescent Mental Health Services,**]**

F359**[**(*bd*) in so far as it relates to a claim for disability allowance, any *ex gratia* payments made by the State Claims Agency arising from claims settled on or after 1 October 2020 in respect of the Pandemrix vaccine,**]**

(*c*) any payment made by the Residential Institutions Statutory Fund F360**[**Board,**]]**

F361**[**F362**[**...**]**

(*d*) any payments administered under the aegis of the Minister for Education and Skills and known as the 1916 Bursary F363**[**Fund,**]]**

F364**[**F365**[**...**]**

F366**[**(*da*) any amount to a maximum of €7,000 per annum from payments made by Uversity and known as Higher Educational Scholarships for Adult Learners,**]**

F358**[**(*daa*) any payments made under the Tusla Educational Support for Children in Care and Aftercare Bursary scheme,

(*dab*) any payments made from the KickStart Scholarship Fund administered by the Probation Service,**]**

F367**[**(*db*) in so far as it relates to a claim for disability allowance F368**[**or blind pension**]**, any amount awarded as bursaries, stipends or scholarships to a maximum of €20,000 per annum (and for not more than four years) by an approved institution as listed in Schedule 1 and Schedule 2 of Student Support Regulations 2020 (S.I. 77 of 2020) for the purpose of completing a Level 10 postgraduate course (Doctoral Degree) within the national framework of qualifications,**]**

(*e*) any payments made directly or indirectly by or on behalf of the Minister for Health under the package of support measures established in 2018 for women diagnosed with cervical cancer since F369**[**2008,**]]**

F370**[**(*f*) any payments made by Sport Ireland under the International Carding Scheme,

F371**[**...**]**

(*g*) any payments made by the Northern Ireland Victim and Survivor Service (VSS) in accordance with the Victims and Survivors (Northern Ireland) Order F372**[**2006,**]]**

F358**[**(*ga*) any income derived from the Troubles Permanent Disablement Payment Scheme in accordance with the Victims' Payments Regulations 2020 (2020 No. 103) (Northern Ireland),**]** F373**[**F374**[**...**]**

(*h*) any payments made by the Minister for Education and Skills as part of the School Transport Scheme for Children with Special Educational Needs in the form of the Special Transport F375**[**Grant,**]]**

F376**[**F377**[**...**]**

(*i*) Subject to F378**[**the cessation of this disregard on 17 March 2025, and**]** the conditions specified in *subparagraphs (i)*, *(ii)* and *(iii)*, any income arising to a person in respect of the lawful rental of living accommodation of a room, or rooms, in his or her home to another person or persons, where that other person, or persons have the use of the room or rooms for a period of not less than 28 consecutive days.

(i) The income disregard in this paragraph shall be subject to a maximum of €269.23 per week.

(ii) The income disregard in this paragraph shall apply only as long as the person or persons to whom the use of living accommodation of a room, or rooms have been made available, continue to use the room or rooms.

(iii) The income disregard in this paragraph shall not apply where the income arising to the person is received from an employee or an immediate family member of that F379**[**person,**]]**

F380**[**or

(*j*) any financial contribution paid by the Minister in accordance with section 8(1) of theCivil Law (Miscellaneous Provisions) Act 2022.**]**

Annotations

Amendments:

F352 Substituted (26.03.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 155 of 2014), art. 2(*b*).

F353 Inserted (18.12.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2014* (S.I. No. 595 of 2014), art. 3(*b*).

F354 Deleted (23.02.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2018* (S.I. No. 61 of 2018), art. 3(*b*)(i).

F355 Inserted (23.02.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2018* (S.I. No. 61 of 2018), art. 3(*b*)(ii).

F356 Deleted (17.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*b*)(i).

F357 Inserted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*b*)(i).

F358 Inserted (16.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022* (S.I. No. 291 of 2022), art. 3(*b*).

F359 Inserted (28.01.2021 with retrospective effect from 1 October 2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2021* (S.I. No. 35 of 2021), art. 3, in effect as per art. 2.

F360 Substituted (17.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*b*)(ii).

F361 Inserted (17.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*b*)(iii).

F362 Deleted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*b*)(ii).

F363 Substituted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*b*)(iii).

F364 Inserted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*b*)(iv).

F365 Deleted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*b*)(i).

F366 Inserted (30.04.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2019* (S.I. No. 202 of 2019), art. 3(*b*).

F367 Inserted (11.03.2021, with retrospective effect from 1.09.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2021* (S.I. No. 109 of 2021), art. 4, in effect as per art. 2.

F368 Inserted (31.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Income Disregard) Regulations 2022* (S.I. No. 125 of 2022), art. 3, in effect as per art. 2.

F369 Substituted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*b*)(ii).

F370 Inserted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*b*)(iii).

F371 Deleted (26.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019), art. 3(*b*)(i).

F372 Substituted (26.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019), art. 3(*b*)(ii).

F373 Inserted (26.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019), art. 3(*b*)(iii).

F374 Deleted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(*c*)(i), subject initially to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F375 Substituted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(*c*)(ii), subject initially to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F376 Inserted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(*c*)(iii), subject initially to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F377 Deleted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(*b*)(i).

F378 Inserted (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(1)(*b*).

F379 Substituted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(*b*)(ii).

F380 Inserted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(*b*)(iii).

F381[Income disregard — agri-environmental schemes

155A. The schemes prescribed for the purposes of Rules 1(2)(b)(ix)(I)(W) of Part 2 and 1(2)(b)(x)(I)(W) of Part 3 of Schedule 3 to the Principal Act shall be—

(*a*) the Sheep Improvement Scheme;

(*b*) the Agri-Climate Rural Environment Scheme (ACRES);

(*c*) the Organic Farming Scheme;

(*d*) the Reconstitution of Woodland Scheme (Frost) 2022;

(*e*) the Afforestation Grant and Premium Scheme;

(*f*) the Forestry Grants and Premium Schemes.**]**

Annotations

Amendments:

F381 Inserted (1.04.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Income Disregard) Regulations 2023* (S.I. No. 162 of 2023), art. 3, in effect as per art. 2.

Yearly value of property — jobseeker's allowance, pre-retirement allowance, disability allowance and farm assist

156. The yearly value of any advantage mentioned in Rule 1(3) of Part 2 of Schedule 3 to the Principal Act shall be ascertained by deducting expenses necessarily incurred from the gross income.

Prescribed age for the purposes of benefit and privilege — jobseeker's allowance

157. The age prescribed for the purposes of Rule 1(10) of Part 2 of Schedule 3 to the Principal Act shall be 25 years.

Disregard of proceeds from sale of principal residence — disability allowance, State pension (non-contributory) and blind pension

158. (1) The disregard in the calculation of means provided for in Rule 2 of Part 2, Rule 3 of Part 3 and Rule 3 of Part 5 of Schedule 3 to the Principal Act shall apply only where—

(*a*) the claimant or beneficiary disposes of his or her principal residence for the purposes of—

(i) purchasing alternative accommodation which is or will be occupied by him or her as his or her only or main residence,

(ii) funding the renting of alternative accommodation which is or will be occupied by him or her as his or her only main residence,

(iii) funding the payment of fees to a nursing home which has been registered in accordance with section 4 of the Health (Nursing Homes) Act 1990 (No. 23 of 1990),

(iv) residing with a carer, as defined in section 99 or section 179, who is in receipt of carer's benefit or carer's allowance in respect of the care and attention provided to the claimant or beneficiary, or

(v) residing in accommodation suitable for elderly persons which incorporates communal and support facilities and which is provided by a body approved by the Minister for the Environment, Heritage and Local Government for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992),

(*b*) (i) for the purposes of State pension (non-contributory) the sale of the principal residence of the claimant or beneficiary takes place on or after 2 December 1993, and the claimant or beneficiary has attained pensionable age at the date of sale, or

(ii) for the purposes of disability allowance or blind pension, the sale of the principal residence of the claimant or beneficiary takes place on or after 1 April 2001,

and

(*c*) the gross proceeds are derived from the sale of a dwelling-house or part of a dwelling-house which is, or has been occupied by the claimant or beneficiary as his or her principal residence or land which he or she has for his or her own occupation and enjoyment with that residence as its gardens or grounds up to an area not exceeding one acre.

(2) The limit prescribed for the purposes of Rule 2 of Part 2, Rule 3 of Part 3 and Rule 3 of Part 5 of Schedule 3 to the Principal Act shall be €190,500.

Annotations

Modifications (not altering text):

C2 "Body approved by the Minister for the Environment, Heritage and Local Government for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992 (No. 18 of 1992)" in sub-art. (1)(*a*)(iv) construed (1.01.2022) by *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019), s. 68, S.I. No. 728 of 2021.

Construction of certain references in other Acts or instruments made under Acts

68. References in—

(*a*) any Act of the Oireachtas, other than this Act, passed before the coming into operation of this section,

(*b*) any instrument made under an Act of the Oireachtas, other than this Act, before the coming into operation of this section, or

(*c*) any contract, agreement, arrangement or other document entered into by the Minister or a housing authority, as the case may be, before the coming into operation of this section,

to—

(i) an approved housing body,

(ii) a housing body approved under section 6 of the Act of 1992,

(iii) an approved body or a body approved, under, or for the purposes of, section 6 of the Act of 1992, or

(iv) to a body approved of or standing approved of, under, or for the purposes of, section 6 of the Act of 1992,

as the case may be (howsoever described), shall, on and after the coming into operation of this section, unless the contrary intention appears, be construed as references to an approved housing body (within the meaning of this Act), save where other provision is made as respects the construction of the references in paragraphs (i) to (iv), as the case may be, by any Act of the Oireachtas (other than this Act) passed before that coming into operation.

PART 4

Child Benefit

Normal residence

159. For the purposes of Part 4, the person with whom a qualified child shall be regarded as normally residing shall be determined in accordance with the following Rules:

1. Subject to *Rule 2*, a qualified child, who is resident with more than one of the following persons, his or her—

mother,

step-mother,

father,

step-father,

shall be regarded as normally residing with the person first so mentioned and with no other person.

2. Where the persons referred to in *Rule 1* are resident in separate households, the qualified child shall be regarded as normally residing with the person with whom he or she resides for the majority of the time.

F382**[**3. A qualified child who is resident with one only of the persons mentioned in *Rule 1*, shall be regarded as normally residing with that person and with no other person provided that, where that person is the father and he is cohabiting with a woman as husband and wife, this Rule shall not apply in respect of the child where the father so elects and, on such an election, the child shall be regarded as normally residing with the woman with whom the father is cohabiting.**]**

F383**[**4. Subject to *Rule 8*, a qualified child, who is resident elsewhere than with a parent or a step-parent and whose mother is alive, shall, where his or her mother is entitled to his or her custody whether solely or jointly with any other person, be regarded as normally residing with his or her mother and with no other person.

5. Subject to *Rule 8*, a qualified child, who is resident elsewhere than with a parent or a step-parent and whose father is alive, shall, where his or her father is entitled to his or her custody whether solely or jointly with any

person other than his or her mother, be regarded as normally residing with his or her father and with no other person.**]**

6. A qualified child, to whom none of the foregoing Rules apply, shall be regarded as normally residing with the woman who has care and charge of him or her in the household of which he or she is normally a member and with no other person provided that where there is no such woman in that household he or she shall be regarded as normally residing with the head of that household and with no other person.

7. Where the normal residence of a qualified child falls to be determined under *Rule 4* or *5* and the person with whom he or she would thus be regarded as normally residing has abandoned or deserted him or her or has failed to contribute to his or her support, the relevant Rule shall cease to apply in respect of that child and the person with whom the child shall be regarded as normally residing shall be determined in accordance with Rule 6.

F384**[**8. Where normal residence would fall to be decided under *Rule 4* or *5* above and where a qualified child has been placed in foster care, or with a relative by the Health Service Executive under section 36 of the Child Care Act 1991 (No. 17 of 1991), and has been in such care for a continuous period of 6 months he or she shall, on the 1st day of the following month or the first day of the 6th month following the first day of October 2007, which ever is the later, be regarded as normally residing with the woman who has care and charge of him or her in the household of which he or she is normally a member and with no other person provided that where there is no such woman in that household he or she shall be regarded as normally residing with the head of that household and with no other person.**]**

Annotations

Amendments:

F382 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 14.

F383 Substituted (12.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Child Benefit) Regulations 2007* (S.I. No. 859 of 2007), art. 3.

F384 Inserted (12.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Child Benefit) Regulations 2007* (S.I. No. 859 of 2007), art. 4.

Full-time education

F385**[160.** (1) Subject to this Part, a child shall be regarded as receiving full-time education while

(*a*) attending on a full-time basis a course of full-time education by day at an institution of education, or

(*b*) entered on a register established and maintained under Section 14 the Education (Welfare) Act, 2000.**]**

(2) For the purposes of *sub-article (1)*, a course of full-time instruction at an institution of education shall not be regarded as including a course of training or instruction—

(*a*) provided or approved by F386**[**An tSeirbhís Oideachais Leanúnaigh agus Scileanna (SOLAS)**]** (other than a course known as Youthreach) and in respect of which an allowance is payable,

(*b*) which forms part of an employment or work experience programme,

(*c*) which arises from employment,

(*d*) which comprises, in an academic year, a period of work experience in respect of which remuneration is paid, where such period exceeds the time spent receiving instruction or tuition at an institution of education, or

(*e*) provided or approved by Teagasc, where, in an academic year such training or instruction comprises a period of work experience which exceeds the time spent receiving instruction or tuition at an institution of education.

Annotations

Amendments:

F385 Substituted (12.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Child Benefit) Regulations 2007* (S.I. No. 859 of 2007), art. 5.

F386 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 10, in effect as per art. 2.

Child regarded as continuing to receive full-time education

161. (1) For the purposes of *article 160(1)*, a child shall be regarded as continuing to receive full-time education—

(*a*) for periods during an academic year when that child is not attending an institution of education arising from the temporary interruption to the provision of a course of full-time instruction or part of a cycle of education by an institution of education, and

(*b*) for the period immediately following the completion by that child of part of a cycle of education, where such part finishes between 1 May and 30 June in an academic year, up to and including the next following 30 September.

(2) *Sub-article (1)(b)* shall not apply to a child who completes the final part of a cycle of education and terminates his or her attendance at a course of full-time instruction at an institution of education.

PART 5

F387[Carer's Support Grant]

Annotations

Amendments:

F387 Substituted (1.01.2016) by *Social Welfare and Pensions Act 2015* (47/2015), s. 5(1) and sch. 2, commenced as per s. 5(3).

Interpretation

162. In this Part—

"carer" has the meaning assigned to it by section 224(1);

"institution" has the meaning assigned to it by section 224(1);

"relevant person" has the meaning assigned to it by section 224(1).

Date F388[carer's support grant] payable

163. The F388[carer's support grant] (referred to in this Part as "the grant") shall be payable on the first Thursday in June of each year.

Annotations

Amendments:

F388 Substituted (1.01.2016) by *Social Welfare and Pensions Act 2015* (47/2015), s. 5(1) and sch. 2, commenced as per s. 5(3).

Entitlement to grant for certain classes of carer

164. Notwithstanding any other articles of these regulations, any person, who is a carer by virtue of paragraphs (*a*), (*b*) or (*c*) of section 224(1), on the date on which the grant is payable, shall be deemed to have satisfied all the conditions for entitlement to the grant.

Period for which full-time care and attention to be given

165. For the purposes of paragraphs (*d*) and (*e*) of section 224(1), on the date on which the grant is payable, the carer shall have provided full-time care and attention, be likely to provide full-time care and attention, or a combination of both, to the relevant person for a continuous period of not less than 183 days, such period to include the date on which the grant is payable.

Carer — residence in institution

166. Subject to *article 167(a)*, the carer shall not be resident in an institution.

Certain circumstances in which carer may continue to be regarded as providing full-time care and attention

167. A carer may, for the purposes of Part 5 of the Principal Act, continue to be regarded as providing full-time care and attention to a relevant person where—

(*a*) the carer is undergoing medical or other treatment of a temporary nature in an institution for a period or periods amounting to not more than 13 weeks,

(*b*) the relevant person is—

(i) undergoing medical or other treatment of a temporary nature in an institution, or

(ii) temporarily being cared for by, or temporarily residing with, another person, for a period or periods amounting to not more than 13 weeks,

(*c*) the relevant person is attending—

(i) a non-residential course of rehabilitation training provided by an organisation (being an organisation recognised by the Minister for Health and Children for the purposes of the provision of such training), or

(ii) a non-residential place of day care approved by the Minister for Health and Children, or

F389**[**(*d*) for the purposes of carer's support grant payable in respect of full time care and attention provided on or after 1 June 2006, the carer is undertaking such training or course of education as the Minister may determine from time to time, subject to the limits with respect to duration imposed by article 169,**]**

F390**[**and

(*e*) the number of hours providing such care is not less than 35 hours in a period of 7 consecutive days, and care is provided on any 5 days, whether consecutive or not, within a period of 7 consecutive days.**]**

Annotations

Amendments:

F389 Substituted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 5(*a*).

F390 Inserted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 5(*a*).

Editorial Notes:

E74 Previous affecting provision: para. (*d*) amended (1.01.2016) by *Social Welfare and Pensions Act 2015* (47/2015), s. 5(1) and sch. 2, commenced as per s. 5(3); substituted (25.11.2021) as per F-Note above.

Conditions to be satisfied by non-resident carer

168. (1) Subject to *sub-article (2)* the conditions prescribed for the purposes of paragraph (*e*) of the definition of "carer" contained in section 224(1) are that—

(*a*) a direct system of communication exists between the carer's residence and that of the relevant person, and

(*b*) the relevant person is not receiving full-time care and attention within his or her own residence from a person other than the claimant.

(2) For the purposes of *paragraph (a)* of *sub-article (1)* a system of communication shall include a telephone or alarm system.

F391[Conditions and circumstances under which a carer may engage in employment, self employment, training and education

169. For the purposes of a carer's support grant payable in respect of full time care and attention provided on or after 1 June 2006, where it is shown to the satisfaction of a deciding officer or an appeals officer that adequate provision has been made for the care of the relevant person, a carer may engage in employment or self employment or any training or course of education provided that the aggregate duration of such employment or self employment and any training or course of education referred to in article 167(d) shall not exceed 18.5 hours per week.**]**

Annotations

Amendments:

F391 Substituted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 5(*b*).

Editorial Notes:

E75 Previous affecting provision: sub-art. (3) amended ((1.01.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Carers) Regulations 2019* (S.I. No. 635 of 2019), art. 3(*c*), in effect as per art. 2; substituted (25.11.2021) as per F-Note above.

E76 Previous affecting provision: sub-arts. (1) and (3) amended (1.01.2016) by *Social Welfare and Pensions Act 2015* (47/2015), s. 5(1) and sch. 2, commenced as per s. 5(3); substituted (25.11.2021) as per F-Note above.

Prescribed manner for certification of incapacity

170. F392**[**...**]**

Annotations

Amendments:

F392 Revoked (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015), art. 4.

Medical examination and disqualification

171. (1) An officer of the Minister may, on giving not less than 3 days notice in writing, require a relevant person to submit himself or herself to medical or other examination at such time and place as may be specified in the notice.

(2) Notice of the time and place of the examination referred to in *sub-article (1)* shall also be sent to the registered medical practitioner in attendance on the person required to submit himself or herself to such examination.

(3) A carer shall be disqualified for receiving the grant if and for so long as the person in respect of whose full-time care and attention the grant is payable, fails without good cause to attend for or submit to medical examination in accordance with this article.

PART 6

F393[Working Family Payment]

Annotations

Amendments:

F393 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F394[**Interpretation** **172.** In this Part—

"civil partner", "child", "family" and "spouse" have the meanings assigned to them in section 227;

"earnings from employment" means emoluments to which Part 5 of the Taxes Consolidation Act 1997 (No. 39 of 1997) applies.]

Annotations

Amendments:

F394 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 15(*a*).

Manner of calculation or estimation of weekly family income

173. (1) Subject to this Part, weekly family income within the meaning of section 227 shall be calculated or estimated—

(*a*) insofar as it comprises earnings from employment as an employee, by reference to the weekly average of the gross amount of such earnings received in the 2 months immediately prior to the date on which the claim for F395[working family payment] has been made where such earnings are received at monthly intervals, or in the 4 weeks immediately prior to such date where such earnings are received at weekly or fortnightly intervals,

(*b*) insofar as it comprises income from any form of self-employment, by reference to the weekly amount of such income calculated or estimated by dividing the income in the 12 months preceding the date of claim by 52,

(*c*) insofar as it consists of income from any other source, by reference to the normal weekly amount of such income.

(2) Where in any case a deciding officer or appeals officer considers that the periods mentioned in *sub-article (1)* would not suffice to determine the amount of weekly family income, he or she may, for the purposes of this article have regard to such other period which appears to him or her to be appropriate for that purpose.

Annotations

Amendments:

F395 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

Sums disregarded in determining weekly family income

174. In calculating or estimating weekly family income the following items shall be disregarded—

F396**[**(*a*) any sums received by way of death benefit by virtue of orphan's pension, guardian's payment (contributory), F397**[**guardian's payment (non-contributory), domiciliary care allowance,**]** supplementary welfare allowance, F398**[**child benefit, family income supplement or back to work family dividend,**]]**

F396**[**(*aa*) for any period commencing on or after 1 January 2012 but before 1 January 2013, two thirds of any sums received by way of carer's benefit or carer's allowance,**]**

F396**[**(*ab*) for any period commencing on or after 1 January 2013 but before 1 January 2014, one third of any sums received by way of carer's benefit or carer's allowance,**]**

(*b*) F399**[**...**]**

(*c*) any sums received by way of allowance under regulations made under section 23 of the Housing (Private Rented Dwellings) Act 1982 (No. 6 of 1982),

F400**[**(*d*) any sums from the investment or profitable use of property (not being property personally used or enjoyed by the person concerned), other than where it consists of income from rent or any other periodical payment receivable for the possession and use of property in all lands, tenements and hereditaments,**]**

(*e*) payments by the Executive in respect of a child who is boarded out,

(*f*) in the case of a qualified applicant under a scheme administered by the Minister for Community, Rural and Gaeltacht Affairs and known as Scéim na bhFoghlaimeoirí Gaeilge, any income received under that scheme in respect of a person who is temporarily resident with the qualified applicant, together with any other income received in respect of such temporary resident,

F401**[**F402**[**(*fa*)**]** 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,**]**

F403**[**(*fb*) 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, F404**[**...**]]**

F405**[**(*fc*) any ex gratia payments made under the Scheme of Compensation for Personal Injuries suffered at the Stardust, Artane on 14 February 1981, F406**[**...**]]**

F407**[**(*fd*) any ex gratia payments made by the Minister for Health in accordance with recommendations proposed by the Scoping Inquiry into the CervicalCheck Screening Programme,**]**

F408**[**(*fe*) any income derived from the scheme to compensate persons who suffered harm or injury while in the care of Kerry CAMHS in the period 1st July 2016 to 19th April 2021, as identified through the Maskey Report and who have been notified by the Child and Adolescent Mental Health Services,**]**

(*g*) 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 F409**[**making grants of money to F410**[**them,**]]**

(*h*) F411**[**...**]**

F412**[**F413**[**...**]**

(*i*) any payments administered under the aegis of the Minister for Education and Skills and known as the 1916 Bursary F414**[**Fund,**]]**

F415**[**F416**[**...**]]**

F417**[**(*ia*) any amount to a maximum of €7,000 per annum from payments made by Uversity and known as Higher Educational Scholarships for Adult Learners,**]**

F418**[**(*ib*) any payments made under the Tusla Educational Support for Children in Care and Aftercare Bursary scheme,

(*ic*) any payments made from the KickStart Scholarship Fund administered by the Probation Service,**]**

F415**[**(*j*) any payments made directly or indirectly by or on behalf of the Minister for Health under the package of support measures established in 2018 for women diagnosed with cervical cancer since F419**[**2008,**]]**

F420**[**(*k*) any payments made by Sport Ireland under the International Carding Scheme,

F421**[**...**]**

(*l*) any payments made by the Northern Ireland Victim and Survivor Service (VSS) in accordance with the Victims and Survivors (Northern Ireland) Order F422**[**2006,**]]**

F423**[**F424**[**...**]]**

F425**[**(*la*) any income derived from the Troubles Permanent Disablement Payment Scheme in accordance with the Victims' Payments Regulations 2020 (2020 No. 103) (Northern Ireland),**]**

F423**[**F426**[**(*n*) any payments made**]** by the Minister for Education and Skills as part of the School Transport Scheme for Children with Special Educational Needs in the form of the Special Transport F427**[**Grant,**]]**

F428**[**F429**[**...**]]**

F428**[**(*o*) Subject to F430**[**the cessation of this disregard on 17 March 2025, and**]** the conditions specified in subparagraphs (i), (ii) and (iii), any income arising to a person in respect of the lawful rental of living accommodation of a room, or rooms, in his or her home to another person or persons, where that other person, or persons have the use of the room or rooms for a period of not less than 28 consecutive days.

(i) The income disregard in this paragraph shall be subject to a maximum of €269.23 per week.

(ii) The income disregard in this paragraph shall apply only as long as the person or persons to whom the use of living accommodation of a room, or rooms have been made available, continue to use the room or rooms.

(iii) The income disregard in this paragraph shall not apply where the income arising to the person is received from an employee or an immediate family member of that F431**[**person,**]]**

F432**[**or

(*p*) any financial contribution paid by the Minister in accordance with section 8(1) of the Civil Law (Miscellaneous Provisions) Act 2022.**]**

F433**[** or

F434**[**(*m*) (i) any moneys received by way of maintenance payments (including maintenance payments made to or in respect of a qualified child) in so far as they do not exceed the weekly housing costs actually incurred by the person subject to a maximum amount of €95.23, together with one-half of any amount of maintenance payment in excess of that amount disregarded in respect of housing costs actually incurred, and the maintenance arrangements for the purposes of this sub-article shall be all forms of formal and informal arrangements whether procured by way of Court Order or otherwise, and

(ii) notwithstanding subparagraph (i), where working family payment and one-parent family payment would be payable to or in respect of a person in respect of the same period, only one maintenance disregard shall apply,**]]**

Annotations

Amendments:

F396 Substituted (1.01.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Family Income Supplement) Regulations 2011* (S.I. No. 728 of 2011), art. 4(1)(*a*), in effect as per art. 3.

F397 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 3(*b*)(i).

F398 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 1.

F399 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 3(*b*)(ii).

F400 Substituted (5.04.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard and Family Income Supplement) Regulations 2007* (S.I. No. 148 of 2007), art. 5, in effect as per art. 2.

F401 Inserted (26.03.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 155 of 2014), art. 2(*c*).

F402 Re-designated (18.12.2014)—from paragraph (ff) to paragraph (fa)—by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2014* (S.I. No. 595 of 2014), art. 3(*c*)(i).

F403 Inserted (18.12.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2014* (S.I. No. 595 of 2014), art. 3(*c*)(ii).

F404 Deleted (23.02.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2018* (S.I. No. 61 of 2018), art. 3(*c*)(i).

F405 Inserted (23.02.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2018* (S.I. No. 61 of 2018), art. 3(*c*)(ii).

F406 Deleted (17.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*c*)(i).

F407 Inserted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*c*)(i).

F408 Inserted (16.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022* (S.I. No. 291 of 2022), art. 3(*c*)(i).

F409 Substituted (1.01.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Family Income Supplement) Regulations 2011* (S.I. No. 728 of 2011), art. 4(1)(*b*), in effect as per art. 3.

F410 Substituted (17.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*c*)(ii).

F411 Deleted (1.01.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Family Income Supplement) Regulations 2011* (S.I. No. 728 of 2011), art. 4(1)(*c*), in effect as per art. 3, subject to the proviso in art. 4(2).

F412 Inserted (17.08.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018), art. 3(*c*)(iii).

F413 Deleted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*c*)(ii).

F414 Substituted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*c*)(iii).

F415 Inserted (27.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018), art. 3(*c*)(iv).

F416 Deleted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*c*)(i).

F417 Inserted (30.04.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2019* (S.I. No. 202 of 2019), art. 3(*c*).

F418 Inserted (16.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022* (S.I. No. 291 of 2022), art. 3(*c*)(ii).

F419 Substituted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*c*)(ii).

F420 Inserted (21.12.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018), art. 3(*c*)(iii).

F421 Deleted (25.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Working Family Payment) Regulations 2019* (S.I. No. 109 of 2019), art. 3(*a*), in effect as per art. 2.

F422 Substituted (25.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Working Family Payment) Regulations 2019* (S.I. No. 109 of 2019), art. 3(*b*), in effect as per art. 2.

F423 Inserted (26.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019), art. 3(*c*)(iii).

F424 Deleted (1.01.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Working Family Payment) Regulations 2019* (S.I. No. 634 of 2019), art. 4(*a*), in effect as per art. 2.

F425 Inserted (16.06.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022* (S.I. No. 291 of 2022), art. 3(*c*)(iii).

F426 Substituted (1.01.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Working Family Payment) Regulations 2019* (S.I. No. 634 of 2019), art. 4(*c*), in effect as per art. 2.

F427 Substituted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(*d*)(ii), subject initially to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F428 Inserted (12.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), art. 3(*d*)(iii), subject initially to the cessation provisions of art. 3(2); cessation provision revoked (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 3(2).

F429 Deleted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(c)(i).

F430 Inserted (24.03.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023), art. 2(1)(*c*).

F431 Substituted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(c)(ii).

F432 Inserted (26.07.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022), art. 3(c)(iii).

F433 Inserted (25.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Working Family Payment) Regulations 2019* (S.I. No. 109 of 2019), art. 3(*c*), in effect as per art. 2.

F434 Substituted (1.01.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Working Family Payment) Regulations 2019* (S.I. No. 634 of 2019), art. 4(*b*), in effect as per art. 2.

Editorial Notes:

E77 Paragraph (*n*) when inserted (26.03.2019) was originally designated as paragraph (*m*) notwithstanding the prior insertion (25.03.2019) of another paragraph as paragraph (*m*). The redesignation (1.01.2020) of the first-mentioned paragraph as paragraph (*n*), and the substitution (1.01.2020) of the second-mentioned paragraph, did not adjust their positions within the article. In consequence, these two paragraphs appear above out of alphabetical order.

E78 Intended amendment (26.03.2019)—substitution of "2006," for "2006." in paragraph (*l*)—by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019), arts. 3(*c*)(ii), not shown above by virtue of identical amendment already provided for (25.03.2019) as per F-Note above.

F435**[Persons regarded as being in remunerative full-time employment**

175. (1) A person shall be regarded as being engaged in remunerative fulltime employment as an employee for the purposes of Part 6 of the Principal Act where he or she is engaged in remunerative employment which is expected to continue for a period of a minimum of 3 months, and where—

(*a*) the number of hours worked by him or her per fortnight is not less than 38, or

(*b*) the aggregate number of hours worked by him or her and his or her spouse, civil partner or cohabitant, as the case may be, is not less than 38 per fortnight.

(2) Notwithstanding *sub-article (1)*, remunerative full-time employment shall not include participation on—

(*a*) the work placement programme within the meaning of section 142B(3),

(*b*) a scheme provided by the Minister and known as Community Employment, or

(*c*) a scheme administered by the Minister and known as—

(i) the Rural Social Scheme,

F436**[**(ii) Youth Employment Support Scheme,**]**

(iii) Tús.**]**

Annotations

Amendments:

F435 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 6(*b*).

F436 Substituted (1.01.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Working Family Payment) Regulations 2019* (S.I. No. 634 of 2019), art. 5, in effect as per art. 2.

Editorial Notes:

E79 Previous affecting provision: article substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 15(*b*); substituted (12.11.2012) as per F-Note above.

F437**[Change of circumstances**

176. The following circumstances are specified for the purposes of section 230(1)—

(*a*) an increase in the number of children in the family, and

(*b*) the cessation of one-parent family payment on or after 4 July 2013 by virtue of—

(i) the youngest child having attained the age specified in the definition of "relevant age" in section 172(1),

(ii) that payment having been paid for a period of up to 2 years in accordance with section 173A(2) or 173B(2), or

(iii) the youngest child having attained the age—

(I) specified in paragraph (*b*) or (*c*) of section 178B(2),

(II) specified in section 178C(2), or

(III) provided for in section 178D.**]**

Annotations

Amendments:

F437 Substituted (4.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Family Income Supplement) Regulations 2013* (S.I. No. 235 of 2013), art. 4, in effect as per art. 2.

Editorial Notes:

E80 Previous affecting provision: article substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 15(*b*); substituted (4.07.2013) as per F-Note above.

F438[Effect of change of circumstances on weekly rate of supplement

176A. (1) Notwithstanding section 230(1), where any one or more of the circumstances specified in *article 176* occurs during the period of 52 weeks beginning on the date on which F439**[**working family payment**]** is receivable in accordance with these Regulations—

(*a*) the weekly rate of F439**[**working family payment**]** shall, with effect from the date of occurrence of that circumstance, be calculated by having regard to that change of circumstance, and

(*b*) the weekly rate of F439**[**working family payment**]** so calculated shall be paid for the unexpired portion of that 52 week period,

and, other than in the case where more than one of the circumstances specified in *article 176* occurs, no other change of circumstance shall be taken into account in the calculation of the weekly rate of F439**[**working family payment**]** during the unexpired portion of that 52 week period.

(2) For the purposes of calculating the weekly rate of F439**[**working family payment**]** in accordance with *sub-article (1)(a)* where a change of circumstance specified in *article 176(b)* has occurred, such calculation shall take into account the weekly rate of one-parent family payment that was taken into account in calculating the weekly rate of F439**[**working family payment**]** at the start of that period of 52 weeks.**]**

Annotations

Amendments:

F438 Inserted (4.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Family Income Supplement) Regulations 2013* (S.I. No. 235 of 2013), art. 4, in effect as per art. 2.

F439 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

Minimum payment of F440[working family payment]

177. The amount prescribed for the purposes of section 229(2) shall be €20.

Annotations

Amendments:

F440 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F441[PART 6A

Back To Work Family Dividend]

Annotations

Amendments:

F441 Inserted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 3.

F442**[Prescribed employment schemes and courses of education etc.**

177A. (1) The following schemes and programmes of employment and work experience are prescribed for the purposes of paragraph (*c*) of the definition of "qualifying scheme" in section 238A—

(*a*) the scheme provided by the Minister and known as Job Initiative Scheme,

(*b*) the work placement programme within the meaning of section 142B(3),

(*c*) the scheme administered by the Minister and known as F443**[**Youth Employment Support Scheme**]**, and

(*d*) such other scheme or programme of employment or work experience as may be approved by or on behalf of the Minister from time to time.

(2) The following courses of education and development are prescribed for the purposes of paragraph (*c*) of the definition of "qualifying scheme" in section 238A—

(*a*) the scheme administered by the Minister and known as Back to Education Allowance, and

(*b*) such other course of education or development as may be approved by or on behalf of the Minister from time to time.**]**

Annotations

Amendments:

F442 Inserted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 3.

F443 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 11, in effect as per art. 2.

PART 7

Claims and Payments — General Provisions

Preliminary

Interpretation

178. For the purposes of *articles 179* to *210*, save where the context otherwise requires—

"beneficiary" means a person who is entitled to benefit;

"benefit" means—

(*a*) any benefit payable under Part 2 (other than occupational injuries benefits under Chapter 13 and treatment benefit under Chapter 22 of the said Part),

(*b*) any assistance payable under Part 3 (other than supplementary welfare allowance payable under Chapter 9 of the said Part),

(*c*) child benefit under Part 4,

(*d*) F444**[**...**]**

(*e*) F445**[**carer's support grant**]** under Part 5,

(*f*) F446**[**working family payment**]** under Part 6,

(*g*) continued payment for qualified children F447**[**under Part 7,**]**

F448**[**(*ga*) back to work family dividend under Part 7A, and**]**

(*h*) EU payments under Part 8;

"claimant" means a person who has made a claim for benefit;

F449**[**"public service identity" has the meaning assigned to it by section 262(1);**]**

"qualified person" means the person with whom a qualified child normally resides for the purposes of child benefit.

Annotations

Amendments:

F444 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 4(*a*).

F445 Substituted (1.01.2016) by *Social Welfare and Pensions Act 2015* (47/2015), s. 5(1) and sch. 2, commenced as per s. 5(3).

F446 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F447 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 2(*a*).

F448 Inserted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 2(*b*).

F449 Inserted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*a*).

CHAPTER 1

Claims

Claims

179. (1) Every claim for benefit (including any increase thereof and in the case of F450**[**working family payment**]** a notification of an increase in the number of children in the family) 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.

F451**[**(2) A claim for bereavement grant may be made by the personal representative of the deceased or, where there is no personal representative, by the spouse, civil partner or cohabitant or any of the next-of-kin of the deceased or by any other person claiming to be entitled thereto.

(3) Where a family, as defined in section 227, comprises a person and his or her spouse, civil partner or cohabitant, both such persons shall join in any claim for F450**[**working family payment**]** in respect of that family.**]**

(4) A claimant may withdraw his or her claim for F450**[**working family payment**]** at any time before a decision has been made by giving notice to that effect in writing to the Minister.

(5) Where a claim for child benefit is incomplete, an officer of the Minister may treat the claim as having been duly made if it is properly completed within 2 months after the date on which the claimant is requested to do so.

Annotations

Amendments:

F450 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F451 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*b*).

Application to be regarded as a homemaker

180. Other than in the case of a person who is entitled to or in receipt of carer's benefit under Part 2, carer's allowance under Part 3, child benefit under Part 4 or F452**[**carer's support grant**]** under Part 5, an application to be regarded as a homemaker for the purposes of section 108(2) shall be made in the form for the time being approved by the Minister.

Annotations

Amendments:

F452 Substituted (1.01.2016) by *Social Welfare and Pensions Act 2015* (47/2015), s. 5(1) and sch. 2, commenced as per s. 5(3).

Information to given when making a claim

181. (1) Every claimant shall furnish such certificates, documents, information and evidence as may be required by an officer of the Minister, for the purposes of deciding the claim and in any particular class of case, shall, for the purposes of making any such claim, attend at such office or place as an officer of the Minister may direct.

F453**[**(1A) F454**[**...**]**

(1B) F454**[**...**]]**

(2) Where a claim for F455**[**working family payment**]** is made by an employee, his or her employer shall, on being so required by an officer of the Minister, furnish to the Minister the following information relating to the employee—

(*a*) the nature of his or her employment,

(*b*) the total amount of gross earnings derived by the employee from his or her employment with the employer in respect of any period,

(*c*) the total number of hours worked by the employee in that employment in any period, and

(*d*) any other relevant information that may be required by the said officer.

F456**[**(3) The employer of a claimant for maternity benefit, adoptive benefit, paternity benefit or parent's benefit, as the case may be, shall, on being so required by an officer of the Minister, furnish to the Minister, the following information relating to that claimant—

(*a*) certification that the claimant is entitled to—

(i) maternity leave under the Act of 1994,

(ii) adoptive leave under the Adoptive Leave Act 1995 (No. 2 of 1995),

(iii) paternity leave under the Paternity Leave and Benefit Act 2016 (No. 11 of 2016),

(iv) parent's leave under the Parents Leave and Benefit Act 2019 (No. 35 of 2019)

as the case may be,

(*b*) the amount of the claimant's gross earnings derived from that employment in respect of any period, and

(*c*) any other relevant particulars that may be required for the purposes of determining a claim for maternity benefit, adoptive benefit, paternity benefit or parent's benefit, as the case may be.**]**

(4) The employer of a claimant for F457**[**continued payment for qualified children or back to work family dividend**]** shall, on being so required by an officer of the Minister, furnish to the Minister, such information as may be required for the purpose of determining that person's entitlement to the said payment.

(5) A person who makes application to be regarded as a homemaker for the purposes of section 108(2) shall furnish such certificates, documents, information and evidence

as may be required by an officer of the Minister for the purposes of deciding such application.

(6) Where a claim for carer's benefit is made by an employee, his or her employer shall, on being so required by an officer of the Minister, furnish to the Minister the following information relating to the employee—

F458**[**(*a*) the number of hours worked by the employee in that employment in such periods as may be specified by the said officer,**]**

F459**[**(*aa*) the amount of the claimant's gross earnings derived from that employment in respect of any period,

F460**[**(*ab*) certification that the claimant has availed of—

(i) adoptive leave,

(ii) health and safety leave,

(iii) maternity leave,

(iv) parental leave,

(v) parent's leave, or

(vi) paternity leave,

as the case may be, and the periods of such leave, and**]]**

(*b*) any other relevant information that may be required by the said officer.

(7) (*a*) For the purposes of section 300(5) in relation to claims for child benefit in the case of a second or subsequent child, the prescribed information shall be a copy of an entry in respect of each qualified child in the register of births under the Civil Registration Act 2004 (No. 3 of 2004), provided to the Minister by An t-Ard Chláraitheoir.

(*b*) Child benefit may be awarded in accordance with *paragraph (a)* where the qualified person is, at that time, in receipt of child benefit in respect of a qualified child and the information provided is sufficient to authenticate—

(i) the public service identity of the qualified child, and

(ii) the public service identity of the qualified person.

F461**[**(8) Where, at the time of a person's death, he or she was—

(*a*) in receipt of State pension (contributory) or State pension (transition) which included an increase in respect of a qualified adult under sections 112(1) or 117(1),

(*b*) in receipt of State pension (contributory) or State pension (transition) and his or her spouse or civil partner or the cohabitant of that person was in receipt of any benefit in his or her own right,

(*c*) a qualified adult in respect of whom an increase of State pension (contributory) or State pension (transition) was being paid under sections 112(1) or 117(1), or

(*d*) a qualified child in respect of whom an increase of State pension (contributory) or State pension (transition) was being paid under sections 112(2) or 117(2),

the prescribed information for the purposes of section 300(6) shall be—

(i) a copy of an entry in respect of the deceased person in the register of deaths under the Civil Registration Act 2004 (No. 3 of 2004) provided to the Minister by An tArd-Chlaraitheoir, or

(ii) a copy of the death certificate issued in respect of the deceased person in pursuance of the Civil Registration Act 2004 submitted in respect of the deceased person.**]**

F462**[**(9) Bereavement grant and a payment under section 248(2) may be awarded in accordance with *sub-article (8)* to

(*a*) the person who is in receipt of State pension (contributory) or State pension (transition) on the death of his or her qualified adult within the meaning of *paragraph (a)(i)* or qualified child, or

(*b*) the qualified adult within the meaning of *paragraph (a)(i)* on the death of the recipient of the State pension (contributory) or State pension (transition)

where the information provided is sufficient to authenticate the public service identity of the deceased person.**]**

Annotations

Amendments:

F453 Inserted (3.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Claims) Regulations 2010* (S.I. No. 661 of 2010), art. 4, in effect as per art. 2.

F454 Deleted (28.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Information) Regulations 2012* (S.I. No. 373 of 2012), art. 2(*a*).

F455 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F456 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 6, in effect as per art. 3.

F457 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 3.

F458 Substituted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 4(*d*).

F459 Inserted (25.11.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021), art. 4(*d*).

F460 Substituted (24.01.2022) by *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 6) (Carer's Allowance) Regulations 2022* (S.I. No. 201 of 2022), art. 5, in effect as per reg. 2.

F461 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*c*)(iii).

F462 Inserted (18.07.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment No. 4) (Bereavement Grant and Payments after Death) Regulations 2007* (S.I. No. 536 of 2007), art. 3.

Editorial Notes:

E81 Previous affecting provision: sub-art. (3) substituted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 6, in effect as per art. 3; substituted (1.11.2019) as per F-Note above.

E82 Previous affecting provision: sub-art. (8) inserted (18.07.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment No. 4) (Bereavement Grant and Payments after Death) Regulations 2007* (S.I. No. 536 of 2007), art. 3; substituted (21.11.2011) as per F-Note above.

E83 Previous affecting provision: sub-art. (1B)(*o*), (*q*) substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*c*)(i), (ii); deleted (28.09.2012) as per F-Note above.

Prescribed time for making claim

182. The prescribed time for making a claim shall be—

(*a*) in the case of State pension (contributory), State pension (transition) and invalidity pension, the period commencing 3 months before and ending 3 months after the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto,

F463**[**(*b*) in the case of jobseeker's benefit, F464**[**jobseeker's benefit (self-employed),**]** F465**[**covid-19 pandemic unemployment payment,**]** jobseeker's allowance, pre-retirement allowance, State pension (non-contributory), blind pension, carer's allowance and farm assist, the day in respect of which the claim is made,

(*ba*) in the case of domiciliary care allowance, the day on which, apart from satisfying the condition of making a claim, the claimant becomes a qualified person within the meaning of section 186D,**]**

F466**[**(*c*) in the case of widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, guardian's payment (contributory), guardian's payment (non-contributory), F467**[**one-parent family payment, F468**[**working family payment**]** and back to work family dividend,**]** the period of 3 months from the day on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto,**]**

(*d*) in the case of illness benefit, the period of F469**[**6 weeks**]** from the day on which the person becomes or again becomes incapable of work,

(*e*) in the case of disability allowance, the period of 7 days from the day on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto,

(*f*) in the case of maternity benefit, F470**[**F471**[**adoptive benefit, paternity benefit, parent's benefit**]]** and health and safety benefit, the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto,

(*g*) in the case of bereavement grant, the period of 3 months from the date of death of the deceased,

(*h*) in the case of continued payment for qualified children, the period of 13 weeks from the date of commencement of the employment specified in section 234(1)(*b*),

F472**[**(*i*) in the case of carer's benefit, the period commencing 8 weeks before and ending 8 weeks after the day on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto,

(*j*) in the case of F473**[**carer's support grant**]**, the period commencing 8 weeks before the date on which the grant is payable under *article 163* and ending on 31 December of the year immediately following the year in which the grant is payable, and

(*k*) in the case of child benefit, the period of twelve months from the day on which, apart from satisfying the conditions of making a claim, the claimant becomes a qualified person within the meaning of section 220.**]**

Annotations

Amendments:

F463 Substituted (2.04.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Claims) Regulations 2012* (S.I. No. 102 of 2012), art. 4, in effect as per art. 3(*c*).

F464 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 3, in effect as per art. 2.

F465 Inserted (30.11.2020 with retrospective effect from 5.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment — Ancillary Provisions) Regulations 2020* (S.I. No. 573 of 2020), art. 4(*a*), in effect as per art. 3.

F466 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*d*).

F467 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 4.

F468 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F469 Substituted (20.09.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Prescribed Time) Regulations 2018* (S.I. No. 375 of 2018), art. 2.

F470 Substituted (22.12.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2016* (S.I. No. 670 of 2016), art. 2.

F471 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 7, in effect as per art. 3.

F472 Substituted and inserted(1.7.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Prescribed Time) Regulations 2008* (S.I. No. 243 of 2008), art. 3.

F473 Substituted (1.01.2016) by *Social Welfare and Pensions Act 2015* (47/2015), s. 5(1) and sch. 2, commenced as per s. 5(3).

Editorial Notes:

E84 Previous affecting provision: para. (*c*) substituted (30.06.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2009* (S.I. No. 240 of 2009), art. 2; substituted (21.11.2011) as per F-Note above.

E85 Previous affecting provision: para. (*b*) substituted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 4; substituted (2.04.2012) as per F-Note above.

Prescribed time for making application to be regarded as a homemaker

183. (1) Subject to *sub-article (2)*, an application to be regarded as a homemaker for the purposes of section 108(2) shall be made before the end of the contribution year next following the contribution year in which the person commences as a homemaker.

F474**[**(2) Where a person has commenced as a homemaker on or after 6 April 1994 and not later than 31 December 2019, an application to be regarded as a homemaker shall be made not later than 31 December 2020.**]**

Annotations

Amendments:

F474 Substituted (18.12.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Homemakers) Regulations 2015* (S.I. No. 596 of 2015), art. 2.

Editorial Notes:

E86 Previous affecting provision: sub-art. (2) substituted (11.12.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Homemakers) Regulations 2014* (S.I. No. 569 of 2014), art. 2; substituted (18.12.2015) as per F-Note above.

E87 Previous affecting provision: sub-art. (2) substituted (12.12.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Homemakers) Regulations 2013* (S.I. No. 492 of 2013), art. 2; substituted (11.12.2014) as per E-Note above.

E88 Previous affecting provision: sub-art. (2) substituted (21.12.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Homemakers) Regulations 2012* (S.I. No. 567 of 2012), art. 2; substituted (12.12.2013) as per E-Note above.

E89 Previous affecting provision: sub-art. (2) substituted (22.12.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Homemakers) Regulations 2011* (S.I. No. 719 of 2011), art. 2; substituted (21.12.2012) as per E-Note above.

E90 Previous affecting provision: sub-art. (2) substituted (18.11.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Prescribed Time) Regulations 2010* (S.I. No. 545 of 2010), art. 2; substituted (22.12.2011) as per E-Note above.

E91 Previous affecting provision: sub-art. (2) substituted (21.12.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Homemakers) (Prescribed Time) Regulations 2009* (S.I. No. 564 of 2009), art. 2; substituted (18.11.2010) as per E-Note above.

E92 Previous affecting provision: sub-art. (2) substituted (1.7.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Prescribed Time) Regulations 2008* (S.I. No. 243 of 2008), art. 4; substituted (21.12.2009) as per E-Note above.

Provisional allowance of claim

184. (1) In the case of State pension (non-contributory), where it appears to any person that although for the time being he or she is not entitled to the said pension, he or she will nevertheless become entitled to a pension at a future date, he or she may make a claim therefor at any time not more than 3 months before that date.

(2) Where a deciding officer is satisfied that a claimant is likely to be entitled to pension under *sub-article (1)*, he or she may allow the claim provisionally so as to take effect on any future date not later than 3 months from the date of his or her decision.

Payment of claims made more than 12 months after the due date

185. F475**[**...**]**

Annotations

Amendments:

F475 Deleted (5.04.2012 and 6.04.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Claims) Regulations 2012* (S.I. No. 102 of 2012), art. 5(*a*), in effect as per arts. 3(*a*) and (*b*).

Editorial Notes:

E93 Previous affecting provision: sub-art. (1) substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*e*); deleted (5-6.04.2012) as per F-Note above.

Payment of certain claims made after due date

186. F476**[**(1) Where a claim in respect of any benefit is made in respect of any period which is greater than that allowed under section 241(2), the period in respect of which payment may be made before the date on which the claim is made shall be extended to a period calculated in accordance with this article, where it is shown to the satisfaction of a deciding officer or an appeals officer that the person was entitled to the benefit.**]**

(2) In any case where the delay in making the claim is due to information given by an officer of the Minister to the person or a person appointed to act on his or her behalf, the period for which payment may be made shall be—

(*a*) the period between the date of claim and the date information was given by an officer of the Minister plus a period equal in duration to that allowed under section 241(2), or

(*b*) the period between the date of claim and the date entitlement commenced, or

(*c*) such part of the period referred to in *paragraph (a)* for which a person was entitled to the benefit, or

(*d*) such part of the period referred to in *paragraph (b)* for which the person was entitled to the benefit,

whichever is the shorter period.

(3) Subject to *sub-article (4)*, in any case where the delay in making the claim was due to a person being so incapacitated that he or she was unable to make a claim or appoint a person to act on his or her behalf, the period for which payment may be made shall be—

(*a*) the period for which such incapacity continued plus a period equal in duration to that allowed under section 241(2), or

(*b*) the period between the date of claim and the date entitlement commenced, or

(*c*) such part of the period referred to in *paragraph (a)* for which the person was entitled to the benefit, or

(*d*) such part of the period referred to in *paragraph (b)* for which the person was entitled to the benefit,

whichever is the shorter period.

(4) A claim referred to in *sub-article (3)*, shall be made—

(*a*) where the person ceases to be incapacitated, before or within a period equal in duration to that for which payment is allowed under section 241(2), or

(*b*) where, at the date of claim, a person continues to be so incapacitated that he or she is unable to make a claim or appoint a person to act on his or her behalf, within the period for which such incapacity continued plus a period equal in duration to that allowed under section 241(2).

(5) F477**[**...**]**

(6) F477**[**...**]**

(7) F477**[**...**]**

(8) For the purposes of this article "benefit" means—

(*a*) any benefit specified in section 39(1) (other than jobseeker's benefit under Chapter 12 of Part 2 F478**[**and jobseeker's benefit (self-employed) under Chapter 12A of Part 2**]**), F479**[**covid-19 pandemic unemployment payment,**]** and

(*b*) any assistance specified in section 139(1) (other than jobseeker's allowance under Chapter 2 and supplementary welfare allowance under Chapter 9 of Part 3).

Annotations

Amendments:

F476 Substituted (on dates between 2.04.2012 and 6.04.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Claims) Regulations 2012* (S.I. No. 102 of 2012), art. 5(*b*)(i), in effect as per art. 3.

F477 Deleted (on dates between 2.04.2012 and 6.04.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Claims) Regulations 2012* (S.I. No. 102 of 2012), art. 5(*b*)(ii), in effect as per art. 3.

F478 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 4, in effect as per art. 2.

F479 Inserted (30.11.2020 with retrospective effect from 5.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment — Ancillary Provisions) Regulations 2020* (S.I. No. 573 of 2020), art. 4(*b*), in effect as per art. 3.

Rounding

187. F480**[**...**]**

Annotations

Amendments:

F480 Deleted (5.04.2012 and 6.04.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Claims) Regulations 2012* (S.I. No. 102 of 2012), art. 5(*a*), in effect as per arts. 3(*a*) and (*b*).

Provision of information

188. (1) Every claimant or beneficiary and every person by whom any benefit is receivable on behalf of a claimant or beneficiary shall—

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

(*b*) notify the Minister of any change in circumstances which affect the right to benefit, or to the receipt thereof, as soon as is reasonably practicable thereafter.

(2) Every institution of education shall, on request, provide the Minister with such of the following information as the Minister may request in respect of each person who is registered or enrolled, as the case may be, as a student at such institution at the commencement of each academic year and who ceases to attend at such institution prior to the completion of the relevant academic year—

(*a*) name,

(*b*) address,

(*c*) date of birth, and

(*d*) the date on which the student ceased to attend the institution of education.

(3) The information requested under *sub-article (2)* shall be submitted by the institution of education in such format as is acceptable to the Minister and shall be sent, within 30 days of the receipt of a request for such information from the Minister, to such office of the Department as may be specified by the Minister.

F481**[Information to be supplied by claimants and beneficiaries for profiling and activation purposes**

188A. (1) Without prejudice to the generality of *articles 181(1)* and *188(1)*, a person who makes a claim for, or is in receipt of, any benefit specified for the purposes of this article shall provide the information specified in *sub-article (3)* on being requested by an officer of the Minister who has formed the opinion that the furnishing of such information would assist in—

(*a*) determining that person's entitlement to benefit, or

(*b*) in assessing the training, education or development needs appropriate to that person's personal circumstances.

(2) In this article "benefit" means—

(*a*) illness benefit,

(*b*) jobseeker's benefit,

F482**[**(*ba*) jobseeker's benefit (self-employed),**]**

(*c*) invalidity pension,

(*d*) jobseeker's allowance,

(*e*) one-parent family payment, and

(*f*) disability allowance.

(3) For the purposes of *sub-article (1)*, an officer of the Minister may request a person who makes a claim for, or is in receipt of, any benefit to provide the following details in respect of that person—

(*a*) any claims for any benefit made in the 5 years immediately before that request has been made,

(*b*) current employment or last employment held, if any, and details of the gross weekly earnings in that employment,

(*c*) any periods of employment under a scheme provided by the Minister and known as Community Employment in the 5 years immediately before that request has been made,

(*d*) the highest level of education completed,

(*e*) any apprenticeship training completed,

(*f*) address and size of location,

(*g*) access to private means of transport (e.g. car, van, motorcycle),

(*h*) access to public transport options, including private bus and coach operators,

(*i*) efforts undertaken to seek employment,

(*j*) literacy and numeracy difficulties,

(*k*) general state of health,

(*l*) proficiency in the English language,

(*m*) date of birth,

(*n*) country of birth,

(*o*) marital status or civil status,

(*p*) family composition,

(*q*) gross weekly earnings of spouse, civil partner or cohabitant, if any,

(*r*) nationality.**]**

Annotations

Amendments:

F481 Inserted (28.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Information) Regulations 2012* (S.I. No. 373 of 2012), art. 2(*b*).

F482 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 5, in effect as per art. 2.

Sharing of information

189. F483**[**(1) The following information is prescribed as the information that may be shared, in accordance with section 266, by a body specified in paragraph 2 of Schedule 5 with the Minister for Education and Skills or an tÚdarás um Ard-Oideachas:

(*a*) in relation to a student of that body—

(i) his or her—

(I) forename,

(II) surname,

(III) date of birth,

(IV) address,

(V) sex,

(VI) nationality,

(VII) personal public service number, and

(VIII) mother's birth surname,

and

(ii) whether the student—

(I) boards at his or her school,

(II) is exempt from studying the Irish language and, if so, the date, category and grantor of such exemption,

(III) is in receipt of resource teaching support or learning support and, if so, the type of such support,

(IV) is in a class for students with special educational needs and, if so, the level of integration of the student, if any, in mainstream class settings,

(V) is a student in a special class and, if so, the type of special class,

(VI) is a student in a special school and, if so, the category of capitation grant that is paid in respect of that student,

(VII) is a new entrant,

(VIII) is repeating a year and, if so, the reasons why,

(IX) is a short-term placement student and, if so, the duration for which he or she has been enrolled;

(*b*) in relation to the course of study being undertaken by a student of that body—

(i) the date of enrolment of the student,

(ii) the source of enrolment for the student,

(iii) the class group and standard of the student,

(iv) the class type of the student,

(v) the student type,

(vi) the current school roll number for the student,

(vii) the former school roll number for the student, if applicable,

(viii) the date that the student leaves the course of study and the leaving destination,

(ix) the programme for which the student is studying and his or her programme year,

(x) the examination candidate number for the student,

(xi) the subjects which the student is studying and the subject level at which he or she is studying those subjects,

(xii) the language through which the student is studying,

(xiii) whether the student is participating in a scheme administered by an Education and Training Board and known as the Vocational Training Opportunities Scheme, and

(xiv) where the student is enrolled in a Post Leaving Certificate or an Applied Leaving Certificate Programme, the highest level of academic attainment previously achieved.**]**

F484**[**(1A) *In sub-article (1)*, "student" has the same meaning as it has in section 2(1) of the Education Act 1998 (No. 51 of 1998).**]**

(2) The information prescribed for the purposes of section 267 shall be a person's—

(*a*) forename,

(*b*) surname,

(*c*) date of birth,

(*d*) birth surname,

(*e*) mother's birth surname,

(*f*) address,

(*g*) sex,

F485**[**(*h*) marital status or civil status,

(*i*) date of marriage or registration of civil partnership,**]**

(*j*) nationality,

(*k*) insurance number, and

(*l*) personal public service number.

(3) The information prescribed for the purposes of section 269 shall be—

(*a*) in respect of a tenant, his or her—

(i) forename,

(ii) surname,

(iii) (I) address,

(II) date of commencement of rent supplement in respect of that address, and

(III) date of cessation of rent supplement in respect of that address, and

(iv) personal public service number, and

(*b*) in respect of a landlord or his or her agent, his or her—

(i) forename,

(ii) surname,

(iii) personal public service number,

(iv) registration number assigned F486**[**in accordance with section 65(2) of the Value-Added Tax Consolidation Act 2010**]**, and

(v) telephone number.

Annotations

Amendments:

F483 Substituted (21.07.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Sharing of Information) Regulations 2015* (S.I. No. 317 of 2015), art. 2(*a*).

F484 Inserted (21.07.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Sharing of Information) Regulations 2015* (S.I. No. 317 of 2015), art. 2(*b*).

F485 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*f*).

F486 Substituted (1.11.2010) by *Value-Added Tax Consolidation Act 2010* (31/2010), s. 123(1) and sch. 7 part 2, commenced as per s. 125.

Prescribed time for furnishing information

190. (1) The prescribed period for the furnishing of information and production of documents required by a social welfare inspector under the provisions of section 250(2) shall be—

(*a*) in the case of the personal representative of a person who was at any time in receipt of any benefit, 30 days, and

(*b*) in any other case, 21 days,

following the date of issue of a notification in writing sent by registered post to the person from whom the said information and documents, as the case may be, are sought.

(2) The period prescribed for the purposes of section 251(10) shall be—

(*a*) in the case of State pension (non-contributory) and blind pension, 3 months, and

(*b*) in any other case, 7 days.

(3) Where a person who claims or is entitled to child benefit changes his or her place of residence he or she shall notify the Minister in writing thereof within 21 days after such change of residence.

Decision of deciding officer

191. (1) The decision of a deciding officer shall be in writing and signed by him or her.

(2) Where the decision of the deciding officer is not in favour of the person, the deciding officer shall set out in writing the reasons for the said decision.

(3) Subject to *sub-article (4)*, the Minister shall, as soon as may be after the decision is made, cause a memorandum of—

(*a*) the decision, and

(*b*) where it is not in favour of the person, the reasons for the said decision,

to issue to the person.

(4) In the case of a decision arising under section 300(2)(*a*), other than decisions arising under sub-paragraphs (i), (ii) and (iii) of that section, the Minister shall, as soon as may be after the decision is made, cause a memorandum of—

(*a*) the decision, and

(*b*) the reasons for the said decision,

to issue to the parties who are subject to the decision.

F487[Covid-19 pandemic unemployment payment

191A. (1) In the case of a decision made in accordance with section 300(2B) to approve a claim for Covid-19 pandemic unemployment payment, the Minister shall be deemed to have fulfilled the requirements of *article 191*.

(2) In the case of a decision by a deciding officer in accordance with section 300(2C) not to approve a claim for Covid-19 pandemic unemployment payment, or to award a rate lower than the maximum band, the Minister shall, as soon as may be after the decision is made, cause a memorandum of —

(*a*) the decision, and

(*b*) the reasons for the said decision,

to issue to the claimant.**]**

Annotations

Amendments:

F487 Inserted (30.11.2020 with retrospective effect from 5.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment — Ancillary Provisions) Regulations 2020* (S.I. No. 573 of 2020), art. 4(*c*), in effect as per art. 3.

CHAPTER 2

Payments

F488**[Manner of payment**

192. (1) Where, in accordance with a decision under the Principal Act or regulations made under that Act, benefit is payable to a claimant or beneficiary or to any other person authorised to receive payment of benefit under the said Act or regulations (in this article referred to as the 'authorised person'), that benefit shall be paid—

(*a*) as soon as practicable after such decision is made, and

(*b*) in the manner provided for in this article.

(2) For the purposes of *sub-article (1)*, benefit shall be paid—

(*a*) subject to *paragraph (b)*, by means of any one of the following methods as may be determined by the Minister in relation to any particular case or class of case:

(i) by cash payable at a post office designated by the claimant, beneficiary or authorised person, as the case may be, or where the Minister considers it appropriate, at a post office designated by the Minister;

(ii) by cheque;

(iii) by electronic funds transfer to an account nominated by the claimant, beneficiary or authorised person, as the case may be, and which is of a type determined by the Minister to be appropriate,

or

(*b*) where the circumstances so warrant, in such other manner as may be determined by the Minister to be appropriate.

(3) Where benefit is paid by electronic funds transfer in accordance with this article, the claimant, beneficiary or authorised person, as the case may be, shall be deemed to have received such payment.**]**

Annotations

Amendments:

F488 Substituted (4.09.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Manner of Payment) Regulations 2015* (S.I. No. 376 of 2015), art. 2(*a*).

Commencement of awards — child benefit

193. Where child benefit is awarded it shall commence to accrue as follows—

(*a*) on the 1st day of the month following that in which the claimant became a qualified person, provided that the claim has been made within the 6 months commencing on the 1st day of that month,

(*b*) in the case of a claim made by a person who becomes a qualified person by and on the death of another person who had been entitled to child benefit at the date of death, on the 1st day of the month following that in which the claim is made or, where a deciding officer or an appeals officer considers it appropriate, on the 1st day of the month following that in which the claimant became a qualified person,

(*c*) in any other case, on the 1st day of the month following that in which the claim is made.

Commencement of awards — early childcare supplement

194. F489**[**...**]**

Annotations

Amendments:

F489 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 4(*b*).

Editorial Notes:

E94 Previous affecting provision: article substituted (9.02.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Early Childcare Supplement) Regulations 2009* (S.I. No. 54 of 2009), art. 4, in effect as per art. 2; deleted (12.11.2012) as per F-Note above.

F490**[Domiciliary care allowance — commencement of awards**

194A. Where domiciliary care allowance is awarded it shall commence to accrue as follows—

(*a*) on the first day of the month following that in which the claim is made,

(*b*) in the case of a claim made by a person who becomes a qualified person by and on the death of another person who had been entitled to domiciliary care allowance at the date of death, on the 1st day of the month following that in which the claim is made or, where a deciding officer or an appeals officer considers it appropriate, on the 1st day of the month following that in which the claimant became a qualified person.**]**

Annotations

Amendments:

F490 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 5.

Editorial Notes:

E95 The article heading is taken from the amending article in the absence of one included in the amendment.

Normal residence — early childcare supplement

195. F491**[**...**]**

Annotations

Amendments:

F491 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 4(*b*).

Editorial Notes:

E96 Previous affecting provision: article substituted (12.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Child Benefit) Regulations 2007* (S.I. No. 859 of 2007), art. 6; deleted (12.11.2012) as per F-Note above.

Time of payment

196. (1) Subject to *sub-article (6)*, benefit shall be paid—

(*a*) in the case of jobseeker's benefit, illness benefit, disability allowance, F492**[**jobseeker's allowance (other than jobseeker's allowance payable to a person to whom section 148A applies),**]** pre-retirement allowance, F493**[**farm assist, continued payment for qualified children and back to work family dividend**]** on such days and at such intervals as the Minister may determine in any particular class of case,

F494**[**(*b*) in the case of carer's benefit, State pension (transition), invalidity pension, deserted wife's benefit, deserted wife's allowance or F492**[**prisoner's wife's allowance by virtue of section 178, jobseeker's allowance payable to a person to whom section 148A applies,**]** one-parent family payment (other than one-parent family payment payable in respect of a widow, a widower or a surviving civil partner) and carer's allowance, weekly in advance on the Thursday of each week,

(*c*) in the case of State pension (contributory), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, guardian'spayment (contributory), State pension (non-contributory), blind pension, widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension, guardian's payment (non-contributory) and one-parent family payment payable in respect of a widow, a widower or a surviving civil partner, weekly in advance on the Friday of each week,**]**

(*d*) in the case of child benefit, in advance on the 1st Tuesday of each month,

(*e*) in the case of F495**[**working family payment**]**, weekly in advance on the Thursday of each week, and

(*f*) F496**[**...**]**

F497**[**(*g*) in the case of domiciliary care allowance on the 3rd Tuesday of each month in respect of that month.**]**

(2) (*a*) Where the day from which a payment or a change in the rate of a payment under *sub-article (1)(b)* takes effect is a day of the week other than a Thursday, such payment or the change in the rate of such payment shall take effect as from and including the next following Thursday.

(*b*) Where a payment under *sub-article (1)(b)* ceases to be payable as from and including a day of the week other than a Thursday, such payment shall continue to be payable in respect of the days of the week up to but not including the next following Thursday.

(3) (*a*) Where the day from which a payment or a change in the rate of a payment under *sub-article (1)(c)* takes effect is a day of the week other than a Friday,

such payment or the change in the rate of such payment shall take effect as from and including the next following Friday.

(*b*) Where a payment under *sub-article (1)(c)* ceases to be payable as from and including a day of the week other than a Friday, such payment shall continue to be payable in respect of the days of the week up to but not including the next following Friday.

(4) (*a*) Where the day from which payment or a change in the rate of payment of F495**[**working family payment**]** takes effect, is a day of the week other than a Thursday, payment or the change in the rate of payment of F495**[**working family payment**]** shall take effect as from and including the next following Thursday.

(*b*) Where F495**[**working family payment**]** ceases to be payable as from and including a day of the week other than a Thursday, F495**[**working family payment**]** shall continue to be payable up to but not including the next following Thursday.

(*c*) Where a beneficiary makes a claim not more than 4 weeks before or after the end of a period for which F495**[**working family payment**]** is paid, any supplement payable on foot of such claim shall be payable immediately from the end of the period in respect of which F495**[**working family payment**]** was previously payable.

(5) F492**[**Other than in the case of jobseeker's allowance payable to a person to whom section 148A applies and notwithstanding section 141(1)**]** where—

(*a*) the first 3 days of unemployment in a continuous period of unemployment are days in respect of which the provisions of section 141(2)(*a*) apply, jobseeker's allowance may be paid in respect of any subsequent days of unemployment following the third such day up to but not including the next following Wednesday,

(*b*) the first day of unemployment for which jobseeker's allowance is claimed is a day of the week other than a Wednesday and is not a day to which the provisions of section 141(2)(a) apply, jobseeker's allowance may be paid in respect of that day and any subsequent days of unemployment up to but not including the next following Wednesday,

(*c*) a change in circumstances which affects the rate of jobseeker's allowance payable occurs on a day of the week other than a Wednesday, jobseeker's allowance shall be payable in respect of each day of unemployment in the week commencing on the previous Wednesday and the rate of allowance payable in respect of the day from which the change in circumstances occurs and any subsequent day of unemployment in the said week up to and including the next following Tuesday, shall be determined having regard to the change in circumstances,

(*d*) the day in respect of which a person ceases to be entitled to jobseeker's allowance is a day other than a Wednesday, jobseeker's allowance may be paid in respect of any day of unemployment as and from the preceding Wednesday up to but not including the said day, and

(*e*) in any period commencing on a Wednesday and ending on the next following Tuesday a person is disqualified under any provision of the Principal Act from receiving jobseeker's allowance in respect of any day in that period, jobseeker's allowance may be paid in respect of any remaining days of unemployment in the said period in respect of which any such disqualification does not apply.

(6) The Minister may, in any particular class of case, arrange for the payment of benefit otherwise than in accordance with the foregoing sub-articles where the circumstances so warrant.

Annotations

Amendments:

F492 Substituted (4.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Allowance Transition) Regulations 2013* (S.I. No. 244 of 2013), art. 6, in effect as per art. 3.

F493 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 5.

F494 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*g*).

F495 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F496 Sub-art. (1)(*f*) and Table deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 4(*c*).

F497 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 6.

Editorial Notes:

E97 Text above not reflective of intended amendment (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 6, in circumstances where the insertion of "jobseeker's benefit (self-employed)," after "jobseeker's benefit," in para. (*b*) of sub-article (1) was not possible, owing to the absence of that latter phrase from para. (*b*).

E98 Previous affecting provision: sub-art. (1)(*f*) substituted (9.02.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Early Childcare Supplement) Regulations 2009* (S.I. No. 54 of 2009), art. 5, in effect as per art. 2; deleted (12.11.2012) as per F-Note above.

Taking effect of revision on account of change of circumstances

197. In the case of child benefit, where on account of a relevant change of circumstances, a deciding officer or an appeals officer, as the case may be, revises a decision in accordance with sections 301 or 317 the revised decision shall take effect as follows—

(*a*) where, by virtue of the revised decision, the rate of child benefit will be increased—

(i) from the 1st day of the month following that in which the additional child becomes normally resident with the claimant, provided that the claim is made within 6 months commencing on the 1st day of that month,

(ii) in any other case, from the 1st day of the month following that in which the claim is made, or

(*b*) where, by virtue of the revised decision, child benefit will be disallowed or reduced—

(i) from the 1st day of the month following that in which there was a change of circumstances in any case where in relation to such change of circumstances there was a statement or representation (whether written or oral) which was to the knowledge of the person making it false or misleading in any material respect or there was any wilful concealment of a material fact,

(ii) in any other case, from the 1st day of such month as a deciding officer or appeals officer may determine having regard to the change of circumstances.

Payable orders

198. F498**[**...**]**

Annotations

Amendments:

F498 Deleted (4.09.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Manner of Payment) Regulations 2015* (S.I. No. 376 of 2015), art. 2(*b*).

Extinguishment of right to payment

199. (1) Subject to *sub-articles (2)* and *(3)*, where benefit has been awarded and is being paid to a person, the right to any sum payable by way of the benefit shall be extinguished where payment of the benefit is not obtained within 6 months.

(2) *Sub-article (1)* shall not apply in respect of any benefit where a deciding officer or an appeals officer is satisfied that entitlement to the payment exists and where—

(*a*) the sum payable is not received within the time allowed in *sub-article (1)* due to the mental or other incapacity of the beneficiary or his or her approved agent, or

(*b*) in any other case where a deciding officer or appeals officer is satisfied that there was good cause for the delay in claiming the payment within the time allowed in *sub-article (1)*.

(3) For the purposes of *sub-article (2)* "benefit" means—

(*a*) any benefit specified in section 39(1) (other than jobseeker's benefit under Chapter 12 of Part 2 F499**[**and jobseeker's benefit (self-employed) under Chapter 12A of Part 2**]**),

(*b*) any assistance specified in section 139(1) (other than jobseeker's allowance under Chapter 2 and supplementary welfare allowance under Chapter 9 of Part 3),

F500**[**(*c*) child benefit under Part 4.**]**

(*d*) F501**[**...**]**

Annotations

Amendments:

F499 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 7, in effect as per art. 2.

F500 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 4(*d*)(i).

F501 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 4(*d*)(ii).

F502[**Payments no longer due**

200. (1) A claimant or beneficiary who receives payment of child benefit or domiciliary care allowance in the manner provided for in *article 192(2)* shall—

(*a*) in accordance with *article 188(1)(b)*, notify the Minister of any change in circumstances which would affect his or her right to such benefit or allowance or to the receipt thereof, and

(*b*) return to the Minister or an officer of the Minister any payments in respect of such benefit or allowance to which that claimant or beneficiary was not entitled.

(2) Where a person fails to comply with this article, he or she shall be liable to repay, on demand, a sum equivalent to the child benefit or domiciliary care allowance received to which that person was not entitled.**]**

Annotations

Amendments:

F502 Substituted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 4(*e*).

Editorial Notes:

E99 Previous affecting provision: article amended (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 8; substituted (12.11.2012) as per F-Note above.

F503[Nominated persons

201. (1) This article applies to the following payments—

(*a*) blind pension,

(*b*) deserted wife's allowance,

(*c*) deserted wife's benefit,

(*d*) State pension (contributory),

(*e*) State pension (non-contributory),

(*f*) disablement benefit,

(*g*) widow's (contributory) pension,

(*h*) widower's (contributory) pension,

(*i*) surviving civil partner's (contributory) pension,

(*j*) widow's (non-contributory) pension,

(*k*) widower's (non-contributory) pension,

(*l*) surviving civil partner's (non-contributory) pension,

(*m*) death benefit payable in accordance with Chapter 13 of the Principal Act,

(*n*) carer's allowance,

(*o*) disability allowance, and

(*p*) invalidity pension.

(2) Subject to this article and to *article 201A,* where a payment under this article is payable to a person, that person may nominate another person who is over the age of 18 years to receive that payment on his or her behalf.

(3) A nomination under *sub-article (2)* shall be made—

(*a*) in respect of a temporary agent, to the payment service provider in the form for the time being approved by the payment service provider for that purpose,and

(*b*) in respect of a permanent agent, to the Minister in the form for the time being approved by him or her for that purpose.

(4) A nomination under *sub-article (2)* shall be subject to the consent of—

(*a*) the payment service provider in the case of a temporary agent, and

(*b*) the Minister in the case of a permanent agent.

(5) A nomination under *sub-article (2)* may be revoked by the person to whom a payment under this article is payable, on giving notice in writing of that fact to, as the case may be, the payment service provider or the Minister.

(6) The payment service provider or the Minister, as the case may be, may withdraw consent to a nomination under *sub-article (2)* where the payment service provider or the Minister considers that the circumstances so warrant.

(7) A person nominated under *sub-article (2)* shall pay the person to whom a payment specified under *sub-article (1)* is payable, the full amount of that payment without deduction of any kind.

(8) In this article—

"payment service provider" has the meaning given to it by section 289A of the Principal Act;

"temporary agent" means a person who has been nominated, in accordance with *sub-article (3),* to act as a temporary agent, whose nomination has been consented to by the payment service provider, subject to the number of payments a temporary agent may receive in accordance with this article being limited to 5 in a 6 month period;

"permanent agent" means—

(*a*) a person who has been nominated, in accordance with *sub-article (3)*, to act as a permanent agent, whose nomination has been consented to by the Minister, and

(*b*) a person who, subsequent to ceasing to act as a temporary agent, is nominated, in accordance with *sub-article (3)*, to act as a permanent agent, whose nomination has been consented to by the Minister.**]**

Annotations

Amendments:

F503 Substituted (23.01.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Nominated Persons) Regulations 2017* (S.I. No. 13 of 2017), art. 2.

Editorial Notes:

E100 Previous affecting provision: article substituted (24.09.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Payments to Nominated Persons) Regulations 2015* (S.I. No. 408 of 2015), art. 2(*a*); substituted (23.01.2017) as per F-Note above.

E101 Previous affecting provision: sub-art. (1) substituted and sub-art. (4) inserted (17.09.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Nominated Persons) Regulations 2009* (S.I. No. 378 of 2009), art. 2(*a*); substituted (24.09.2015) as per E-Note above.

F504**[Nomination of employer to receive payment of certain benefits**

201A. (1) This article applies to the following payments—

(*a*) illness benefit,

(*b*) maternity benefit,

(*c*) health and safety F505**[**benefit,**]**

(*d*) adoptive F506**[**benefit,**]**

F507**[**(*e*) paternity F508**[**benefit, and**]]**

F509**[**(*f*) parent's benefit.**]**

(2) Where a payment to which this article applies is payable to a person, that person may, subject to the consent of the Minister, nominate his or her employer to receive that payment on his or her behalf.

(3) Every nomination under *sub-article (2)*—

(*a*) shall be made to the Minister in the form for the time being approved by him or her, and

(*b*) may be revoked by the person to whom benefit is payable on giving notice in writing of that fact to the Minister.

(4) The Minister may withdraw his or her consent to a nomination under *sub-article (2)* where he or she considers that the circumstances so warrant.**]**

Annotations

Amendments:

F504 Inserted (24.09.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Payments to Nominated Persons) Regulations 2015* (S.I. No. 408 of 2015), art. 2(*b*).

F505 Substituted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 7(*a*), in effect as per art. 3.

F506 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 8(*a*), in effect as per art. 3.

F507 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 7(*c*), in effect as per art. 3.

F508 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 8(*b*), in effect as per art. 3.

F509 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 8(*c*), in effect as per art. 3.

Editorial Notes:

E102 Previous affecting provision: sub-art. (1)(*d*) amended (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 7(*b*), in effect as per art. 3; substituted (1.11.2019) as per F-Note above.

F510**[Persons unable to manage financial affairs**

202. (1) Subject to *sub-article (6)* this article applies to a claimant or beneficiary who—

(*a*) is under 16 years of age, or

(*b*) subject to *sub-article (2)* is certified by a registered medical practitioner in the prescribed form, to be a person who is unable for the time being to manage his or her own financial affairs.

(2) For the purpose of this article, the circumstances in which a person is deemed to be unable to manage his or her own financial affairs may include one or more of the following:

(*a*) an inability to understand the basis of possible entitlements to benefit;

(*b*) an inability to understand and complete the claim form;

(*c*) an inability to understand and deal with correspondence and enquiries concerning the claim;

(*d*) an inability to manage benefit payments received.

(3) In the case of a claimant or beneficiary to whom *sub-article (1)* applies the Minister may subject to *sub-article (6)* appoint a person over the age of 18 years belonging to one of the following classes of persons to exercise on behalf of the claimant or beneficiary any right or power otherwise exercisable under the Principal Act by the claimant or beneficiary—

F511**[**(*a*) the spouse or civil partner (within the meaning of section 3(10) of the Principal Act) of the claimant or beneficiary;**]**

(*b*) a parent, step parent or foster parent of the claimant or beneficiary;

(*c*) a legal guardian of the claimant or beneficiary;

(*d*) a child or step-child of the claimant or beneficiary;

(*e*) a brother or sister, step-brother or step-sister; half-brother or half-sister of the claimant or beneficiary;

(*f*) a son-in-law or daughter-in-law of the claimant or beneficiary;

(*g*) a niece or nephew of the claimant or beneficiary;

(*h*) a grandchild of the claimant or beneficiary;

(*i*) a grandparent of the claimant or beneficiary;

(*j*) an aunt or uncle of the claimant or beneficiary;

(*k*) a person who has been appointed to be a care representative of the claimant or beneficiary pursuant to section 21 of the Nursing Homes Support Scheme Act 2009 (No. 15 of 2009);

(*l*) a person, other than the registered medical practitioner who certified the claimant or beneficiary under *sub-article (1)(b)*, who appears to the Minister to have a good and sufficient interest in the welfare of the claimant or beneficiary.

(4) (*a*) Where a claimant or beneficiary within the meaning of *sub-article (1)* is or is likely to be resident in an institution for a continuous period of at least four weeks and where no other suitable person is available and willing to be appointed under *sub-article (3)*, the Minster may appoint a representative of the institution to exercise on behalf of the claimant or beneficiary any right or power otherwise exercisable under the Principal Act by the claimant or beneficiary.

(*b*) Where a representative of an institution is appointed pursuant to *paragraph (a)*, payment of benefit may be made directly to a central account of the Executive.

(5) The Minister shall not appoint a person under this article to act on behalf of the claimant or beneficiary if that person has been—

(*a*) adjudicated a bankrupt unless the bankruptcy has been discharged or the adjudication annulled,

(*b*) convicted of an offence involving fraud or dishonesty, or

(*c*) convicted of an offence against the person or property of the claimant or beneficiary concerned.

(6) This article does not apply to a claimant or beneficiary within the meaning of *sub-article (1)(b)* who—

(*a*) is a ward of court, or

(*b*) has appointed a person to be his or her attorney under an enduring power of attorney and—

(i) the attorney is not prohibited or restricted by the terms of the power from performing any matter to which this article applies, and

(ii) the enduring power of attorney has been registered and the registration has not been cancelled.

(7) An appointment made under *sub-article (3)* or *(4)* 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.

(8) Anything required to be done by a claimant or beneficiary in relation to benefit may be done as respects a claimant or beneficiary, who is unable to act, by the person appointed under this article to act on his or her behalf.

(9) In this article, "institution" has the same meaning as in section 224(1).**]**

Annotations

Amendments:

F510 Substituted (17.09.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Nominated Persons) Regulations 2009* (S.I. No. 378 of 2009), art. 2(*b*).

F511 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*h*).

F512**[Obligations of appointed person**

202A. (1) Where a person is appointed under *article 202(3)* or *(4)* he or she shall have a duty to act in the best interests of the claimant or beneficiary and shall—

(*a*) act in a personal capacity and shall not delegate responsibility to any other person,

(*b*) subject to *paragraph (c)*, receive and deal with any sum payable by way of benefit on behalf of the claimant or beneficiary,

(*c*) in the case of a person appointed under *article 202(4)(a)* where payment of benefit is made directly to the Executive pursuant to *article 202(4)(b)*, deal with the balance of any sum payable by way of benefit after deductions specified in the Health (Charges for in-patient Services) Regulations 2005 (S.I. No. 276 of 2005) (as amended by the Health (Charges For In-Patient Services) (Amendment) Regulations 2008 (S.I. No. 521 of 2008)), have been made in respect of in-patient care in the institution,

(*d*) subject to *sub-article (e)* make payments only on items or services which are of benefit to the claimant or beneficiary including all reasonable expenses for assuring the personal welfare of the person concerned,

(*e*) not spend money on items or services to which the claimant or beneficiary has an entitlement where those items or services are available and accessible to the person concerned,

(*f*) ensure that the balance of any benefit is lodged to an interest bearing account for the benefit of the claimant or beneficiary,

(*g*) keep a record of all sums received by way of benefit which have been lodged to an interest bearing account on behalf of the claimant or beneficiary,

(*h*) keep a record of all other transactions made in relation to sums received by way of benefit on behalf of the claimant or beneficiary, and

(*i*) produce the records specified at *paragraphs (g)* and *(h)* when requested to do so by the claimant or beneficiary or by his or her nearest relative or by an officer of the Minister.

(2) For the purpose of this article "nearest relative" means a person over the age of 18 years belonging to one of the classes of persons listed in *sub-article 202 (3)(a)* to *(j)* who was caring for the claimant or beneficiary immediately before his or her admission to an institution.**]**

Annotations

Amendments:

F512 Inserted (17.09.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Nominated Persons) Regulations 2009* (S.I. No. 378 of 2009), art. 2(*c*).

Payment to appointed persons

203. (1) The Minister may, where it appears to him or her that the circumstances so warrant, appoint a person to receive and deal with, on behalf of a claimant or beneficiary, so much of the benefit as is payable in respect of—

(*a*) illness benefit, by virtue of sections 43(1) and 43(2),

(*b*) jobseeker's benefit, by virtue of sections 66(1) and 66(2),

F513**[**(*ba*) jobseeker's benefit (self-employed), by virtue of sections 68G(1) and 69G(3),**]**

(*c*) State pension (contributory), by virtue of sections 112(1) and 112(2),

(*d*) State pension (transition), by virtue of sections 117(1) and 117(2),

(*e*) invalidity pension, by virtue of sections 122(1) and 122(2),

F514**[**(*f*) widow's (contributory) pension, widower's (contributory) pension or surviving civil partner's (contributory) pension, by virtue of section 127(1),**]**

(*g*) in respect of jobseeker's allowance—

(i) where the weekly rate payable is a scheduled rate, so much of the allowance as is payable by virtue of sections 142(1)(*b*)(i) and 142(1)(*b*)(ii),

(ii) where the weekly rate payable is less by reason of means than the applicable scheduled rate, so much of the allowance as is payable by virtue of sections 142(1)(*b*)(i) and 142(1)(*b*)(ii), reduced in the proportion that the weekly rate actually payable bears to the applicable scheduled rate,

(*h*) in respect of pre-retirement allowance—

(i) where the weekly rate payable is a scheduled rate, so much of the allowance as is payable by virtue of sections 150(1)(*a*) and (*b*),

(ii) where the weekly rate payable is less by reason of means than the applicable scheduled rate, so much of the allowance as is payable by virtue of sections 150(1)(*a*) and (*b*) reduced in the proportion that the weekly rate actually payable bears to the applicable scheduled rate,

(*i*) in respect of State pension (non-contributory) or blind pension—

F514**[**(i) subject to *sub-paragraph (ii)*, so much of the pension as is payable in respect of a qualified child together with any increase for a spouse, civil partner or cohabitant, as the case may be,**]**

(ii) in the case of a person in respect of whom no increase is payable for a spouse, the rate payable in respect of a qualified child of such person shall be so much of the pension as is equal to the difference between the pension actually payable to the claimant and the pension that would be payable to a claimant who has no qualified child when the means as duly calculated in both cases fall within the same range in the appropriate statutory table of rates,

(*j*) deserted wife's benefit, by virtue of section 178,

(*k*) in respect of one-parent family payment, so much of that payment as is payable to the claimant or beneficiary in respect of a qualified child by virtue of section 174(1),

(*l*) disability allowance—

(i) where the weekly rate payable is a scheduled rate, so much of the allowance as is payable by virtue of sections 211(1)(*a*) and 211(1)(*b*),

(ii) where the weekly rate payable is less by reason of means than the applicable scheduled rate, so much of the allowance as is payable by virtue of sections 211(1)(*a*) and 211(1)(*b*), reduced in the proportion that the weekly rate actually payable bears to the applicable scheduled rate,

(*m*) in respect of farm assist—

(i) where the weekly rate payable is a scheduled rate, so much of the allowance as is payable by virtue of sections 215(1)(*a*) and 215(1)(*b*);

(ii) where the weekly rate payable is less by reason of means than the applicable scheduled rate, so much of the allowance as is payable by virtue

of sections 215(1)(*a*) and 215(1)(*b*), reduced in the proportion that the weekly rate actually payable bears to the applicable scheduled rate, and

(*n*) in respect of continued payment for qualified children, so much as is payable by virtue of section 235.

(2) The Minister may, where it appears to him or her that the circumstances so warrant, appoint a person to receive and deal with F515**[**working family payment**]**, on behalf of a claimant or beneficiary.

Annotations

Amendments:

F513 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 8, in effect as per art. 2.

F514 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*i*)(i), (ii).

F515 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

Payment to appointed person living together with applicant

204. Notwithstanding the provisions of *article 203*, in the case of a claimant or beneficiary who is living together with a person in respect of whom he or she is entitled to or in receipt of an increase of benefit, for a F516**[**qualified adult, spouse, civil partner or cohabitant, as the case may be**]**, the Minister may, where the circumstances so warrant, appoint the F516**[**qualified adult, spouse, civil partner or cohabitant, as the case may be**]** to receive and deal with on behalf of the claimant or beneficiary—

(*a*) in respect of illness benefit, so much of the benefit as is payable by virtue of section 43(2), together with one-half of the benefit as is payable by virtue of sections 42 and 43(1),

(*b*) in respect of jobseeker's benefit, so much of the benefit as is payable by virtue of section 66(2), together with one-half of the benefit as is payable by virtue of sections 65 and 66(1),

F517**[**(*ba*) in respect of jobseeker's benefit (self-employed), so much of the benefit as is payable by virtue of section 68G(3), together with one half of the benefit as is payable by virtue of sections 68E and 68G(1),**]**

(*c*) in respect of State pension (contributory), so much of the pension as is payable by virtue of section 112(2), together with one-half of the pension as is payable by virtue of sections 111, 112(1) and 112(5),

(*d*) in respect of State pension (transition), so much of the pension as is payable by virtue of section 117(2), together with one-half of the pension as is payable by virtue of sections 116, 117(1) and 117(5),

(*e*) in respect of invalidity pension, so much of the pension as is payable by virtue of section 122(2) together with one-half of the pension as is payable by virtue of sections 121, 122(1) and 122(5),

(*f*) in respect of jobseeker's allowance—

(i) where the weekly rate payable is a scheduled rate, so much of the allowance as is payable under section 142(1)(*b*)(ii) together with one-half of the aggregate sum of the appropriate rate of jobseeker's allowance as

set out in column (2) of Part 1 of Schedule 4 to the Principal Act and the increase in allowance payable by virtue of section 142(1)(*b*)(i),

(ii) where the weekly rate payable is less by reason of means than the applicable scheduled rate, so much of the allowance as is payable by virtue of section 142(1)(*b*)(ii), together with one-half of the aggregate of—

(I) the appropriate rate of jobseeker's allowance as set out in column (2) of Part 1 of Schedule 4 to the Principal Act, and

(II) the increase in allowance payable by virtue of section 142(1)(*b*)(i), reduced in proportion that the weekly rate actually payable bears to the applicable scheduled rate,

reduced in the proportion that the weekly rate actually bears to the applicable scheduled rate.

(*g*) in respect of pre-retirement allowance—

(i) where the weekly rate payable is a scheduled rate, so much of the allowance as is payable by virtue of paragraph (*b*) of section 150(1), together with one-half of the aggregate sum of the appropriate rate of pre-retirement allowance as set out in column (2) of Part 1 of Schedule 4 to the Principal Act and the increase in allowance payable by virtue of section 150(1)(*a*),

(ii) where the weekly rate payable is less by reason of means than the applicable scheduled rate, so much of the allowance as is payable by virtue of section 150(1)(*b*) together with one-half of the aggregate of—

(I) the appropriate rate of pre-retirement allowance as set out in column (2) of Part 1 of Schedule 4 to the Principal Act, and

(II) the increase in allowance payable by virtue of section 150(1)(*a*),

reduced in the proportion that the weekly rate actually bears to the applicable scheduled rate.

(*h*) in respect of State pension (non-contributory) or blind pension—

(i) where the weekly rate payable is a scheduled rate, any increase of pension payable in respect of a qualified child by virtue of section 156(1) or 161B(1), together with one-half of the aggregate of—

(I) the rate of pension as set out at column (2) of reference 4 or 5, as the case may be, of Part 1 of Schedule 4 to the Principal Act,

(II) the increase in pension payable by virtue of section 157(1)(*a*) or 161C(1)(*a*), as the case may be,

and

(III) the increase in pension payable by virtue of section 157(1)(*c*),

(ii) where the weekly rate payable is less by reason of means than the applicable scheduled rate, any increase of pension payable in respect of a qualified child by virtue of section 156(1) or 161B(1), together with one-half of the difference between the pension payable to the claimant and any increase of pension payable in respect of a qualified child by virtue of section 156(1) or 161B(1),

(*i*) in respect of disability allowance—

(i) where the weekly rate payable is a scheduled rate, so much of the allowance as is payable under section 211(1)(*b*) together with one-half of

the aggregate sum of the appropriate rate of disability allowance as set out in column (2) of Part 1 of Schedule 4 to the Principal Act and the increase in the allowance payable by virtue of section 211(1)(*a*),

(ii) where the weekly rate payable is less by reason of means, than the applicable scheduled rate, so much of the allowance as is payable by virtue of section 211(1)(*b*), together with one-half of the aggregate of—

(I) the appropriate rate of disability allowance as set out in Column (2) of Part 1 of Schedule 4 to the Principal Act, and

(II) the increase in the allowance payable by virtue of section 211(1)(*a*),

reduced in proportion that the weekly rate actually bears to the applicable scheduled rate,

(*j*) in respect of farm assist—

(i) where the weekly rate payable is a scheduled rate, so much of the payment as is payable under section 215(1)(*b*) together with one half of the aggregate sum of the appropriate rate of farm assist as set out in column (2) of Part 1 of Schedule 4 to the Principal Act and the increase in the allowance payable by virtue of section 215(1)(*a*),

(ii) where the weekly rate payable is less by reason of means than the applicable scheduled rate, so much of the allowance as is payable by virtue of section 215(1)(*b*) together with one half of the aggregate of—

(I) the appropriate rate of farm assist as set out in column (2) of Part 1 of Schedule 4 to the Principal Act, and

(II) the increase in the allowance payable by virtue of section 215(1)(*a*),

reduced in the proportion that the weekly rate actually payable bears to the applicable scheduled rate, and

(*k*) in respect of continued payment for qualified children, so much as is payable by virtue of section 235.

Annotations

Amendments:

F516 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*j*).

F517 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 9, in effect as per art. 2.

Editorial Notes:

E103 Previous affecting provision: article amended (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 12, in effect as per art. 2(1); substituted (21.11.2011) as per F-Note above.

Payments on death

205. In the case of any benefit, other than child benefit F518**[**, domiciliary care allowance**]** and death grant, on the death of any claimant or beneficiary, the Minister may allow such person as he or she may think fit to proceed with or to make a claim for such benefit in the name of such claimant or beneficiary.

Annotations

Amendments:

F518 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 9(*a*).

F519**[Sum payable on death for child benefit and domiciliary care allowance**

206. (1) Subject to this Chapter, the Minister may pay a sum payable on death if a claim to such sum is made to him or her within 6 months of the date of death or such longer time as the Minister may determine, having regard to the circumstances of the particular case.

2. In this article "sum payable on death" in relation to a deceased person means—

(*a*) where he or she was entitled to child benefit and domiciliary care allowance, any sum on account of such benefit which became payable within 6 months before the date of his or her death but has not been paid,

(*b*) where he or she applied for child benefit and domiciliary care allowance for which he or she was qualified and died before the claim was allowed, any sum which would have become payable on account of such benefit up to the date of his or her death, if the claim had been allowed immediately before his or her death.**]**

Annotations

Amendments:

F519 Substituted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 9(*b*).

Distribution of sum payable on death

207. (1) On the death of a claimant or beneficiary any sum payable in respect of any benefit including a sum payable on death within the meaning of *article 206(2)* 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 claimant or beneficiary dies 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 persons receiving that sum,

(*b*) where the claimant or beneficiary dies 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 claimant or beneficiary) or to or among such of the said persons as the Minister thinks fit and that to the exclusion of all others.

(2) The receipt by any person of or over the age of 16 years of any sum paid in accordance with this article shall be a good discharge to the Minister (and, in the case of benefit under Part 2, to the Minister and to the Social Insurance Fund) for the sum so paid.

(3) Where the Minister is satisfied that any sum or part thereof payable under this article is needed for the benefit of any person under the age of 16, he or she may obtain a good discharge therefor by paying the sum or part thereof to a person over

that age who satisfies the Minister that he or she will apply the sum so paid for the benefit of the person under the age of 16.

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

Payments after death

208. (1) For the purposes of this article—

"continued payment" means benefit payable by virtue of section 248(2);

"deceased beneficiary" means a person in respect of whom a continued payment is payable;

F520**[**"related person" means—

(*a*) the person in respect of whom the deceased beneficiary was receiving an increase in respect of a qualified adult, or in respect of whom such an increase would have been payable but for the receipt by the spouse, civil partner or cohabitant of the deceased beneficiary of a benefit in his or her own right, or

(*b*) the person entitled to payment of the benefit in accordance with paragraph (*b*), (*c*), (*d*), (*e*), (*ea*), (*eb*), (*ec*) or (*ed*) of section 248(2).**]**

(2) A continued payment shall be made to the related person of the deceased beneficiary.

(3) (*a*) Where the related person entitled to a continued payment—

(i) is unable to act, or

(ii) dies and the continued payment includes an increase in respect of a qualified child, the Minister may appoint some other person to exercise on behalf of such related person any right or power which such related person may be entitled to exercise in relation to the continued payment.

(*b*) The receipt of a person appointed to act under this sub-article shall be a good discharge to the Minister (and, in the case of benefit under Part 2, to the Minister and to the Social Insurance Fund) for any amounts so paid.

(*c*) Where the related person entitled to a continued payment dies and the continued payment does not include an increase in respect of a qualified child the right to the continued payment shall be extinguished.

(4) Subject to *sub-article (5)*, a continued payment shall be subject to the following conditions—

(*a*) evidence of the death of a deceased beneficiary shall be furnished by or on behalf of the related person,

(*b*) the provisions of Chapter 4 of this Part shall not apply to continued payments.

(5) The application of F521**[***sub-article***]** *(4)* shall not be read as entitling a related person to a continued payment at a higher rate than the rate of benefit which had been payable to the deceased beneficiary.

(6) (*a*) In any case where the amount of the continued payment is less than the amount of the pension, allowance or benefit which, but for the provisions of section 248(2)(*f*) would have been payable for the same period, the provisions of the said section shall not apply, but any amount already paid by way of continued payment shall be treated as payment on account of such pension, allowance or benefit.

(*b*) In any case where payment has been made to a related person of any pension, allowance or benefit referred to in section 248(2)(*f*) in respect of the whole or part of the period in respect of which a continued payment is due the amount so paid by way of such pension, allowance or benefit shall be treated as having been paid on account of the continued payment.

(7) F522**[**...**]**

Annotations

Amendments:

F520 Substituted (17.02.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Payments after Death) Regulations 2020* (S.I. No. 50 of 2020), art. 2(*a*).

F521 Substituted (17.02.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Payments after Death) Regulations 2020* (S.I. No. 50 of 2020), art. 2(*b*).

F522 Deleted (17.02.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Payments after Death) Regulations 2020* (S.I. No. 50 of 2020), art. 2(*c*).

Editorial Notes:

E104 Previous affecting provision: sub-art. (7) amended (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3); deleted (17.02.2020) as per F-Note above.

E105 Previous affecting provision: definition of "related person" in sub-art. (1) substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*k*); substituted (17.02.2020) as per F-Note above.

Offences

F523**[209.** A person who fails to comply with *article 188(1)*, *198(3)*, *201(3)* or *202A* shall be guilty of an offence and shall be liable on summary conviction to the penalties provided for in section 257(*a*).**]**

Annotations

Amendments:

F523 Substituted (17.09.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Nominated Persons) Regulations 2009* (S.I. No. 378 of 2009), art. 2(*d*).

F524**[Provisions relating to nominations and appointments**

210. (1) The Minister may at any time revoke an appointment made under *article 202*, *203* or *204* and a person appointed may resign on giving to the Minister one months notice of his or her intention to do so.

(2) The receipt of benefit by a person—

(*a*) nominated under *article 201* or *201A*, or

(*b*) appointed under *article 202*, *203* or *204*,

shall be a good discharge to the Minister and, in the case of benefit payable under Part 2 of the Principal Act, to the Minister and to the Social Insurance Fund of any amount so paid.**]**

Annotations

Amendments:

F524 Substituted (24.09.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Payments to Nominated Persons) Regulations 2015* (S.I. No. 408 of 2015), art. 2(*c*).

CHAPTER 3

Loss of Purchasing Power

Definitions

211. In this Chapter—

"arrears" means arrears of benefit due to a person in respect of the relevant period, having been reduced, where appropriate, in accordance with sections 205 or 251(11);

"benefit" means—

(*a*) any benefit payable specified in section 39(1),

(*b*) any assistance specified in section 139(1) (other than supplementary welfare allowance under Chapter 9 of Part 3),

(*c*) child benefit under Part 4,

(*d*) F525**[**...**]**

(*e*) F526**[**working family payment**]** under F527**[**Part 6,**]**

(*f*) continued payment for qualified children under F527**[**Part 7, and**]**

F528**[**(*g*) back to work family dividend under Part 7A;**]**

"consumer price index" means the All Items Consumer Price Index Number supplied by the Central Statistics Office;

"inflation factor" means a figure calculated in accordance with the following formula:

(present index / previous index) - 1;

"present index"—

(*a*) for the purposes of *article 213*, means the last available consumer price index on the date on which the arrears are paid, and

(*b*) for the purposes of *article 214*, means the last available consumer price index on the date on which the payment in respect of the loss of purchasing power is paid;

"previous index"—

(*a*) for the purposes of *article 213(a)*, means the consumer price index appropriate to the end of the 12 month period or to the end of the period for which arrears are due if less than 12 months,

(*b*) for the purposes of *article 213(b)* and *(c)* means the consumer price index appropriate to each period for which a payment in respect of loss of purchasing power is being calculated, and

(*c*) for the purposes of *article 214* means the consumer price index on the date arrears are paid;

"relevant period" means the period referred to in *article 212(2)*;

"the Central Statistics Office" means the Central Statistics Office established by the Statistics Act 1993 (No. 21 of 1993).

Annotations

Amendments:

F525 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 4(*f*).

F526 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F527 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 6(*a*), (*b*).

F528 Inserted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 6(*c*).

Payment in respect of loss of purchasing power

212. (1) Payment in respect of the loss of purchasing power shall be made to a person who makes a claim for any benefit (including any increase thereof) where—

(*a*) the payment of his or her claim is delayed for a period exceeding 12 months, and

(*b*) a deciding officer or an appeals officer, decides that the delay was due solely or mainly to circumstances within the control of the Department, and

(*c*) the person has not contributed to the delay.

(2) A payment under *sub-article (1)* shall be made in respect of such period as a deciding officer or an appeals officer decides that the delay continued, having regard to the facts of the case.

Calculation of amount

213. Payment to a person by virtue of *article 212* shall be the sum of—

(*a*) an amount if any, calculated by multiplying the arrears due for the period of 12 months from the date of commencement of the relevant period by the inflation factor, plus

(*b*) an amount if any, calculated by multiplying the arrears due for each calendar quarterly period or part of quarterly period thereafter, where the period occurs prior to 1 January 1997, by the inflation factor, plus

(*c*) an amount if any, calculated by multiplying the arrears due for each calendar month thereafter, where the period occurs on or after 1 January 1997, by the inflation factor.

Delay in issue of purchasing power payment

214. In the case of a person to whom *article 212* applies and to whom arrears have issued in advance of the payment in respect of the loss of purchasing power, the payment calculated in accordance with *article 212*, shall be increased, where appropriate, by the inflation factor.

Payment of an amount of costs

215. Where a person to whom *article 212* applies has necessarily incurred incidental expenses as a result of the delay in payment of the benefit, he or she shall be entitled to a payment of the expenses in so far as they exceed €12.70 and subject to a maximum

of €63.50 provided he or she produces such evidence as may be required of such expenditure.

Rounding

216. The amount payable under this Chapter shall be rounded up to the nearest 10 cent where it is a multiple of 5 cent but not also a multiple of 10 cent and shall be rounded to the nearest 10 cent where it is not a multiple of 5 cent or 10 cent.

CHAPTER 4

Absence from State and Imprisonment

Exception from disqualification for periods of absence from State

217. Notwithstanding section 249, a person who is absent from the State shall not be disqualified for receiving—

F529**[**(*a*) State pension (contributory), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, guardian's payment (contributory) or bereavement grant, (including any increase thereof), by reason only of the person being absent from the State,**]**

(*b*) illness benefit (including any increase thereof)—

(i) during such period as the Minister may allow, having regard to the circumstances of the case, if the absence is temporary and for the specific purpose of receiving treatment for incapacity which commenced before the person left the State,

(ii) while he or she is a person to whom the provisions of article 98 of the Regulations of 1996 apply,

(*c*) maternity benefit—

(i) during such period as the Minister may allow, having regard to the circumstances of the case, if the absence is temporary and for the specific purpose of receiving treatment for incapacity which commenced before the person left the State,

(ii) while he or she is a person to whom the provisions of article 98 of the Regulations of 1996 apply,

F530**[**(iii) while that person is on holiday for a period or periods not exceeding six weeks in total during the period of entitlement to the benefit,**]**

F531**[**(*d*) subject to *paragraph (da)*, jobseeker's benefit or jobseeker's benefit (self-employed), (including any increase thereof) for any period during which that person, or his or her qualified adult, is absent from the State—

(i) in respect of the first two weeks of any such absence in a calendar year, provided that during the period of his or her absence from the State the person does not engage in gainful employment of any nature and he or she submits such evidence to that effect as the Minister may require, or

(ii) while representing Ireland in an amateur capacity at an international sporting event, or

(iii) during such period as the Minister may allow, having regard to the circumstances of the case, if the absence is temporary and due to force majeure,**]**

F532**[**(*da*) jobseeker's benefit or jobseeker's benefit (self-employed), (including any increase thereof) by reason only of the person being temporarily absent from the State, where that person is a person has attained the age of 65 years, provided that during the period of his or her absence from the State

the person does not engage in gainful employment of any nature and he or she submits such evidence to that effect as the Minister may require,**]**

(*e*) carer's benefit (including any increase thereof) for any period during which the carer is absent from the State—

(i) on holiday in respect of the first three weeks of any such absence in a calendar year, or

(ii) during such period as the Minister may allow, having regard to the circumstances of the case, if the absence is temporary and for the specific purpose of accompanying a relevant person while that person is receiving treatment for a disability which commenced before the person left the State,

(*f*) State pension (transition) (including any increase thereof) by reason only of the person being absent from the State provided that during the period of his or her absence from the State the person does not engage in gainful employment of any nature and he or she submits such evidence to that effect as the Minister may require,

(*g*) invalidity pension (including any increase thereof) by reason only of the person being absent from the State for such period as the Minister may allow, having regard to the circumstances of the case, provided that the person furnishes such medical evidence of incapacity as the Minister may, from time to time, require,

(*h*) carer's allowance (including any increase thereof) for any period during which the carer is absent from the State—

(i) on holiday in respect of the first three weeks of any such absence in a calendar year, or

(ii) during such period as the Minister may allow, having regard to the circumstances of the case, if the absence is temporary and for the specific purpose of accompanying a relevant person while that person is receiving treatment for a disability which commenced before the person F533**[**left the State,**]**

F534**[**(*i*) domiciliary care allowance for any period during which the qualified person is absent from the State on holidays in respect of the first 3 weeks of any such absence in a F533**[**calendar year,**]]**

F530**[**(*j*) paternity benefit for a period not exceeding two weeks while that person is on holiday during the period of entitlement to the benefit,

(*k*) adoptive benefit for a period or periods not exceeding six weeks in total while that person is on holiday during the period of entitlement to F535**[**the benefit,**]]**

F536**[**(*l*) parent's benefit for a period not exceeding two weeks while that person is on holiday during the period of entitlement to the benefit.**]**

Annotations

Amendments:

F529 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*l*).

F530 Inserted (23.01.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Absence from the State) Regulations 2017* (S.I. No. 12 of 2017), art. 2(*a*).

F531 Substituted (30.09.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Absence from the State) Regulations 2022* (S.I. No. 495 of 2022), art. 2(*a*).

F532 Inserted (30.09.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Absence from the State) Regulations 2022* (S.I. No. 495 of 2022), art. 2(*b*).

F533 Substituted (23.01.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Absence from the State) Regulations 2017* (S.I. No. 12 of 2017), art. 2(*b*), (*c*).

F534 Inserted (30.04.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009), art. 7.

F535 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 9(*a*), in effect as per art. 3.

F536 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 9(*b*), in effect as per art. 3.

Editorial Notes:

E106 Previous affecting provision: para. (*d*)(i) amended (10.07.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Absence from the State) Regulations 2020* (S.I. No. 242 of 2020), art. 2; substituted (30.09.2022) as per F-Note above.

E107 Previous affecting provision: para. (*d*) amended (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 10, in effect as per art. 2; substituted (30.09.2022) as per F-Note above.

Exception from disqualification during penal servitude, imprisonment or detention in legal custody

218. (1) F537**[**(*a*) Section 249 shall not operate so as to disqualify a person for receiving illness benefit, maternity benefit, jobseeker's benefit, F538**[**jobseeker's benefit (self-employed),**]** State pension (contributory), State pension (transition), invalidity pension, widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, bereavement grant or guardian's payment (contributory), (including in each case, subject to *paragraph (b)*, any increase thereof), in respect of any period during which the person is detained (other than in the case of a person found not guilty by reason of insanity under the provisions of the Criminal Law (Insanity) Act 2006 (No. 11 of 2006)) in any institution for the treatment of mental illness or infectious disease.**]**

(*b*) No increase in respect of a qualified child under section 43, 66, F538**[***68G*,**]** 112, 117, 122 or 127 shall be payable to a person to whom *paragraph (a)* applies.

(2) Subject to *sub-article (1)*, section 249 shall not operate so as to disqualify a person undergoing a period of penal servitude, imprisonment or detention in legal custody—

(*a*) for receiving bereavement grant,

F539**[**(*b*) for receiving illness benefit, invalidity pension, State pension (transition), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), widow's (non-contributory) pension, widower's (non-contributory) pension or surviving civil partner's (non-contributory) pension (including, in each case, any increase thereof) if—

(i) the detention is in respect of his or her being charged with a criminal offence, and

(ii) the charge is subsequently withdrawn or he or she is acquitted of the offence, and

(iii) in the case of illness benefit, immediately before the detention he or she was entitled to the said benefit or would, but for section 40(2) have been so entitled,

(*c*) for receiving invalidity pension, State pension (transition), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), widow's (non-contributory) pension, widower's (non-contributory) pension or surviving civil partner's (non-contributory) pension (including, in each case, any increase thereof) if, in a case of imprisonment, the imprisonment is undergone as the alternative to payment of a fine.**]**

(3) Subject to *sub-article (1)*, section 249 shall not operate so as to prohibit payment of an increase in respect of a qualified adult under sections 43, 66, 112, 117 and 122 for any period during which the qualified adult is undergoing detention in legal custody if—

(*a*) the detention is in respect of his or her being charged with a criminal offence, and

(*b*) the charge is subsequently withdrawn or he or she is acquitted of the offence.

(4) F540**[**(*a*) Subject to *paragraph (b)* and notwithstanding that a person, by reason of undergoing a period of penal servitude, imprisonment or detention in legal custody is disqualified by virtue of section 249 for receiving illness benefit, invalidity pension, State pension (transition), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension (including, in each case, any increase in respect of a qualified adult or qualified child), the increase shall be paid to any person appointed by the Minister to receive and deal with any sums payable on account of such increase for the benefit of the person or persons in respect of whom the increase is payable, and the receipt of any person so appointed shall be a good discharge to the Minister and the Social Insurance Fund, where appropriate, for any sum so paid.**]**

(*b*) In the case of illness benefit, *paragraph (a)* shall only apply where the said person is a person detained in an institution for the treatment of mental illness or is a person who was entitled to such benefit immediately before the commencement of any such period, or would, but for section 40(2) have been so entitled.

Annotations

Amendments:

F537 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*m*)(i).

F538 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 11(*a*), (*b*), in effect as per art. 2.

F539 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*m*)(ii).

F540 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*m*)(iii).

Suspension of payment of benefit during penal servitude, imprisonment or detention in legal custody

219. (1) Subject to the provisions of *articles 218(1)* and *(4)* and *sub-article (2)*, the payment to any person of any benefit, grant, pension or payment or increase of that benefit, pension or payment—

(*a*) which is excepted from the provisions of section 249 by virtue of *article 218*, or

(*b*) which is payable otherwise than in respect of a period during which he or she is undergoing penal servitude, imprisonment or detention in legal custody,

shall be suspended while that person, or, in the case of an increase, the person in respect of whom the increase is payable, is undergoing penal servitude, imprisonment or detention in legal custody.

F541**[**(2) Bereavement grant, invalidity pension, State pension (transition), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), guardian's payment (contributory), widow's (non-contributory) pension, widower's (non-contributory) pension or surviving civil partner's (non-contributory) pension to which *sub-article (1)* applies may be paid during any such period to any person appointed by the Minister to receive and deal with any sums payable on behalf of the beneficiary, and the receipt of any person so appointed shall be a good discharge to the Minister and the Social Insurance Fund, where appropriate, for any sum so paid.

(3) Where by virtue of *sub-article (1)* payment of invalidity pension, State pension (transition), widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension, one-parent family payment, a payment by virtue of section 178, State pension (contributory), guardian's payment (contributory), widow's (non-contributory) pension, widower's (non-contributory) pension or surviving civil partner's (non-contributory) pension, is suspended for any period, the period of suspension shall not be taken into account in calculating any period under *article 113*.**]**

Annotations

Amendments:

F541 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*n*).

CHAPTER 5

Overlapping Benefits

Interpretation

220. In this Chapter—

"assistance" means any assistance specified in section 139(1);

"benefit" means any benefit specified in section 39(1).

Payment of disablement benefit with other social welfare payments

221. F542**[**...**]**

Annotations

Amendments:

F542 Revoked (27.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 14, in effect as per art. 2(2).

Payment of guardian's payment with other social welfare payments

222. (1) Notwithstanding section 247(1) or (2), where guardian's payment (contributory), guardian's payment (non-contributory) or death benefit by way of orphan's pension and any payment specified in *sub-article (3)* would be payable to or in respect of a person in respect of the same period, both such payments may be paid to or in respect of that person in respect of that period.

(2) Where, in respect of any period, a person who is in receipt of guardian's payment (contributory), guardian's payment (non-contributory) or death benefit by way of orphan's pension is also in receipt of blind pension or any payment specified in *paragraphs (h)* to *(l)* of *sub-article (3)*, then illness benefit, maternity benefit, health and safety benefit, F543**[**adoptive benefit, F544**[**paternity benefit, parent's benefit**]]** F544**[**,**]** jobseeker's benefit, F545**[**jobseeker's benefit (self-employed),**]** injury benefit or incapacity supplement shall not be payable to that person in respect of the same period.

(3) The following payments are specified for the purposes of this article

(*a*) illness benefit,

(*b*) maternity benefit,

(*c*) health and safety benefit,

(*d*) adoptive benefit,

F546**[**(*da*) paternity benefit,**]**

F547**[**(*db*) parent's benefit,**]**

(*e*) jobseeker's benefit,

F548**[**(*ea*) jobseeker's benefit (self-employed),**]**

(*f*) injury benefit,

(*g*) incapacity supplement,

F549**[**(*h*) death benefit by way of widow's pension, widower's pension or surviving civil partner's pension,

(*i*) widow's (contributory) pension, widower's (contributory) pension and surviving civil partner's (contributory) pension,**]**

(*j*) deserted wife's benefit by virtue of paragraph (*a*) of the definition of "relevant payment" in section 178,

F549**[**(*k*) widow's (non-contributory) pension, widower's (non-contributory) pension and surviving civil partner's (non-contributory) pension,**]**

(*l*) one-parent family payment.

Annotations

Amendments:

F543 Substituted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 8(*a*), in effect as per art. 3.

F544 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 10(*a*), in effect as per art. 3.

F545 Inserted (1.11.2019) by Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019 (S.I. No. 551 of 2019), art. 12 and sch. item no. 12(*a*), in effect as per art. 2.

F546 Inserted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 8(*b*), in effect as per art. 3.

F547 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 10(*b*), in effect as per art. 3.

F548 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 12(*b*), in effect as per art. 2.

F549 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*o*)(i), (ii).

F550**[Payment of one-parent family payment with jobseeker's allowance**

222A. (1) Notwithstanding section 247(1) or (2), where a person is in receipt of one-parent family payment—

(*a*) which ceases to be paid, and

(*b*) in the second last or the last payment week for which such one-parent family payment is paid, that person becomes entitled to jobseeker's allowance (other than jobseeker's allowance payable to a person to whom section 148A applies),

such one-parent family payment and jobseeker's allowance may be paid as follows—

(i) in respect of the second last payment week for which such one-parent family payment is paid, jobseeker's allowance may be paid—

(I) from the Wednesday of that payment week, or

(II) where that person becomes entitled to jobseeker's allowance from a day later than the Wednesday in that payment week, from such later day in that payment week,

until the Tuesday of the following week, and

(ii) in respect of the last payment week for which such one-parent family payment is paid, jobseeker's allowance may be paid—

(I) in the case of a person to whom *paragraph (i)* of this sub-article applies, from the Wednesday of that payment week, and

(II) in any other case—

(A) from the Wednesday of that payment week, or

(B) where that person becomes entitled to jobseeker's allowance from a day later than the Wednesday in that payment week, from such later day in that payment week,

until the Tuesday of the following week.

(2) Notwithstanding section 247(1) or (2), where a person is in receipt of jobseeker's allowance payable to a person to whom section 148A applies—

(*a*) which ceases to be paid, and

(*b*) in the second last or the last payment week for which such jobseeker's allowance under section 148A is paid, that person becomes entitled to jobseeker's allowance (other than jobseeker's allowance payable to a person to whom section 148A applies),

such jobseeker's allowance under section 148A and jobseeker's allowance may be paid as follows—

(i) in respect of the second last payment week for which such jobseeker's allowance under section 148A is paid, jobseeker's allowance may be paid—

(I) from the Wednesday of that payment week, or

(II) where that person becomes entitled to jobseeker's allowance from a day later than the Wednesday in that payment week, from such later day in that payment week,

until the Tuesday of the following week, and

(ii) in respect of the last payment week for which such jobseeker's allowance under section 148A is paid, jobseeker's allowance may be paid—

(I) in the case of a person to whom *paragraph (i)* of this sub-article applies, from the Wednesday of that payment week, and

(II) in any other case—

(A) from the Wednesday of that payment week, or

(B) where that person becomes entitled to jobseeker's allowance from a day later than the Wednesday in that payment week, from such later day in that payment week,

until the Tuesday of the following week.

(3) In this article "payment week"—

(*a*) in respect of—

(i) one-parent family payment, other than one-parent family payment payable in respect of a widow, a widower or a surviving civil partner, or

(ii) jobseeker's allowance payable to a person to whom section 148A applies,means the period commencing on the Thursday of one week and ending on the Wednesday of the following week, and

(*b*) in respect of one-parent family payment payable in respect of a widow, a widower or a surviving civil partner, means the period commencing on the Friday of one week and ending on the Thursday of the following week.**]**

Annotations

Amendments:

F550 Inserted (4.07.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Allowance Transition) Regulations 2013* (S.I. No. 244 of 2013), art. 7, in effect as per art. 3.

Payment of half-rate benefit to recipients of certain payments

223. F551**[**...**]**

Annotations

Amendments:

F551 Deleted (1.2.2012 to 3.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overlapping Benefits) Regulations 2012* (S.I. No. 38 of 2012), art. 4(*a*), in effect as per art. 3.

Editorial Notes:

E108 Text above not reflective of insertions (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 13, in circumstances where art. 223 had previously been deleted as per F-Note above.

E109 Previous affecting provision: sub-arts. (3)(*a*), (5) and (7) substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*p*)(i), (ii); deleted (1.2.2012 to 3.02.2012) as per F-Note above.

F552**[Payment of maternity, health and safety, adoptive or paternity benefit at reduced rate with other social welfare payments**

223A. (1) Notwithstanding subsection (1) and (2) of section 247, where in respect of any period maternity benefit, health and safety benefit, F553**[**adoptive benefit, paternity benefit or parent's benefit**]** and any payment specified in *sub-article (7)* would be payable to or in respect of a person, such maternity benefit, health and safety benefit, F554**[**adoptive benefit, paternity benefit or parent's benefit,**]** as the case may be, and such payment specified in *sub-article (7)* may, subject to *article 223E*, be paid, in the manner provided for in this article, to or in respect of that person during that period.

(2) Subject to *sub-articles (3)* to *(7)*, where maternity benefit, health and safety benefit, F553**[**adoptive benefit, paternity benefit or parent's benefit**]** is payable in accordance with *sub-article (1)* in respect of any period—

(*a*) no increase in that benefit shall be paid in respect of a qualified child during that period, and

(*b*) such maternity benefit, health and safety benefit, F553**[**adoptive benefit, paternity benefit or parent's benefit**]** (exclusive of any increase in respect of a qualified child, where appropriate) shall be reduced by half during that period.

(3) Where in respect of any period a person is in receipt of—

(*a*) widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension or a payment referred to in paragraph (*a*) of the definition of "relevant payment" in section 178(1) at a rate less than that specified in Part 1 of Schedule 2 to the Principal Act, or

(*b*) widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension, one-parent family payment or a payment referred to in paragraph (*b*) or (*c*) of the definition of 'relevant payment' in section 178(1) at a rate less than that specified in Part 1 of Schedule 4 to the Principal Act by reason of means, and during that period that person is also entitled to maternity benefit, health and safety benefit, F554**[**adoptive benefit, paternity benefit or parent's benefit,**]** the amount payable to that person by way of such maternity benefit, health and safety benefit, F553**[**adoptive benefit, paternity benefit or parent's benefit**]** shall be calculated in accordance with *sub-articles (4)* and *(5)*.

(4) The amount of maternity benefit, health and safety benefit, adoptive benefit or paternity benefit payable to or in respect of a person to whom *sub-article (3)* applies shall be the aggregate of—

(*a*) the difference between the amount of such reduced pension or payment specified in *paragraph (a)* or *(b)* of *sub-article (3)* and the maximum scheduled rate of such pension or payment, as the case may be, appropriate to that person's circumstances, and

(*b*) one-half of the rate of maternity benefit, health and safety benefit, F554**[**adoptive benefit, paternity benefit or parent's benefit,**]** as the case may be, (exclusive of any increase in respect of a qualified child, where appropriate) payable to that person,

but the amount of benefit so payable shall not exceed—

(i) in the case of maternity benefit, the rate of such benefit payable in accordance with section 49 and, where paragraph (*b*) of section 49(1) applies, the rate of such maternity benefit shall be inclusive of any increase in respect of a qualified child,

(ii) in the case of health and safety benefit, the rate of such benefit appropriate to that person's circumstances (inclusive of any increase in respect of a qualified child),

(iii) in the case of adoptive benefit, the rate of such benefit payable in accordance with section 60 and, where paragraph (*b*) of section 60(1) applies, the rate of such adoptive benefit shall be inclusive of any increase in respect of a F555**[**qualified child**]**

(iv) in the case of paternity benefit, the rate of such benefit payable in accordance with section 61D (inclusive of any increase in respect of a F556**[**qualified child), and**]**

F557**[**(v) in the case of parent's benefit, the rate of such benefit payable in accordance with section 61I (inclusive of any increase in respect of a qualified child).**]**

(5) In *sub-article (4)* "scheduled rate" means—

(*a*) the rate of widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension or a payment referred to in paragraph (*a*) of the definition of 'relevant payment' in section 178(1), appropriate to the person's circumstances, as set out in Part 1 of Schedule 2 to the Principal Act, or

(*b*) the rate of widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension, one-parent family payment or a payment referred to in paragraph (*b*) or (*c*) of the definition of 'relevant payment' in section 178(1), appropriate to the person's circumstances, as set out in Part 1 of Schedule 4 to the Principal Act, as the case may be.

(6) Notwithstanding *sub-articles (1)* to *(5)*, maternity benefit, health and safety benefit, F553**[**adoptive benefit, paternity benefit or parent's benefit**]** shall not be payable to or in respect of a person in respect of any period during which that person is in receipt of a payment specified in *sub-article (7)* and is also in receipt of a blind pension payable in accordance with *article 224*.

(7) The following payments are specified for the purposes of *sub-articles (1)* and *(6)*—

(*a*) death benefit by way of widow's pension, widower's pension or surviving civil partner's pension,

(*b*) widow's (contributory) pension, widower's (contributory) pension or surviving civil partner's (contributory) pension,

(*c*) a payment referred to in paragraphs (*a*) to (*c*) of the definition of 'relevant payment' in section 178(1),

(*d*) widow's (non-contributory) pension, widower's (non-contributory) pension or surviving civil partner's (non-contributory) pension, or

(*e*) one-parent family payment.**]**

Annotations

Amendments:

F552 Substituted (1.09.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016), art. 9, in effect as per art. 3.

F553 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 11(*a*), in effect as per art. 3.

F554 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 11(*b*), in effect as per art. 3.

F555 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 11(*c*)(i), in effect as per art. 3.

F556 Substituted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 11(*c*)(ii), in effect as per art. 3.

F557 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019), art. 11(*c*)(iii), in effect as per art. 3.

Editorial Notes:

E110 Previous affecting provision: article inserted (1.03.2012 to 3.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overlapping Benefits) Regulations 2012* (S.I. No. 38 of 2012), art. 4(*b*), in effect as per art. 3; substituted (1.09.2016) as per F-Note above.

F558**[Payment of illness, jobseeker's, injury benefit etc. with other social welfare payments in certain circumstances**

223B. (1) Notwithstanding subsection (1) and (2) of section 247, where—

(*a*) in respect of any period of incapacity for work commencing on or after 1 February 2012 in the case of illness benefit or injury benefit,

(*b*) in respect of any period of interruption of employment commencing on or after 2 February 2012 in the case of jobseeker's benefit, or

(*c*) in respect of any period of incapacity for work commencing on or after 3 February 2012 in the case of incapacity supplement,

a person is in receipt of—

(i) widow's (contributory) pension, widower's (contributory) pension, surviving civil partner's (contributory) pension or a payment referred to in paragraph (*a*) of the definition of "relevant payment" in section 178(1) at a rate less than that specified in Part 1 of Schedule 2 to the Principal Act, or

(ii) widow's (non-contributory) pension, widower's (non-contributory) pension, surviving civil partner's (non-contributory) pension, one-parent family payment or a payment referred to in paragraph (*b*) or (*c*) of the definition of "relevant payment" in section 178(1) at a rate less than that specified in Part 1 of Schedule 4 to the Principal Act by reason of means,

and during that period that person becomes entitled to illness benefit, jobseeker's benefit, injury benefit or incapacity supplement, such reduced pension or payment specified in *subparagraph (i)* or *(ii)* and such illness benefit, jobseeker's benefit, injury benefit or incapacity supplement, as the case may be, may be paid, in the manner provided for in this article, to or in respect of that person during that period.

(2) Where illness benefit, jobseeker's benefit, injury benefit or incapacity supplement is payable in accordance with *sub-article (1)* in respect of any period the aggregate of—

(*a*) the amount of such reduced pension or payment specified in *subparagraph (i)* or *(ii)* of *sub-article (1)*, and

(*b*) such illness benefit, jobseeker's benefit, injury benefit or incapacity supplement,

shall not exceed the maximum rate of such illness benefit, jobseeker's benefit, injury benefit or incapacity supplement, as the case may be, appropriate to the person's circumstances.

(3) Notwithstanding *sub-articles (1)* and *(2)* and *article 224*, where in respect of any period a person is in receipt of—

(*a*) a reduced pension or payment specified in *subparagraph (i)* or *(ii)* of *sub-article (1)*, and

(*b*) a blind pension payable in accordance with *article 224*,

illness benefit, jobseeker's benefit, injury benefit or incapacity supplement, as the case may be, payable at a reduced rate in accordance with *sub-article (2)* may also be paid to that person during that period.**]**

Annotations

Amendments:

F558 Inserted (1.03.2012 to 3.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overlapping Benefits) Regulations 2012* (S.I. No. 38 of 2012), art. 4(*b*), in effect as per art. 3.

F559**[Continuation of payment of illness benefit or incapacity supplement at reduced rate with other social welfare payments in certain circumstances**

223C. Where, on the 5 April 1990, a person was in receipt of—

(*a*) a payment specified in paragraph (*a*) to (*h*) of sub-article (1) of article 4 of the Social Welfare (Overlapping Benefits) Regulations 1953 (S.I. No. 14 of 1953) (inserted by the Social Welfare (Overlapping Benefits) (Amendment) Regulations 1987 (S.I. No. 344 of 1987)), and

(*b*) disability benefit or unemployability supplement by virtue of subarticle (1B) of the said article 4,

that person shall continue to be entitled to such disability benefit or unemployability supplement (now referred to as illness benefit and incapacity supplement, respectively) until the end of that period of incapacity for work.**]**

Annotations

Amendments:

F559 Inserted (1.03.2012 to 3.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overlapping Benefits) Regulations 2012* (S.I. No. 38 of 2012), art. 4(*b*), in effect as per art. 3.

F560**[Transitional arrangements for payment of illness, injury, jobseeker's benefit etc. with other social welfare payments in certain circumstances**

223D. (1) Subject to *article 223C*, where, in respect of a period of incapacity for work which commenced before 1 February 2012, a person was in receipt of—

(*a*) illness benefit by virtue of *article 223* for less than 390 days, or less than 312 days in the case of a person to whom section 44(1) applies, and

(*b*) a payment specified in *sub-article (7)* of *article 223A*,

that person shall, notwithstanding subsections (1) and (2) of section 247, continue to be entitled to such illness benefit and such specified payment during the unexpired portion of the period specified in *paragraph (a)* of this sub-article that occurs on or after 1 February 2012 and that forms part of the same period of incapacity for work, if that person continues, during the unexpired portion of the period specified in *paragraph (a)* of this sub-article, to satisfy the conditions for entitlement to such illness benefit and to such payment specified in *sub-article (7)* of *article 223A*.

(2) Where, in respect of a period of entitlement to injury benefit which commenced before 1 February 2012, a person was in receipt of—

(*a*) injury benefit by virtue of *article 223* for less than 156 days, and

(*b*) a payment specified in *sub-article (7)* of *article 223A*,

that person shall, notwithstanding subsections (1) and (2) of section 247, continue to be entitled to such injury benefit and such specified payment during the unexpired portion of the period of 156 days that occurs on or after 1 February 2012, if that person continues, during the unexpired portion of that period of 156 days, to satisfy the conditions for entitlement to such injury benefit and to such payment specified in *sub-article (7)* of *article 223A*.

(3) Where, in respect of a period of interruption of employment which commenced before 2 February 2012, a person was in receipt of—

(*a*) jobseeker's benefit by virtue of *article 223*, and

(*b*) a payment specified in *sub-article (7)* of *article 223A*,

that person shall, notwithstanding subsections (1) and (2) of section 247, continue to be entitled to such jobseeker's benefit and such specified payment during the unexpired portion of that period of interruption of employment that occurs on or

after 2 February 2012, if that person continues, during the unexpired portion of that period of interruption of employment, to satisfy the conditions for entitlement to such jobseeker's benefit and to such payment specified in *sub-article (7)* of *article 223A*.

(4) Subject to *article 223C*, where, in respect of a period of entitlement to incapacity supplement which commenced before 3 February 2012, a person was in receipt of—

(*a*) incapacity supplement by virtue of *article 223* for less than 390 days, and

(*b*) a payment specified in *sub-article (7)* of *article 223A*,

that person shall, notwithstanding subsections (1) and (2) of section 247, continue to be entitled to such incapacity supplement and such specified payment during the unexpired portion of the period of 390 days that occurs on or after 3 February 2012, if that person continues, during the unexpired portion of that period of 390 days, to satisfy the conditions for entitlement to such incapacity supplement and to such payment specified in *sub-article (7)* of *article 223A*.**]**

Annotations

Amendments:

F560 Inserted (1.03.2012 to 3.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overlapping Benefits) Regulations 2012* (S.I. No. 38 of 2012), art. 4(*b*), in effect as per art. 3.

F561**[Transitional arrangements for payment of maternity, health and safety benefit or adoptive benefit with other social welfare payments in certain circumstances**

223E. Where a person is in receipt of a payment specified in *sub-article (7)* of *article 223A* and on 31 January 2012 that person is also in receipt of maternity benefit, health and safety benefit or adoptive benefit by virtue of *article 223* for less than the maximum period for which that benefit is payable in accordance with section 47, 54 or 58, as appropriate, that person shall, notwithstanding subsection (1) and (2) of section 247, continue to be entitled to such benefit as was payable in accordance with *article 223* for the unexpired portion of that period that occurs on or after 1 February 2012, if that person continues, during that unexpired portion of that period, to satisfy the conditions for entitlement to maternity benefit, health and safety benefit or adoptive benefit, as the case may be.**]**

Annotations

Amendments:

F561 Inserted (1.03.2012 to 3.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overlapping Benefits) Regulations 2012* (S.I. No. 38 of 2012), art. 4(*b*), in effect as per art. 3.

F562**[Payment of Covid-19 pandemic unemployment payment with other social welfare payments**

223F. (1) Notwithstanding section 247(1) or (2), where, a person is entitled to, a payment under Chapter 12B of the Act and any payment specified in *sub-article (2)* would be payable to or in respect of a person, both such payments may be paid to or in respect of that person in respect of that period, if the person meets the eligibility conditions of both payments.

(2) The following payments are specified for the purposes of this article—

(*a*) partial capacity benefit;

(*b*) health and safety benefit;

(*c*) disablement benefit;

(*d*) carer's benefit;

(*e*) widow's (contributory) pension;

(*f*) widower's (contributory) pension;

(*g*) surviving civil partner's (contributory) pension;

(*h*) guardian's payment (contributory);

(*i*) jobseeker's allowance payable in accordance with section 148A of the Principal Act;

(*j*) blind pension;

(*k*) widow's (non-contributory) pension;

(*l*) widower's (non-contributory) pension;

(*m*) surviving civil partner's (non-contributory) pension;

(*n*) guardian's payment (non-contributory);

(*o*) one-parent family payment;

(*p*) a relevant payment within the meaning of paragraphs (*a*) or (*b*) of section 178(1) of the Principal Act;

(*q*) carer's allowance;

(*r*) disability allowance;

(*s*) F563**[**subject to *article 52M*, **]** child benefit;

(*t*) working family payment;

(*u*) back to work family dividend;

(*v*) daily expenses allowance as defined in the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018).**]**

Annotations

Amendments:

F562 Inserted (30.11.2020 with retrospective effect from 5.08.2020) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment — Ancillary Provisions) Regulations 2020* (S.I. No. 573 of 2020), art. 4(*d*), in effect as per art. 3.

F563 Inserted (21.10.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 546 of 2021), art. 2(*b*).

Payment of blind pension with other social welfare payments

224. Notwithstanding section 247(1) or (2), where, in respect of the same period, blind pension and any payment specified in sub-article (2) would be payable to or in respect of a person who has not attained pensionable age, both such payments may be paid to or in respect of that person in respect of that period.

(2) The following payments are specified for the purposes of this article—

(*a*) any benefit other than carer's benefit, State pension (contributory), State pension (transition) or invalidity pension,

(*b*) any assistance other than jobseeker's allowance, pre-retirement allowance, State pension (non-contributory), carer's allowance, disability allowance or farm assist.

Payment on account

225. (1) Where—

(*a*) in respect of any period, a payment specified in section 247(1) or (2) (in this article referred to as the "specified payment") has been paid to or in respect of a person who, though entitled to any other payment specified in the said subsection (1) or (2) (in this article referred to as the "other payment"), is not at that time in receipt of such other payment, and

(*b*) such specified payment would not have been paid if that person had been in receipt of such other payment, and

(*c*) any sum (in this article referred to as the "arrears") accruing in respect of any part of the said period on account of the other payment subsequently becomes payable to that person,

F564**[**the Minister**]** may reduce the arrears by an amount not exceeding the amount paid by way of the specified payment to such person.

(2) Where on revision or appeal it is decided that benefit or assistance is payable to a person in lieu of F565**[**working family payment**]** payable to him or her by virtue of the original decision, any payments already made on account of the supplement in respect of any period covered by the decision on revision or appeal shall be treated as having been made on account of the benefit or assistance made payable by that decision.

Annotations

Amendments:

F564 Substituted (1.10.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011), art. 4(*a*), in effect as per art. 3.

F565 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

Payment on account of qualified adult and qualified child

226. F566**[**(1) Where in respect of any period a person is in receipt of any benefit or assistance, which includes an increase in respect of a qualified adult or a spouse, civil partner or cohabitant, as the case may be, and in that period that qualified adult, spouse, civil partner or cohabitant becomes entitled in his or her own right to any benefit or assistance, any such increase shall be regarded as payment on account of the said benefit or assistance payable to that qualified adult, spouse, civil partner or cohabitant in respect of the said period.**]**

F567**[**(1A) Where in respect of any period a person is in receipt of any benefit or assistance, which includes an increase in respect of a qualified adult or a spouse, civil partner or cohabitant, as the case may be, and in that period that qualified adult, spouse, civil partner or cohabitant is entitled in his or her own right to pandemic unemployment payment paid under section 202 or Covid-19 pandemic unemployment payment under section 68L, payment of any such increase shall not be regarded as payment on account and both such payments may be paid in respect of that period.**]**

(2) Where in respect of any period a person is in receipt of any benefit or assistance, which includes an increase in respect of a qualified child, and in that period that qualified child becomes entitled in his or her own right to any benefit or assistance, any such increase shall be regarded as payment on account of the said benefit or assistance payable to that qualified child in respect of the said period.

F568**[**(3) Where in respect of any period a person is in receipt of any benefit or assistance, which includes an increase in respect of a qualified child, and in that period the spouse, civil partner or a cohabitant of that person becomes entitled in his or her own right to any benefit or assistance which also includes an increase in respect of that qualified child, half of any sums paid to that person in that period in respect of that qualified child shall be regarded as payment on account of the said benefit or assistance.**]**

Annotations

Amendments:

F566 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*q*)(i).

F567 Inserted (1.04.2021) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Covid-19 Pandemic Unemployment Payment – Entitlement to Increase for Qualified Adult) Regulations 2021* (S.I. No. 160 of 2021), art. 3(*c*).

F568 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*q*)(ii).

Editorial Notes:

E111 Previous affecting provision: sub-art. (1) amended (26.09.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007), art. 13, in effect as per art. 2(1); substituted (21.11.2011) as per F-Note above.

Supplementary welfare allowance granted to persons in receipt of long-term payments

227. F569**[**(1) Any arrears of a relevant payment payable to or in respect of a person, which the Minister, by virtue of section 204, may reduce by the amount of the excess, shall include any such arrears payable to or in respect of the spouse, civil partner or a cohabitant of that person.**]**

(2) In this article "excess" and "relevant payment" have the meanings assigned to them by section 204.

Annotations

Amendments:

F569 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*r*).

Payment of increase for qualified child where child becomes entitled to payment in his or her own right

228. Notwithstanding section 247(1) or (2) where, in respect of any period to which *article 14(3)(b)* applies, an increase in any payment specified in section 247(1) or (2) is payable in respect of a qualified child and that qualified child becomes entitled to any payment specified in section 247(1) or (2) in his or her own right, the following provisions shall apply—

(*a*) the increase in payment payable in respect of the qualified child shall continue to be paid, and

(*b*) the payment to which the qualified child becomes entitled to in his or her own right shall be reduced by an amount not exceeding the amount of the increase specified in *paragraph (a)*.

State pension (non-contributory) — qualified child

229. F570**[**...**]**

Annotations

Amendments:

F570 Deleted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*s*).

Rounding

230. Where, by virtue of this Chapter, the amount of any benefit or assistance (including any increase thereof) is reduced, the amount so payable shall be rounded up to the nearest 10 cent where it is a multiple of 5 cent but not also a multiple of 10 cent and shall be rounded to the nearest 10 cent where it is a multiple of 5 cent.

Saver

231. (1) Subject to *sub-article (2)* where, before 1 November 1991, more than one of the payments specified in section 247(1) or (2) was payable to or in respect of a person in respect of the same period by virtue of article 21(1) of the Social Welfare (Overlapping Benefits) Regulations 1990 (S.I. No. 342 of 1990), section 247 shall not operate so as to disentitle such person to any such payment.

(2) Where, on 1 November 1991, more than one of the payments specified in section 247(1) or (2) continued to be payable to or in respect of a person in respect of the same period by virtue of *sub-article (1)*, and that person subsequently ceases to be entitled to any such payment for any period, *sub-article (1)* shall cease to apply to that person from the date that such payment ceases.

(3) F571**[**...**]**

(4) F571**[**...**]**

Annotations

Amendments:

F571 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 7.

CHAPTER 6

Household Budgeting

Definitions

232. In this Chapter—

"assistance" means jobseeker's allowance under Chapter 2 of Part 3, one-parent family payment under Chapter 7 of Part 3 or disability allowance under Chapter 10 of Part 3;

F572**[**"benefit" means jobseeker's benefit under Chapter 12 of Part 2, F573**[**jobseeker's benefit (self-employed) under Chapter 12A of Part 2**]** invalidity pension under Chapter 17 of Part 2, widow's (contributory) pension, widower's (contributory) pension or surviving civil partner's (contributory) pension under Chapter 18 of Part 2 or a relevant payment in accordance with paragraph (*a*) in the definition of "relevant payment" in section 178(1);**]**

"beneficiary" means a person in receipt of benefit or assistance, payable by An Post through a payment method known as Postdraft or Electronic Information Transfer;

"specified body" has the meaning assigned to it by section 290.

Annotations

Amendments:

F572 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*t*).

F573 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 14, in effect as per art. 2.

Household budgeting

233. (1) F574**[**Subject to subsections (4), (5) and (6) of section 290, section 290B and these Regulations,**]** An Post shall, on application by a beneficiary in such form as may be determined by An Post, deduct an amount from his or her weekly rate of benefit or assistance for transfer to such specified body as may be designated by the beneficiary.

(2) The total amount deducted under *sub-article (1)* in any week F575**[**shall, subject to section 290B, not exceed**]** 25 per cent of the weekly rate of such benefit or assistance to which the beneficiary is entitled.

(3) A beneficiary may cancel a deduction made under this article by giving not less than two weeks notice in writing to An Post specifying details of the deduction or deductions to be cancelled.

(4) The amount of the deduction made under *sub-article (1)* may be varied on application by the beneficiary to An Post in such form as may be determined by An Post.

(5) An Post shall immediately upon receipt of a cancellation pursuant to *sub-article (3)* or a variation pursuant to *sub-article (4)*, comply with such cancellation or variation.

(6) Where, in any week, the amount of payment to which the beneficiary is entitled for that week is insufficient to meet all the deductions under *sub-article (1)*, An Post may make deductions up to the percentage amount specified in *sub-article (2)* to the specified bodies in the priority nominated by the beneficiary at the time of the making of the application in accordance with this article.

F576**[**(7) Notwithstanding anything in this article, an application shall not be made on and after 1 January 2014 to have an amount of benefit withheld by An Post for the purpose of the separate payment of rent to a local authority pursuant to this article.

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

(*a*) the purpose of that withholding is the separate payment of rent to a local authority pursuant to this article, and

(*b*) such withholding of benefit and such separate payment has effect immediately before 1 January 2014.**]**

F577**[**(9) For the purposes of section 290(3B)—

(*a*) the prescribed class or classes of borrowings shall be in the form of loans from a credit union in respect of payments made under the personal micro credit scheme,

(*b*) the maximum amount of such loan shall not exceed €2,000,

(*c*) the interest rate charged in respect of such borrowings shall not exceed 1 per cent for each month, and

(*d*) the maximum duration of the period for repayment, by the beneficiary concerned, of the borrowings shall not exceed 24 months.**]**

Annotations

Amendments:

F574 Substituted (1.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013), art. 4(*a*), in effect as per art. 2.

F575 Substituted (1.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013), art. 4(*b*), in effect as per art. 2.

F576 Inserted (1.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013), art. 4(*c*), in effect as per art. 2.

F577 Inserted (5.05.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Household Budgeting) Regulations 2017* (S.I. No. 185 of 2017), art. 3.

F578**[**CHAPTER 6A

*Budgeting in Relation to Social Welfare Payments***]**

Annotations

Amendments:

F578 Inserted (1.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013), art. 5, in effect as per art. 2.

F579**[Definition** **233A.** In this Chapter—

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

"benefit" means—

(*a*) jobseeker's benefit,

F580**[**(*aa*) jobseeker's benefit (self-employed),**]**

(*b*) carer's benefit,

(*c*) State pension (contributory),

(*d*) State pension (transition),

(*e*) invalidity pension,

(*f*) widow's (contributory) pension, widower's (contributory) pension and surviving civil partner's (contributory) pension,

(*g*) jobseeker's allowance,

(*h*) pre-retirement allowance,

(*i*) State pension (non-contributory),

(*j*) blind pension,

(*k*) widow's (non-contributory) pension, widower's (non-contributory) pension and surviving civil partner's (non-contributory) pension,

(*l*) one-parent family payment,

(*m*) a payment referred to in paragraph (*a*) or (*b*) of the definition of 'relevant payment' in section 178(1),

(*n*) carer's allowance,

(*o*) supplementary welfare allowance,

(*p*) disability allowance, or

(*q*) such other benefit as may be approved by the Minister from time to time,

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

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

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

(*a*) the deduction, subject to section 290B, of a sum of money from a benefit paid to a beneficiary, and

(*b*) the payment, on behalf of the beneficiary, of that deducted sum to a housing body for the purpose of the payment of the rent payable to the housing body by that beneficiary;

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

Annotations

Amendments:

F579 Inserted (1.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013), art. 5, in effect as per art. 2.

F580 Inserted (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 15, in effect as per art. 2.

Modifications (not altering text):

C3 Definition of "housing body" construed (1.01.2022) by *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019), s. 68, S.I. No. 728 of 2022, art. 2(f).

Construction of certain references in other Acts or instruments made under Acts

68. References in—

(*a*) any Act of the Oireachtas, other than this Act, passed before the coming into operation of this section,

(*b*) any instrument made under an Act of the Oireachtas, other than this Act, before the coming into operation of this section, or

(*c*) any contract, agreement, arrangement or other document entered into by the Minister or a housing authority, as the case may be, before the coming into operation of this section,

to—

(i) an approved housing body,

(ii) a housing body approved under section 6 of the Act of 1992,

(iii) an approved body or a body approved, under, or for the purposes of, section 6 of the Act of 1992, or

(iv) to a body approved of or standing approved of, under, or for the purposes of, section 6 of the Act of 1992,

as the case may be (howsoever described), shall, on and after the coming into operation of this section, unless the contrary intention appears, be construed as references to an approved housing body (within the meaning of this Act), save where other provision is made as respects the construction of the references in paragraphs (i) to (iv), as the case may be, by any Act of the Oireachtas (other than this Act) passed before that coming into operation.

F581**[Form and manner of application for deduction and payment pursuant to section 290A**

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

(*a*) in the form for the time being approved by the relevant person, or

(*b*) in such other manner as the relevant person may accept as sufficient in the circumstances.

(2) For the purposes of making an application referred to in *sub-article (1)*, a beneficiary shall furnish such documents, information and evidence as may be required by the relevant person for the purposes of making a deduction and payment pursuant to section 290A.**]**

Annotations

Amendments:

F581 Inserted (1.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013), art. 5, in effect as per art. 2.

F582**[Form and manner of application to relevant person for discontinuance of deduction and payment pursuant to section 290A**

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

(*a*) in the form for the time being approved by the relevant person, or

(*b*) in such other manner as the relevant person may accept as sufficient in the circumstances.

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

(*a*) give not less than 14 days notice in writing to the relevant person,

(*b*) provide evidence to the relevant person that the housing body referred to in *article 233D* has consented to such discontinuance, and

(*c*) furnish such other documents, information and evidence as may be required by the relevant person.**]**

Annotations

Amendments:

F582 Inserted (1.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013), art. 5, in effect as per art. 2.

F583**[Form and manner of application to housing body for consent to discontinuance of deduction and payment pursuant to section 290A**

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

(*a*) a deduction of a sum of money from a benefit paid to that beneficiary, and

(*b*) the payment of that deducted sum to a housing body for the purpose of the payment of the rent payable to the housing body by that beneficiary,

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

(i) apply in writing to the housing body for consent to such discontinuance, and

(ii) give the housing body at least 28 days notice of his or her intention to discontinue such deduction and payment.

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

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

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

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

Annotations

Amendments:

F583 Inserted (1.01.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013), art. 5, in effect as per art. 2.

CHAPTER 7

Island Allowance

Island allowance

234. "Island" for the purposes of section 2(1) shall be read in accordance with Schedule 16.

CHAPTER 8

Widowed Parent Grant

Widowed parent grant

235. F584**[**...**]**

Annotations

Amendments:

F584 Deleted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 16(*u*).

PART 8

Control Provisions

Interpretation

236. In this Chapter—

"specified industry" —

(*a*) insofar as it relates to an employer, means—

(i) the construction industry, including the building, alteration, decoration, repair or demolition of any building or structure,

(ii) contract cleaning,

(iii) forestry work, excluding work carried out by permanent employees of the Department of Communications, Marine and Natural Resources, or Coillte Teoranta,

(iv) meat processing operations,

(v) the security industry,

(vi) the road haulage industry, consisting only of such industries whose principal business is the haulage or carriage of goods, merchandise or commodities by road, excluding work carried out by Iarnrd Éireann,

(vii) private road transport for passengers by omnibus or coach,

(viii) the catering industry including hotels, restaurants and other premises of a similar nature where food is sold for consumption on the premises, and

(ix) the licensed bar trade,

(*b*) insofar as it relates to a sub-contractor or an employer or any other person who engages a sub-contractor, means—

(i) the construction industry, including the building, alteration, decoration, repair or demolition of any building or structure,

(ii) forestry work,

(iii) meat processing operations,

(iv) the road haulage industry including the haulage or carriage of goods, merchandise or commodities by road,

(v) private road transport for passengers by omnibus or coach, and

(vi) the catering industry including hotels, restaurants and other premises of a similar nature where food is sold for consumption on the premises,

and

(*c*) for the purposes of *articles 240* and *241*, means the construction industry including the building, alteration, decoration, repair or demolition of any building or structure;

"sub-contractor" means a person engaged under a contract for service to perform a service.

Provision of information — interpretation

237. For the purposes of *articles 238* and *239*—

"academic year" means a period in which a course of instruction or part of a cycle of education takes place in a calendar year or a period in which a course of instruction or part of a cycle of education commences in one calendar year and finishes in the next following calendar year;

"centre of education" means a place where adult or continuing education or vocational education or training are provided, other than an institution of education or an institution of higher education;

"dependent person" has the meaning assigned to it by section 1 of the Act of 1990;

"institution of education" means a school or a place where adult or continuing education or vocational education or training are provided, other than a school or a place providing university or other third level education, and funded by the Department of Education and Science;

"institution of higher education" means—

(*a*) a university,

(*b*) a college of a university,

(*c*) any institution which the Minister for Education and Science has designated in regulations made pursuant to section 1 of the Higher Education Authority Act 1971 (No. 22 of 1971) as an institution of higher education for the purposes of that Act,

(*d*) any institution to which the Qualifications (Education and Training) Act 1999 (No. 26 of 1999) applies,

(*e*) any institution established under the Regional Technical Colleges Acts 1992 to 2001,

(*f*) any institution incorporated under the Dublin Institute of Technology Act 1992 (No. 15 of 1992), or

(*g*) any institution which is not an institution for the purposes of *sub-paragraphs (a)* to *(f)* and to which the Local Authorities (Higher Education Grants) Acts 1968 to 1992 apply;

"nursing home" has the meaning assigned to it by section 2 of the Act of 1990;

"registered proprietor" has the meaning assigned to it by section 1 of the Act of 1990;

"school" means a school which provides post primary education to its students up to and including the Leaving Certificate Examination of the State Examinations Commission and which may also provide courses in adult, continuing or vocational education and training; and

"the Act of 1990" means the Health (Nursing Homes) Act 1990 (No. 23 of 1990).

Provision of information — institution of education, institution of higher education or centre of education

238. (1) Every institution of education, institution of higher education or centre of education shall, on request, provide the Minister with any of the following information the Minister may request in respect of each person being of or over the age of 18 years who is registered as a student at such institution or centre, as the case may be, at the commencement of each academic year, or who registers with the said institution or centre, as the case may be, after the commencement of each academic year—

(*a*) name,

(*b*) address,

(*c*) date of birth,

(*d*) nature of the course of study being pursued,

(*e*) duration of the course of study being pursued,

(*f*) details of attendance requirements at the institution of higher education or centre of education, as the case may be, during the course of the relevant academic year, and

(*g*) details of any grants or payments made to such student by any body, authority, institution or fund.

(2) The information requested in accordance with *sub-article (1)* shall be submitted by the institution of education, institution of higher education or centre of education, as the case may be, in such format as is acceptable to the Minister.

(3) The information requested in *sub-article (1)* shall be furnished, within 30 days of the receipt of a request for such information from the Minister, to such office of the Department as may be specified by the Minister.

Provision of information — nursing homes

239. (1) Every registered proprietor of a nursing home shall, on request, provide the Minister with any of the following information that the Minister may request in respect of each dependent person who, being entitled to or in receipt of or who makes application for any benefit or assistance under the Principal Act, is being maintained in such nursing home—

(*a*) name,

(*b*) former home address,

(*c*) date of birth, and

(*d*) personal public service number.

(2) The information requested in accordance with *sub-article (1)* shall be submitted by the registered proprietor in such format as is acceptable to the Minister and shall be furnished, within 30 days of the receipt of a request for such information from the Minister, to such office of the Department as may be specified by the Minister.

F585**[Prescribed period for provision of certain information.**

239A. (1) The prescribed period for the provision by a landlord of the statements or other information—

(*a*) as provided for in paragraphs (*a*) and (*b*) of section 198C(1), to a designated person or

(*b*) as provided for in paragraphs (*a*) and (*b*) of section 250A(2A), to a social welfare inspector,

shall be 21 days following the date of the issue of a request in accordance with section 198C(2) or 250(2B), as the case may be.

(2) The prescribed period for a person specified in paragraphs (*a*) to (*f*) of section 250(2) to provide the information or to produce the documents, as may reasonably be required by a social welfare inspector for the purposes of section 250(2), shall be 21 days following the date of the issue of a request by a social welfare inspector to that person for the provision of such information or the production of such documents.**]**

Annotations

Amendments:

F585 Inserted (7.06.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2012* (S.I. No. 196 of 2012), art. 4, in effect as per art. 3.

Persons required to keep records

240. (1) Every employer engaged in a specified industry shall maintain a record of every person in his or her employment.

(2) Every person who engages a sub-contractor to perform a service in a specified industry shall maintain a record of every sub-contractor so engaged.

(3) Every sub-contractor engaged to perform a service in a specified industry shall maintain a record of every person engaged to perform that service either with him or her or on his or her behalf whether under a contract for service or any other arrangement made or to be made by him or her.

Records to be maintained

241. Every record under article 240 shall—

(*a*) contain the following particulars in respect of the person to whom it relates—

(i) name,

(ii) address,

(iii) personal public service number, and

(iv) the date of commencement of the employment,

(*b*) be recorded at the time of commencement of the relevant employment, and

(*c*) be held readily accessible at the construction site where the person to whom the record relates is employed for the duration of his or her employment.

(*d*) for the purposes of this article, "construction site", means the premises or place at which the employee or sub-contractor is carrying out the work for which he or she is contracted.

PART 9

Overpayments

Provision of information on overpayments

242. Where an overpayment has been assessed against a person, in accordance with Part 11 of the Principal Act, that person shall be—

(*a*) informed of the factors which gave rise to the overpayment,

(*b*) informed of the amount of overpayment,

(*c*) informed of the proposed method of recovery, and

(*d*) afforded an opportunity to bring to the notice of F586**[**the Department**]**—

(i) any view he or she may wish to offer on the assessment of the overpayment,

(ii) any view he or she may wish to offer on the proposed method of recovery of the overpayment, and

(iii) any facts or circumstances which he or she considers relevant to the recovery of the overpayment,

before any decision is made regarding the recovery of the overpayment.

Annotations

Amendments:

F586 Substituted (1.10.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011), art. 4(*b*), in effect as per art. 3.

Recovery of overpayment

243. F587**[**The Minister**]** shall make every effort to recover overpayments in full having regard to the provisions of these Regulations and shall, subject to these Regulations, determine the method and rate of repayment and such repayment may take the form of lump sum payment or periodic payments or both.

Annotations

Amendments:

F587 Substituted (1.10.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011), art. 4(*c*), in effect as per art. 3.

Determining the method of recovery

244. When determining the method and rate of repayment of an overpayment, F588**[**the Minister**]** shall take account of—

(*a*) the amount of the overpayment and the circumstances in which it arose, and

(*b*) any facts or circumstances relevant to the recovery which have come to the notice of F589**[**the Department**]**.

Annotations

Amendments:

F588 Substituted (1.10.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011), art. 4(*d*)(i), in effect as per art. 3.

F589 Substituted (1.10.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011), art. 4(*d*)(ii), in effect as per art. 3.

F590**[Recovery of overpayment by means of deduction from social welfare and other payments**

245. (1) Where a person is required in accordance with section 335, 336, 337 or 338 to repay an amount of any benefit, assistance, F591**[**F592**[**working family payment**]**, continued payment for qualified children or back to work family dividend**]** (in this article referred to as the "relevant benefit") and that person is or becomes entitled to—

(*a*) a payment of any relevant benefit, or

(*b*) a payment under—

(i) section 34A or 36,

(ii) regulations made under section 34, 34A, 35 or 37,

(iii) section 32 of the Redundancy Payments Act 1967 , or

(iv) section 6 of the Protection of Employees (Employers' Insolvency) Act 1984,

recovery of the relevant benefit may, without prejudice to any other method of recovery, take the form of—

(i) withholding all or part of—

(I) any arrears of any relevant benefit,

(II) any grant or gratuity under Part 2 or Part 3 of the Principal Act, or

(III) any payment specified in *paragraph (b)*,

to which that person is or becomes entitled,

(ii) making deductions from ongoing payments of any relevant benefit to which that person is or becomes entitled, having regard to the total amount to be recovered and the person's ability to repay, or

(iii) any combination of the methods specified in *paragraphs (i)* and *(ii)*.

(2) Where, in accordance with *sub-article (1)(ii)*, repayment of any relevant benefit is made by way of weekly deduction from the weekly rate of any benefit or assistance, it shall not, without the prior written consent of the person liable to repay that amount, exceed the percentage of such weekly rate of benefit or assistance specified in section 341(7A).

(3) In this article—

"assistance" has the meaning assigned to it in section 2(1);

"benefit" has the meaning assigned to it in section 2(1);

F593**[**"back to work family dividend" means back to work family dividend under Part 7A of the Principal Act;**]**

F592**[**"working family payment"**]** means F592**[**working family payment**]** under Part 6 of the Principal Act;

"continued payment for qualified children" means continued payment for qualified children under Part 7 of the Principal Act;

"weekly rate" has the meaning assigned to it in section 341(7B).**]**

Annotations

Amendments:

F590 Substituted (13.11.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Overpayments) Regulations 2014* (S.I. No. 511 of 2014), art. 2(*a*).

F591 Substituted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 7(*a*).

F592 Substituted (1.01.2018) by *Social Welfare Act 2017* (38/2017), s. 8 and sch. 1, commenced as per s. 8(3).

F593 Inserted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015), art. 4 and sch. item no. 7(*b*).

Editorial Notes:

E112 Previous affecting provision: article substituted (28.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overpayments) Regulations 2013* (S.I. No. 24 of 2013), art. 4, in effect as per art. 3; substituted (13.11.2014) as per F-Note above

E113 Previous affecting provision: article substituted (9.09.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Overpayments) Regulations 2011* (S.I. No. 461 of 2011), art. 4; substituted (28.01.2013) as per E-Note above.

E114 Previous affecting provision: article substituted (26.07.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Overpayments) Regulations 2011* (S.I. No. 392 of 2011), art. 3; substituted (9.09.2011) as per E-Note above.

Reduction or cancellation of sum to be repaid

246. (1) The amount of an overpayment to be repaid may be reduced or cancelled where the overpayment arose because of—

(*a*) a failure by F594**[**the Department**]** to act within a reasonable period on information which was provided by or on behalf of the person concerned, or

(*b*) an error by F594**[**the Department**]**,

and the person concerned could not reasonably have been expected to be aware that a failure or error had occurred.

(2) The amount to be repaid shall, where the facts or circumstances warrant, be reduced to the amount accepted in settlement.

F595**[**(3) Other than in the case of a person to whom section 342A applies, the amount of an overpayment to be repaid may be reduced by the amount of any relevant benefit (within the meaning of *article 245(1)*) to which the person would otherwise have been entitled in the period to which the overpayment relates had he or she not been in receipt of the relevant benefit which gave rise to the overpayment.**]**

(4) In determining whether repayment of an overpayment is to be reduced or cancelled, account shall be taken of any omission made by or on behalf of the person concerned, which contributed in whole or in part to the overpayment being made.

(5) The repayment of an overpayment may be cancelled where there is no reasonable prospect of securing repayment in whole or in part.

Annotations

Amendments:

F594 Substituted (1.10.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011), art. 4(*e*), in effect as per art. 3.

F595 Substituted (13.11.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Overpayments) Regulations 2014* (S.I. No. 511 of 2014), art. 2(*b*).

Editorial Notes:

E115 Previous affecting provision: sub-art. (3) amended (28.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overpayments) Regulations 2013* (S.I. No. 24 of 2013), art. 5, in effect as per art. 3; substituted (13.11.2014) as per F-Note above.

E116 Previous affecting provision: sub-art. (3) substituted (9.09.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Overpayments) Regulations 2011* (S.I. No. 461 of 2011), art. 5; substituted (13.11.2014) as per F-Note above.

E117 Previous affecting provision: sub-art. (3) substituted (26.07.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Overpayments) Regulations 2011* (S.I. No. 392 of 2011), art. 4; substituted (9.09.2011) as per E-Note above.

Proceedings for recovery of overpayment

247. These Regulations are without prejudice to any right of F596**[**the Minister**]** to recover overpayments by proceedings taken under statute or simple contract debt in any court of competent jurisdiction.

Annotations

Amendments:

F596 Substituted (1.10.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011), art. 4(*f*), in effect as per art. 3.

Obligations of personal representatives

248. These Regulations do not affect the obligation of the personal representative of a deceased person who was at any time in receipt of a social assistance payment to—

(*a*) give notice of his or her intention to distribute the assets of that person and to furnish a schedule of such assets at least 3 months before commencing to distribute the assets,

(*b*) ensure that sufficient assets are retained to repay any assistance overpaid, and

(*c*) be personally liable to repay the amount of an overpayment outstanding as a result of failure to meet these obligations.

F597**[Decisions as to the application of *Part 9***

249. All questions which arise in the application of this Part shall be determined by an officer of the Minister.**]**

Annotations

Amendments:

F597 Substituted (1.10.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011), art. 4(*g*), in effect as per art. 3.

F598[PART 9A

Recovery of Certain Benefits and Assistance]

Annotations

Amendments:

F598 Inserted (1.08.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 332 of 2014), art. 3, in effect as per art. 2.

F599[**Definitions**

249A. In this Part—

"Board" has the meaning given to it in section 343L;

"compensator" has the meaning given to it in section 343L;

"injured person" has the meaning given to it in section 343L;

"personal injury" has the meaning given to it in section 343L;

"recoverable benefits" has the meaning given to it in section 343L;

F600["revised statement of recoverable benefits" has the meaning given to it in section 343L;]

"statement of recoverable benefits" has the meaning given to it in section 343L.]

Annotations

Amendments:

F599 Inserted (1.08.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 332 of 2014), art. 3, in effect as per art. 2.

F600 Inserted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Recovery of Certain Benefits and Assistance) Regulations 2015* (S.I. No. 177 of 2015), art. 2(*a*).

F601[**Application for statement of recoverable benefits**

249B. An application by a compensator or the Board for a statement of recoverable benefits under section 343P shall be made to the Minister—

(*a*) in the form for the time being approved by the Minister, or

(*b*) in such other manner as the Minister may accept as sufficient in the circumstances,

and such form or manner may include an application made by electronic means or in electronic form.**]**

Annotations

Amendments:

F601 Inserted (1.08.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 332 of 2014), art. 3, in effect as per art. 2.

F602**[Information to be given when making application for statement of recoverable benefits**

249C. For the purposes of an application for a statement of recoverable benefits under section 343P, a compensator or the Board, as appropriate, shall provide to the Minister—

(*a*) the following information relating to the identity of the injured person and benefits received by that person—

(i) the name of the injured person,

F603**[**(ia) the personal public service number of the injured person,**]**

(ii) the date of birth of the injured person,

(iii) the address of the injured person,

(iv) details of the personal injury sustained by the injured person, and

(v) the date of occurrence of the personal injury sustained by the injured person,

(*b*) the following information relating to the identity of the compensator—

(i) the name of the compensator, and

(ii) the address of the compensator,

(*c*) where an agent or legal representative is acting on behalf of a compensator, the following information relating to the identity of that agent or legal representative—

(i) the name of the agent or legal representative, as appropriate, and

(ii) the address of the agent or legal representative, as appropriate,

(*d*) where a compensator or the agent or legal representative of a compensator has assigned a case manager to deal with a claim for compensation by an injured person, the following information relating to the identity of that case manager—

(i) the name of the case manager,

(ii) the address of the case manager, and

(iii) contact details for the case manager, including telephone number and electronic mailing address,

(*e*) where an application for a statement of recoverable benefits under section 343P is made by a person other than a person mentioned in *paragraph (b)*, *(c)* or *(d)*, the name of the person who makes such application, and

(*f*) the reference number assigned to the case by the compensator or Board.**]**

Annotations

Amendments:

F602 Inserted (1.08.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 332 of 2014), art. 3, in effect as per art. 2.

F603 Inserted (1.11.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 497 of 2014), art. 3, in effect as per art. 2.

F604**[Information to be given for purposes of issuing statement and revised statement of recoverable benefits under section 343PA**

249D. For the purposes of the issuing of a statement of recoverable benefits or a revised statement of recoverable benefits under section 343PA a compensator or an injured person shall provide any of the information specified in *paragraphs (a)* to *(d)* and *paragraph (f)* of *article 249C* in relation to the identity of the compensator, the identity of the injured person and the benefits received by the injured person, as may be required by the Minister.**]**

Annotations

Amendments:

F604 Inserted (7.05.2015) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Recovery of Certain Benefits and Assistance) Regulations 2015* (S.I. No. 177 of 2015), art. 2(*b*).

PART 10

Liable Relatives

Definitions

250. In this Chapter—

"allowance" has the meaning assigned to it by section 344(1);

"Inspector" means an inspector appointed under section 250;

"liable relative" has the meaning assigned to it by section 2(7);

"order of the Court" has the meaning assigned to it by section 344(1);

"qualified child" means a person who is ordinarily resident in the State, is not detained in a reformatory or an industrial school and is under the age of 18 years or is of or over that age and under the age of 22 years and is attending a course of study within the meaning of section 148(3).

Calculation of amount due

251. (1) The amount which the liable relative is liable to contribute for the purposes of section 346, shall be—

(*a*) the weekly value of any property belonging to the liable relative (not being property personally used or enjoyed by him or her) which is invested or otherwise put to profitable use by the liable relative or which, though capable of investment or profitable use, is not invested or put to profitable use by the liable relative, the weekly value of the property 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,

(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,

but no account shall be taken under any other provision of this article of any appropriation of the property for the purpose of current expenditure, and

(*b*) gross income, other than income from property assessed under *paragraph (a)*, actually received or likely to be received in the contribution year in which the liability is calculated or where in any case a deciding officer or an appeals officer, as the case may be, considers that this period would not suffice, any other contribution year which appears to him or her to be appropriate for such purpose, less the amount of—

(i) any allowable contribution referred to in Regulations 41 and 42 of the Income Tax (Employments) (Consolidation) Regulations 2001 (S.I. No. 559 of 2001),

(ii) any income tax payable under the provisions of the Income Tax Acts as defined in section 1 of the Taxes Consolidation Act 1997 (No. 39 of 1997),

(iii) any contributions payable under section 13(2)(*b*) and regulations made under section 14 or section 21,

(iv) F605**[**...**]**

F606**[**(v) any maintenance payments being paid by the liable relative in respect of his or her spouse or civil partner, as the case may be, and in respect of his or her child or children, where such maintenance payments have been taken into account in deciding the amount of allowance payable to the said spouse, civil partner or parent of his or her children,

(vi) an amount, not exceeding €4,952 per annum, of any rent or repayment of a loan entered into solely for the purpose of defraying money employed in the purchase, repair or essential improvement of the residence in which the liable relative is residing, but where the liable relative is married, has entered into a civil partnership or is a cohabitant and his or her spouse, civil partner or cohabitant, as the case may be, is in employment or selfemployment, the amount allowed shall be one-half of the rent or repayment, not exceeding €2,476 per annum.**]**

(2) The amount calculated in accordance with *paragraph (b)* of *sub-article (1)* shall be divided by 52.

(3) The amount calculated in accordance with *sub-articles (1)* and *(2)* shall be further reduced by—

(*a*) a weekly amount equal to the sum of the amount specified in column 2 of reference 7 of Part 1 of Schedule 4 to the Principal Act plus €19.05, and

(*b*) the amount specified in column 4 of reference 7 of Part 1 of Schedule 4 to the Principal Act in respect of each qualified child of the liable relative normally residing with him or her and for whom he or she has the main care and charge.

Annotations

Amendments:

F605 Deleted (12.11.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012), art. 8 and sch.

F606 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 17(*a*).

Saver

252. (1) Subject to *sub-article (2)*, *article 251* shall not have the effect of increasing the amount payable by the liable relative immediately before the commencement of these Regulations, in any case where the amount payable was calculated in accordance with article 4 of the Social Welfare (Liable Relative) Regulations 1999 (S.I. No. 138 of 1999).

(2) *Sub-article (1)* shall cease to apply to any person where the capital amount on which the amount of contribution payable was calculated on the commencement of these Regulations is found to have increased.

Amount to be paid

253. F607**[**Subject to *sub-article (2)*, the weekly amount paid by the liable relative shall be—**]**

(*a*) the amount calculated in accordance with *article 251*, or

(*b*) the amount of weekly allowance in payment to the person, or parent of the person as the case may be, whom the liable relative is liable to maintain under Part 12, or

F608**[**(*c*) in the case of the qualified child of a person who is not married or is not a civil partner, an amount not exceeding the maximum amount set out in section 23 of the Family Law Maintenance of Spouses and Children Act 1976 (inserted by the Courts Act 1981 (No. 11 of 1981) and amended by the Courts Act 1991 (No. 20 of 1991)) in respect of each qualified child,**]**

whichever is the lesser amount, and any fraction of €1 of the amount of contribution payable by the liable relative, which is greater than 50 cent, shall be taken to be €1 and any other such fraction shall be ignored.

(2) Where an amount due under *sub-section (1)* is less than €2.50 per week no payment shall be sought from the liable relative.

Annotations

Amendments:

F607 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 17(*b*)(i).

F608 Substituted (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 17(*b*)(ii).

Transfer of maintenance

254. Where in accordance with section 358 a person who is in receipt of an allowance transfers to the Department maintenance payments made to him or her in compliance with an order of the Court, such maintenance payments may offset, in whole or in part, the amount payable by the liable relative, as a deciding officer or an appeals officer, as the case may be, shall decide.

Prescribed time for furnishing information

255. For the purposes of this Chapter a liable relative, his or her employer, or any other person shall furnish such information as may be required for the purposes of deciding the amount which the liable relative is required to contribute, within 7 days of being so requested by an inspector.

F609[PART 10A

Employment Schemes and Other Schemes and Programmes]

Annotations

Amendments:

F609 Inserted (5.08.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Discrimination on Grounds of Age) Regulations 2014* (S.I. No. 369 of 2014), art. 2.

F610[**Discrimination on grounds of age**

255A. The Minister may, in accordance with section 359B, discriminate on the grounds of age in—

(*a*) providing, or arranging for and co-ordinating the provision of, a scheme, programme or assistance under section 359A(1)(*a*),

(*b*) assisting, whether financially or otherwise, in the provision of a scheme, programme or assistance referred to in section 359A(1)(*a*), or

(*c*) providing for any scheme or programme under section 359A(2),

in respect of persons who have attained the age of 18 years, but who have not attained the age of 25 years.**]**

Annotations

Amendments:

F610 Inserted (5.08.2014) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Discrimination on Grounds of Age) Regulations 2014* (S.I. No. 369 of 2014), art. 2.

F611[SCHEDULE 1

Article 9

Rates of increases for Qualified Adult payable with Illness Benefit, Jobseeker's Benefit, Jobseeker's Benefit (Self-Employed), Injury Benefit, Incapacity Supplement, Jobseeker's Allowance, Pre-Retirement Allowance, Disability Allowance or Farm Assist and where Qualified Adult has attained pensionable age in the case of Incapacity Supplement

Qualified Adult weekly income, calculated or estimated in accordance with article 8 (1)	Increase in respect of Qualified Adult (2)	Incapacity Supplement Increase in respect of Qualified Adult (over 66) (3)
	€	€
Less than or equal to €100.00	146.00	158.80
Exceed €100.01 but do not exceed €110.00	141.00	153.80
Exceed €110.01 but do not exceed €120.00	136.00	148.80
Exceed €120.01 but do not exceed €130.00	130.30	143.10
Exceed €130.01 but do not exceed €140.00	124.40	137.20
Exceed €140.01 but do not exceed €150.00	118.70	131.50
Exceed €150.01 but do not exceed €160.00	112.90	125.70
Exceed €160.01 but do not exceed €170.00	107.10	119.90
Exceed €170.01 but do not exceed €180.00	101.30	114.10
Exceed €180.01 but do not exceed €190.00	95.40	108.20
Exceed €190.01 but do not exceed €200.00	89.70	102.50
Exceed €200.01 but do not exceed €210.00	83.80	96.60
Exceed €210.01 but do not exceed €220.00	78.10	90.90
Exceed €220.01 but do not exceed €230.00	72.20	85.00
Exceed €230.01 but do not exceed €240.00	66.50	79.30
Exceed €240.01 but do not exceed €250.00	60.70	73.50
Exceed €250.01 but do not exceed €260.00	54.90	67.70
Exceed €260.01 but do not exceed €270.00	49.10	61.90
Exceed €270.01 but do not exceed €280.00	43.30	56.10
Exceed €280.01 but do not exceed €290.00	37.50	50.30
Exceed €290.01 but do not exceed €300.00	31.70	44.50
Exceed €300.01 but do not exceed €310.00	25.90	38.70]

Annotations

Amendments:

F611 Substituted (on dates between 28.12.2022 and 4.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*a*) and sch. 1, in effect as per art. 2(*b*), 2(*c*), 2(*d*) and 2(*e*).

Editorial Notes:

E118 Previous affecting provision: schedule substituted (on dates between 29.12.2021 and 5.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*a*) and sch. 1, in effect as per art. 3(*b*), 3(*c*), 3(*d*) and 3(*e*); substituted (on dates between 28.12.2022 and 4.01.2023) as per F-Note above.

E119 Previous affecting provision: schedule amended (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 16, in effect as per art. 2; substituted (on dates between 29.12.2021 and 5.01.2022) as per E-Note above.

E120 Previous affecting provision: schedule substituted (on dates between 20.03.2019 and 27.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*a*) and sch. 1, in effect as per art. 2; substituted (on dates between 29.12.2021 and 5.01.2022) as per F-Note above.

E121 Previous affecting provision: schedule substituted (on dates between 21.03.2018 and 28.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4 and sch. 1, in effect as per art. 3; substituted (on dates between 20.03.2019 and 27.03.2019) as per F-Note above.

E122 Previous affecting provision: schedule substituted (on dates between 8.03.2017 and 15.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*a*) and sch. 1, in effect as per art. 3; substituted (on dates between 21.03.2018 and 28.03.2018) as per E-Note above.

E123 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*a*) and sch. 1, in effect as per art. 2(*b*); substituted (on dates between 8.03.2017 and 15.03.2017) as per E-Note above.

E124 Previous affecting provision: schedule substituted (on dates between 29.12.2010 and 7.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 7(*a*) and sch. 5, in effect as per art. 2; substituted (8.01.2016) as per E-Note above.

E125 Previous affecting provision: schedule substituted (on dates between 30.12.2009 and 8.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 7(*a*) and sch. 5, in effect as per art. 2; substituted (on dates between 29.12.2010 and 7.01.2011) as per E-Note above.

E126 Previous affecting provision: schedule substituted (on dates between 24.12.2008 and 31.12.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 7(*f*) and sch. 9, in effect as per art. 2; substituted (on dates between 30.12.2009 and 8.01.2010) as per E-Note above.

E127 Previous affecting provision: sch. substituted (on dates between 26.12.2007 and 4.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 8(*f*) and sch. 9, commenced as per arts. 2(*e*) and 2(*f*); substituted (on dates between 24.12.2008 and 31.12.2008) as per E-Note above.

F612[SCHEDULE 2

Articles 10 and 62

Rates of tapered increases for Qualified Adult payable with State Pension (Contributory) where Qualified Adult has attained pensionable age

State Pension (Contributory)						
Weekly income of Qualified Adult	Where yearly average is not less than 48	Where yearly average is less than 48, but not less than 40	Where yearly average is less than 40, but not less than 30	Where yearly average is less than 30, but not less than 20	Where yearly average is less than 20, but not less than 15	Where yearly average is less than 15, but not less than 10
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	€	€	€	€	€	€
Less than or equal to €100.00	237.80	225.90	214.20	201.60	154.40	95.60
Exceed €100.01 but do not exceed €110.00	228.40	216.90	205.60	193.50	148.20	91.80
Exceed €110.01 but do not exceed €120.00	219.00	207.90	197.00	185.40	142.00	88.00
Exceed €120.01 but do not exceed €130.00	209.60	198.90	188.40	177.30	135.80	84.20
Exceed €130.01 but do not exceed €140.00	200.20	189.90	179.80	169.20	129.60	80.40
Exceed €140.01 but do not exceed €150.00	190.80	180.90	171.20	161.10	123.40	76.60
Exceed €150.01 but do not exceed €160.00	181.40	171.90	162.60	153.00	117.20	72.80
Exceed €160.01 but do not exceed €170.00	172.00	162.90	154.00	144.90	111.00	69.00
Exceed €170.01 but do not exceed €180.00	162.60	153.90	145.40	136.80	104.80	65.20
Exceed €180.01 but do not exceed €190.00	153.20	144.90	136.80	128.70	98.60	61.40
Exceed €190.01 but do not exceed €200.00	143.80	135.90	128.20	120.60	92.40	57.60
Exceed €200.01 but do not exceed €210.00	134.40	126.90	119.60	112.50	86.20	53.80
Exceed €210.01 but do not exceed €220.00	125.00	117.90	111.00	104.40	80.00	50.00
Exceed €220.01 but do not exceed €230.00	115.60	108.90	102.40	96.30	73.80	46.20
Exceed €230.01 but do not exceed €240.00	106.20	99.90	93.80	88.20	67.60	42.40
Exceed €240.01 but do not exceed €250.00	96.80	90.90	85.20	80.10	61.40	38.60
Exceed €250.01 but do not exceed €260.00	87.40	81.90	76.60	72.00	55.20	34.80
Exceed €260.01 but do not exceed €270.00	78.00	72.90	68.00	63.90	49.00	31.00
Exceed €270.01 but do not exceed €280.00	68.60	63.90	59.40	55.80	42.80	27.20

State Pension (Contributory)						
Weekly income of Qualified Adult	Where yearly average is not less than 48	Where yearly average is less than 48, but not less than 40	Where yearly average is less than 40, but not less than 30	Where yearly average is less than 30, but not less than 20	Where yearly average is less than 20, but not less than 15	Where yearly average is less than 15, but not less than 10
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	€	€	€	€	€	€
Exceed €280.01 but do not exceed €290.00	59.20	54.90	50.80	47.70	36.60	23.40
Exceed €290.01 but do not exceed €300.00	49.80	45.90	42.20	39.60	30.40	19.60
Exceed €300.01 but do not exceed €310.00	40.40	36.90	33.60	31.50	24.20	15.80**]**

Annotations

Amendments:

F612 Substituted 6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*b*) and sch. 2, in effect as per art. 2(*f*).

Editorial Notes:

E128 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*b*) and sch. 2, in effect as per art. 3(*g*); substituted (6.01.2023) as per F-Note above.

E129 Previous affecting provision: schedule substituted (29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*b*) and sch. 2, in effect as per art. 2(*f*); substituted () as per F-Note above.

E130 Previous affecting provision: schedule substituted (30.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*b*) and sch. 2, in effect as per art. 3(*d*); substituted (29.03.2019) as per E-Note above.

E131 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*b*) and sch. 2, in effect as per art. 3(*d*); substituted (30.03.2018) as per E-Note above.

E132 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*b*) and sch. 2, in effect as per art. 2(*b*); substituted (10.03.2017) as per E-Note above.

E133 Previous affecting provision: schedule amended (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 7(*d*), in effect as per art. 3; substituted (8.01.2016) as per E-Note above.

E134 Previous affecting provision: schedule substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*a*) and sch. 1; substituted (8.01.2016) as per E-Note above.

E135 Previous affecting provision: schedule amended (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 18(*a*); substituted (1.09.2012) as per E-Note above.

E136 Previous affecting provision: schedule substituted (1.01.2009 and 2.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 7(*c*) and sch. 4, in effect as per arts. 2(*e*) and 2(*f*); substituted () as per E-Note above.

E137 Previous affecting provision: schedule substituted (3.01.2008 and 4.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 8(*c*) and sch. 4, commenced as per arts. 2(*e*) and 2(*f*); substituted (1.01.2009 and 2.01.2009) as per E-Note above.

F613[SCHEDULE 2A

Articles 62A and 65A

RATES OF TAPERED INCREASES FOR QUALIFIED ADULT PAYABLE WITH STATE PENSION (CONTRIBUTORY) IN ACCORDANCE WITH *ARTICLES 62A(5)(A)* AND *65A(4)(A)*

State Pension (Contributory)				
Weekly income of Qualified Adult (1)	Where yearly average is less than 48, but not less than 20 (2)	Where yearly average is less than 20, but not less than 15 (3)	Where yearly average is less than 15, but not less than 10 (4)	Where yearly average is less than 10, but not less than 5 (5)
	€	€	€	€
Less than or equal to €100.00	237.80	178.40	118.80	59.40
Exceed €100.01 but do not exceed €110.00	228.40	171.30	114.10	57.10
Exceed €110.01 but do not exceed €120.00	219.00	164.20	109.40	54.80
Exceed €120.01 but do not exceed €130.00	209.60	157.10	104.70	52.50
Exceed €130.01 but do not exceed €140.00	200.20	150.00	100.00	50.20
Exceed €140.01 but do not exceed €150.00	190.80	142.90	95.30	47.90
Exceed €150.01 but do not exceed €160.00	181.40	135.80	90.60	45.60
Exceed €160.01 but do not exceed €170.00	172.00	128.70	85.90	43.30
Exceed €170.01 but do not exceed €180.00	162.60	121.60	81.20	41.00

State Pension (Contributory)				
Weekly income of Qualified Adult (1)	Where yearly average is less than 48, but not less than 20 (2)	Where yearly average is less than 20, but not less than 15 (3)	Where yearly average is less than 15, but not less than 10 (4)	Where yearly average is less than 10, but not less than 5 (5)
	€	€	€	€
Exceed €180.01 but do not exceed €190.00	153.20	114.50	76.50	38.70
Exceed €190.01 but do not exceed €200.00	143.80	107.40	71.80	36.40
Exceed €200.01 but do not exceed €210.00	134.40	100.30	67.10	34.10
Exceed €210.01 but do not exceed €220.00	125.00	93.20	62.40	31.80
Exceed €220.01 but do not exceed €230.00	115.60	86.10	57.70	29.50
Exceed €230.01 but do not exceed €240.00	106.20	79.00	53.00	27.20
Exceed €240.01 but do not exceed €250.00	96.80	71.90	48.30	24.90
Exceed €250.01 but do not exceed €260.00	87.40	64.80	43.60	22.60
Exceed €260.01 but do not exceed €270.00	78.00	57.70	38.90	20.30
Exceed €270.01 but do not exceed €280.00	68.60	50.60	34.20	18.00
Exceed €280.01 but do not exceed €290.00	59.20	43.50	29.50	15.70
Exceed €290.01 but do not exceed €300.00	49.80	36.40	24.80	13.40
Exceed €300.01 but do not exceed €310.00	40.40	29.30	20.10	11.10]

Annotations

Amendments:

F613 Substituted 6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*b*) and sch. 2, in effect as per art. 2(*f*).

Editorial Notes:

E138 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*b*) and sch. 2, in effect as per art. 3(*g*); substituted (6.01.2023) as per F-Note above.

E139 Previous affecting provision: schedule substituted (29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*b*) and sch. 2, in effect as per art. 2(*f*); substituted (7.01.2022) as per F-Note above.

E140 Previous affecting provision: schedule substituted (30.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*b*) and sch. 2, in effect as per art. 3(*d*); substituted (29.03.2019) as per F-Note above.

E141 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*b*) and sch. 2, in effect as per art. 3(*d*); substituted (30.03.2018) as per E-Note above.

E142 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*b*) and sch. 2, in effect as per art. 2(*b*); substituted (10.03.2017) as per E-Note above.

E143 Previous affecting provision: schedule inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*a*) and sch. 1; substituted (8.01.2016) as per E-Note above.

F614[SCHEDULE 3

Articles 10 and 62

RATES OF TAPERED INCREASES FOR QUALIFIED ADULT PAYABLE WITH STATE PENSION (CONTRIBUTORY) WHERE QUALIFIED ADULT HAS NOT ATTAINED PENSIONABLE AGE

State Pension (Contributory)						
Weekly income of Qualified Adult	Where yearly average is not less than 48	Where yearly average is less than 48, but not less than 40	Where yearly average is less than 40, but not less than 30	Where yearly average is less than 30, but not less than 20	Where yearly average is less than 20, but not less than 15	Where yearly average is less than 15, but not less than 10
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	€	€	€	€	€	€
Less than or equal to €100.00	176.70	168.20	160.00	149.70	115.20	70.20
Exceed €100.01 but do not exceed €110.00	169.70	161.50	153.60	143.70	110.60	67.40
Exceed €110.01 but do not exceed €120.00	162.70	154.80	147.20	137.70	106.00	64.60
Exceed €120.01 but do not exceed €130.00	155.70	148.10	140.80	131.70	101.40	61.80
Exceed €130.01 but do not exceed €140.00	148.70	141.40	134.40	125.70	96.80	59.00
Exceed €140.01 but do not exceed €150.00	141.70	134.70	128.00	119.70	92.20	56.20

State Pension (Contributory)						
Weekly income of Qualified Adult	Where yearly average is not less than 48	Where yearly average is less than 48, but not less than 40	Where yearly average is less than 40, but not less than 30	Where yearly average is less than 30, but not less than 20	Where yearly average is less than 20, but not less than 15	Where yearly average is less than 15, but not less than 10
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	€	€	€	€	€	€
Exceed €150.01 but do not exceed €160.00	134.70	128.00	121.60	113.70	87.60	53.40
Exceed €160.01 but do not exceed €170.00	127.70	121.30	115.20	107.70	83.00	50.60
Exceed €170.01 but do not exceed €180.00	120.70	114.60	108.80	101.70	78.40	47.80
Exceed €180.01 but do not exceed €190.00	113.70	107.90	102.40	95.70	73.80	45.00
Exceed €190.01 but do not exceed €200.00	106.70	101.20	96.00	89.70	69.20	42.20
Exceed €200.01 but do not exceed €210.00	99.70	94.50	89.60	83.70	64.40	39.40
Exceed €210.01 but do not exceed €220.00	92.70	87.80	83.20	77.70	60.00	36.60
Exceed €220.01 but do not exceed €230.00	85.70	81.10	76.80	71.70	55.40	33.80
Exceed €230.01 but do not exceed €240.00	78.70	74.40	70.40	65.70	50.80	31.00
Exceed €240.01 but do not exceed €250.00	71.70	67.70	64.00	59.70	46.20	28.20
Exceed €250.01 but do not exceed €260.00	64.70	61.00	57.60	53.70	41.60	25.40
Exceed €260.01 but do not exceed €270.00	57.70	54.30	51.20	47.70	37.00	22.60
Exceed €270.01 but do not exceed €280.00	50.70	47.60	44.80	41.70	32.40	19.80
Exceed €280.01 but do not exceed €290.00	43.70	40.90	38.40	35.70	27.80	17.00
Exceed €290.01 but do not exceed €300.00	36.70	34.20	32.00	29.70	23.20	14.20
Exceed €300.01 but do not exceed €310.00	29.70	27.50	25.60	23.70	18.60	11.40**]**

Annotations

Amendments:

F614 Substituted 6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*c*) and sch. 3, in effect as per art. 2(*f*).

Editorial Notes:

E144 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*c*) and sch. 3, in effect as per art. 3(*g*); substituted (7.01.2022) as per F-Note above.

E145 Previous affecting provision: schedule substituted (29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*c*) and sch. 3, in effect as per art. 2(*f*); substituted (7.01.2022) as per E-Note above.

E146 Previous affecting provision: schedule substituted (30.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*c*) and sch. 3, in effect as per art. 3(*d*); substituted (29.03.2019) as per E-Note above.

E147 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*c*) and sch. 3, in effect as per art. 3(*d*); substituted (30.03.2018) as per E-Note above.

E148 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*c*) and sch. 3, in effect as per art. 2(*b*); substituted (10.03.2017) as per E-Note above.

E149 Previous affecting provision: schedule amended (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 7(*e*), in effect as per art. 3; substituted (8.01.2016) as per E-Note above.

E150 Previous affecting provision: schedule substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*b*) and sch. 2; substituted (8.01.2016) as per E-Note above.

E151 Previous affecting provision: schedule amended (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 18(*b*); substituted (1.09.2012) as per E-Note above.

E152 Previous affecting provision: schedule substituted (1.01.2009 and 2.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 7(*d*) and sch. 5, in effect as per arts. 2(*e*) and 2(*f*); substituted (1.09.2012) as per E-Note above.

E153 Previous affecting provision: schedule substituted (3.01.2008 and 4.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 8(*d*) and sch. 5, commenced as per arts. 2(*e*) and 2(*f*); substituted (1.01.2009 and 2.01.2009) as per E-Note above.

F615[SCHEDULE 3A

Articles 62A and 65A

RATES OF TAPERED INCREASES FOR QUALIFIED ADULT PAYABLE WITH STATE PENSION (CONTRIBUTORY) IN ACCORDANCE WITH *ARTICLES 62A(5)(B)* AND *65A(4)(B)*

State Pension (Contributory)				
Weekly income of Qualified Adult (1)	Where yearly average is less than 48, but not less than 20 (2)	Where yearly average is less than 20, but not less than 15 (3)	Where yearly average is less than 15, but not less than 10 (4)	Where yearly average is less than 10, but not less than 5 (5)
	€	€	€	€
Less than or equal to €100.00	176.70	132.60	88.50	44.10
Exceed €100.01 but do not exceed €110.00	169.70	127.30	85.00	42.40
Exceed €110.01 but do not exceed €120.00	162.70	122.00	81.50	40.70
Exceed €120.01 but do not exceed €130.00	155.70	116.70	78.00	39.00
Exceed €130.01 but do not exceed €140.00	148.70	111.40	74.50	37.30
Exceed €140.01 but do not exceed €150.00	141.70	106.10	71.00	35.60
Exceed €150.01 but do not exceed €160.00	134.70	100.80	67.50	33.90
Exceed €160.01 but do not exceed €170.00	127.70	95.50	64.00	32.20
Exceed €170.01 but do not exceed €180.00	120.70	90.20	60.50	30.50
Exceed €180.01 but do not exceed €190.00	113.70	84.90	57.00	28.80
Exceed €190.01 but do not exceed €200.00	106.70	79.60	53.50	27.10
Exceed €200.01 but do not exceed €210.00	99.70	74.30	50.00	25.40
Exceed €210.01 but do not exceed €220.00	92.70	69.00	46.50	23.70
Exceed €220.01 but do not exceed €230.00	85.70	63.70	43.00	22.00
Exceed €230.01 but do not exceed €240.00	78.70	58.40	39.50	20.30
Exceed €240.01 but do not exceed €250.00	71.70	53.10	36.00	18.60
Exceed €250.01 but do not exceed €260.00	64.70	47.80	32.50	16.90
Exceed €260.01 but do not exceed €270.00	57.70	42.50	29.00	15.20
Exceed €270.01 but do not exceed €280.00	50.70	37.20	25.50	13.50
Exceed €280.01 but do not exceed €290.00	43.70	31.90	22.00	11.80
Exceed €290.01 but do not exceed €300.00	36.70	26.60	18.50	10.10
Exceed €300.01 but do not exceed €310.00	29.70	21.30	15.00	8.40]

Annotations

Amendments:

F615 Substituted (6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*c*) and sch. 3, in effect as per art. 2(*f*).

Editorial Notes:

E154 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*c*) and sch. 3, in effect as per art. 3(*g*); substituted (6.01.2023) as per F-Note above.

E155 Previous affecting provision: schedule substituted (29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*c*) and sch. 3, in effect as per art. 2(*f*); substituted (7.01.2022) as per E-Note above.

E156 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*c*) and sch. 3, in effect as per art. 3(*d*); substituted (29.03.2019) as per F-Note above.

E157 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*c*) and sch. 3, in effect as per art. 3(*d*); substituted (30.03.2018) as per E-Note above.

E158 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*c*) and sch. 3, in effect as per art. 2(*b*); substituted (10.03.2017) as per E-Note above.

E159 Previous affecting provision: schedule inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*b*) and sch. 2; substituted (8.01.2016) as per E-Note above.

F616[SCHEDULE 4

Article 11

RATES OF INCREASES FOR QUALIFIED ADULT PAYABLE WITH INVALIDITY PENSION AND FOR QUALIFIED ADULT WHO ATTAINED PENSIONABLE AGE BEFORE 2 JANUARY 2014

Qualified Adult weekly income, calculated or estimated in accordance with article 8 (1)	Increase in respect of Qualified Adult (2)	Increase in respect of Qualified Adult who attained Pensionable age before 2 January 2014 (3)
Less than or equal to €100.00	€ 161.10	€ 237.80

Qualified Adult weekly income, calculated or estimated in accordance with article 8 (1)	Increase in respect of Qualified Adult (2)	Increase in respect of Qualified Adult who attained Pensionable age before 2 January 2014 (3)
	€	€
Exceed €100.01 but do not exceed €110.00	154.90	228.40
Exceed €110.01 but do not exceed €120.00	148.50	219.00
Exceed €120.01 but do not exceed €130.00	142.30	209.60
Exceed €130.01 but do not exceed €140.00	136.00	200.20
Exceed €140.01 but do not exceed €150.00	129.70	190.80
Exceed €150.01 but do not exceed €160.00	123.50	181.40
Exceed €160.01 but do not exceed €170.00	117.20	172.00
Exceed €170.01 but do not exceed €180.00	110.90	162.60
Exceed €180.01 but do not exceed €190.00	104.60	153.20
Exceed €190.01 but do not exceed €200.00	98.40	143.80
Exceed €200.01 but do not exceed €210.00	92.00	134.40
Exceed €210.01 but do not exceed €220.00	85.80	125.00
Exceed €220.01 but do not exceed €230.00	79.60	115.60
Exceed €230.01 but do not exceed €240.00	73.30	106.20
Exceed €240.01 but do not exceed €250.00	67.00	96.80
Exceed €250.01 but do not exceed €260.00	60.70	87.40
Exceed €260.01 but do not exceed €270.00	54.50	78.00
Exceed €270.01 but do not exceed €280.00	48.20	68.60
Exceed €280.01 but do not exceed €290.00	41.90	59.20
Exceed €290.01 but do not exceed €300.00	35.70	49.80
Exceed €300.01 but do not exceed €310.00	29.30	40.40]

Annotations

Amendments:

F616 Substituted (5.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*d*) and sch. 4, in effect as per art. 2(*e*).

Editorial Notes:

E160 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*d*) and sch. 4, in effect as per art. 3(*f*); substituted (5.01.2023) as per F-Note above.

E161 Previous affecting provision: schedule substituted (28.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*d*) and sch. 4, in effect as per art. 2(*e*); substituted (7.01.2022) as per E-Note above.

E162 Previous affecting provision: schedule substituted (29.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*d*) and sch. 4, in effect as per art. 3(*h*); substituted (28.03.2019) as per F-Note above.

E163 Previous affecting provision: schedule substituted (16.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*d*) and sch. 4, in effect as per art. 3(*h*); substituted (29.03.2018) as per E-Note above.

E164 Previous affecting provision: schedule substituted (7.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*d*) and sch. 4, in effect as per art. 2(*a*); substituted (16.03.2017) as per E-Note above.

E165 Previous affecting provision: schedule substituted (6.01.2011 and 7.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 7(*c*) and sch. 7, in effect as per arts. 2(*e*) and 2(*f*); substituted (7.01.2016) as per E-Note above.

E166 Previous affecting provision: schedule substituted (7.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 7(*c*) and sch. 7, in effect as per art. 2(*e*); substituted (6.01.2011 and 7.01.2011) as per E-Note above.

E167 Previous affecting provision: schedule substituted (1.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 7(*h*) and sch. 11, in effect as per art. 2(*e*); substituted (7.01.2010) as per E-Note above.

E168 Previous affecting provision: schedule substituted 3.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 8(*h*) and sch. 11, commenced as per art. 2(*e*); substituted (1.01.2009) as per E-Note above.

F617[SCHEDULE 5

Articles 27 and 48

REDUCED RATES OF ILLNESS BENEFIT, JOBSEEKER'S BENEFIT AND JOBSEEKER'S BENEFIT (SELF-EMPLOYED)

Amount of reckonable weekly earnings (1)	Weekly Rate (2)	Increase for Qualified Adult (where payable) (3)
€	€	€
32.00 to 44.43	98.70	94.50
44.44 to 63.48	141.90	94.50
63.49 to 88.87	172.30	94.50]

Annotations

Amendments:

F617 Substituted (29.12.2022 and 2.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*e*) and sch. 5, in effect as per art. 2(*b*) and (*c*).

Editorial Notes:

E169 Previous affecting provision: schedule substituted (30.12.2021 and 3.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*e*) and sch. 5, in effect as per art. 3(*c*) and 3(*d*); substituted (29.12.2022 and 2.01.2023) as per F-Note above.

E170 Previous affecting provision: schedule amended (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 17, in effect as per art. 2; substituted (30.12.2021 and 3.01.2022) as per E-Note above.

E171 Previous affecting provision: schedule substituted (21.03.2019 and 25.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*e*) and sch. 5, in effect as per arts. 2(*b*) and 2(*c*); substituted (30.12.2021 and 3.01.2022) as per E-Note above.

E172 Previous affecting provision: schedule substituted (22.03.2018 and 26.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*e*) and sch. 5, in effect as per arts. 3(*b*) and 3(*f*); substituted (21.03.2019 and 25.03.2019) as per E-Note above.

E173 Previous affecting provision: schedule substituted (9.03.2017 and 13.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*e*) and sch. 5, in effect as per arts. 3(*b*) and 3(*f*); substituted (22.03.2018 and 26.03.2018) as per E-Note above.

E174 Previous affecting provision: schedule substituted (3.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 6(*a*) and sch. 1, in effect as per art. 2(*c*); substituted (9.03.2017 and 13.03.2017) as per E-Note above.

E175 Previous affecting provision: schedule substituted (31.12.2009 and 4.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 6(*a*) and sch. 1, in effect as per arts. 2(*b*) and 2(*c*); substituted (3.01.2011) as per E-Note above.

E176 Previous affecting provision: schedule substituted (25.12.2008 and 29.12.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 6(*a*) and sch. 1, in effect as per arts. 2(*b*) and 2(*c*); substituted (31.12.2009 and 4.01.2010) as per E-Note above.

E177 Previous affecting provision: schedule substituted (27.12.2007 and 31.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 7(*a*) and sch. 1, commenced as per arts. 2(*b*) and 2(*c*); substituted (25.12.2008 and 29.12.2008) as per E-Note above.

F618**[**SCHEDULE 6

Articles 27 , 37 and 48

REDUCED RATES OF ILLNESS BENEFIT, HEALTH AND SAFETY BENEFIT, JOBSEEKER'S BENEFIT AND JOBSEEKER'S BENEFIT (SELF-EMPLOYED)

Amount of reckonable weekly earnings (1)	Weekly Rate (2)	Increase for Qualified Adult (where payable) (3)
€	€	€
32.00 to 79.79	98.70	94.50
80.00 to 124.99	141.90	94.50
125.00 to 149.99	172.30	94.50]

Annotations

Amendments:

F618 Substituted (29.12.2022 and 2.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*e*) and sch. 5, in effect as per art. 2(*b*) and (*c*).

Editorial Notes:

E178 Previous affecting provision: schedule substituted (30.12.2021 and 3.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*e*) and sch. 5, in effect as per art. 3(*c*) and 3(*d*); substituted (29.12.2022 and 2.01.2023) as per F-Note above.

E179 Previous affecting provision: schedule amended (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 18, in effect as per art. 2; substituted (30.12.2021 and 3.01.2022) as per E-Note above.

E180 Previous affecting provision: schedule substituted (21.03.2019 and 25.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*e*) and sch. 5, in effect as per arts. 2(*b*) and 2(*c*); substituted (30.12.2021 and 3.01.2022) as per E-Note above.

E181 Previous affecting provision: schedule substituted (22.03.2018 and 26.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*e*) and sch. 5, in effect as per arts. 3(*b*) and 3(*f*); substituted (21.03.2019 and 25.03.2019) as per F-Note above.

E182 Previous affecting provision: schedule substituted (9.03.2017 and 13.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*e*) and sch. 5, in effect as per arts. 3(*b*) and 3(*f*); substituted (22.03.2018 and 26.03.2018) as per E-Note above.

E183 Previous affecting provision: schedule substituted (3.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 6(*b*) and sch. 2, in effect as per art. 2(*c*); substituted (9.03.2017 and 13.03.2017) as per E-Note above.

E184 Previous affecting provision: schedule substituted (31.12.2009 and 4.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 6(*b*) and sch. 2, in effect as per arts. 2(*b*) and 2(*c*); substituted (3.01.2011) as per E-Note above.

E185 Previous affecting provision: schedule substituted (25.12.2008 and 29.12.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 6(*b*) and sch. 2, in effect as per arts. 2(*b*) and 2(*c*); substituted 31.12.2009 and 4.01.2010 as per E-Note above.

E186 Previous affecting provision: schedule substituted (27.12.2007 and 31.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 7(*b*) and sch. 2, commenced as per arts. 2(*b*) and 2(*c*); substituted (25.12.2008 and 29.12.2008) as per E-Note above.

F619[SCHEDULE 6A

REDUCED RATES OF ILLNESS BENEFIT, HEALTH AND SAFETY BENEFIT, JOBSEEKER'S BENEFIT AND JOBSEEKER'S BENEFIT (SELF-EMPLOYED)

Articles 27 , 37 and 48

Amount of reckonable weekly earnings (1)	Weekly Rate (2)	Increase for Qualified Adult (where payable) (3)
€	€	€
32.00 to 149.99	98.70	94.50
150.00 to 219.99	141.90	94.50
220.00 to 299.99	172.30	94.50]

Annotations

Amendments:

F619 Substituted (29.12.2022 and 2.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*e*) and sch. 5, in effect as per art. 2(*b*) and (*c*).

Editorial Notes:

E187 Previous affecting provision: schedule substituted (30.12.2021 and 3.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*e*) and sch. 5, in effect as per art. 3(*c*) and 3(*d*); substituted (29.12.2022 and 2.01.2023) as per F-Note above.

E188 Previous affecting provision: schedule amended (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 19, in effect as per art. 2; substituted (30.12.2021 and 3.01.2022) as per E-Note above.

E189 Previous affecting provision: schedule substituted (21.03.2019 and 25.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*e*) and sch. 5, in effect as per arts. 2(*b*) and 2(*c*); substituted (30.12.2021 and 3.01.2022) as per E-Note above.

E190 Previous affecting provision: schedule substituted (22.03.2018 and 26.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*e*) and sch. 5, in effect as per arts. 3(*b*) and 3(*f*); substituted (21.03.2019 and 25.03.2019) as per F-Note above.

E191 Previous affecting provision: schedule substituted (9.03.2017 and 13.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*e*) and sch. 5, in effect as per arts. 3(*b*) and 3(*f*); substituted (22.03.2018 and 26.03.2018) as per E-Note above.

E192 Previous affecting provision: schedule substituted (3.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 6(*c*) and sch. 3, in effect as per art. 2(*c*); substituted (9.03.2017 and 13.03.2017) as per E-Note above.

E193 Previous affecting provision: schedule substituted (31.12.2009 and 4.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 6(*c*) and sch. 3, in effect as per arts. 2(*b*) and 2(*c*); substituted (3.01.2011) as per E-Note above.

E194 Previous affecting provision: schedule inserted (18.12.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Graduated Rates) Regulations 2008* (S.I. No. 604 of 2008), art. 4 and sch. 1; substituted (31.12.2009 and 4.01.2010) as per E-Note above.

F620[SCHEDULE 7

Articles 27 and 48

RATES OF INCREASES FOR QUALIFIED ADULT PAYABLE WITH REDUCED RATES OF ILLNESS, JOBSEEKER'S BENEFIT AND JOBSEEKER'S BENEFIT (SELF-EMPLOYED)

Qualified Adult weekly income, calculated or estimated in accordance with *article 8* (1)	Increase in respect of Qualified Adult (2)
	€
Less than or equal to €100.00	94.50
Exceed €100.01 but do not exceed €110.00	90.90
Exceed €110.01 but do not exceed €120.00	87.10
Exceed €120.01 but do not exceed €130.00	83.50
Exceed €130.01 but do not exceed €140.00	79.80
Exceed €140.01 but do not exceed €150.00	76.10
Exceed €150.01 but do not exceed €160.00	72.40
Exceed €160.01 but do not exceed €170.00	68.70
Exceed €170.01 but do not exceed €180.00	65.00
Exceed €180.01 but do not exceed €190.00	61.40
Exceed €190.01 but do not exceed €200.00	57.60
Exceed €200.01 but do not exceed €210.00	54.00
Exceed €210.01 but do not exceed €220.00	50.40
Exceed €220.01 but do not exceed €230.00	46.60

Qualified Adult weekly income, calculated or estimated in accordance with *article 8* (1)	Increase in respect of Qualified Adult (2)
	€
Exceed €230.01 but do not exceed €240.00	43.00
Exceed €240.01 but do not exceed €250.00	39.30
Exceed €250.01 but do not exceed €260.00	35.60
Exceed €260.01 but do not exceed €270.00	31.90
Exceed €270.01 but do not exceed €280.00	28.20
Exceed €280.01 but do not exceed €290.00	24.50
Exceed €290.01 but do not exceed €300.00	20.90
Exceed €300.01 but do not exceed €310.00	17.20**]**

Annotations

Amendments:

F620 Substituted (29.12.2022 and 2.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*f*) and sch. 6, in effect as per art. 2(*b*) and (*c*).

Editorial Notes:

E195 Previous affecting provision: schedule substituted (30.12.2021 and 3.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*f*) and sch. 6, in effect as per art. 3(*c*) and 3(*d*); substituted (29.12.2022 and 2.01.2023) as per F-Note above.

E196 Previous affecting provision: schedule amended (1.11.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019), art. 12 and sch. item no. 20, in effect as per art. 2; substituted (29.12.2022 and 2.01.2023) as per E-Note above.

E197 Previous affecting provision: schedule substituted (21.03.2019 and 25.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*f*) and sch. 6, in effect as per arts. 2(*b*) and 2(*c*); substituted (30.12.2021 and 3.01.2022) as per E-Note above.

E198 Previous affecting provision: schedule substituted (22.03.2018 and 26.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*f*) and sch. 6, in effect as per arts. 3(*b*) and 3(*f*); substituted (21.03.2019 and 25.03.2019) as per F-Note above.

E199 Previous affecting provision: schedule substituted (9.03.2017 and 13.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*f*) and sch. 6, in effect as per arts. 3(*b*) and 3(*f*); substituted (22.03.2018 and 26.03.2018) as per E-Note above.

E200 Previous affecting provision: schedule substituted (6.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 7(*b*) and sch. 6 in effect as per art. 2(*e*); substituted (9.03.2017 and 13.03.2017) as per E-Note above.

E201 Previous affecting provision: schedule substituted (31.12.2009 and 4.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 7(*b*) and sch. 6, in effect as per arts. 2(*b*) and 2(*c*); substituted (6.01.2011) as per E-Note above.

E202 Previous affecting provision: schedule substituted (25.12.2008 and 29.12.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 7(*g*) and sch. 10, in effect as per arts. 2(*b*) and 2(*c*); substituted (31.12.2009 and 4.01.2010) as per E-Note above.

E203 Previous affecting provision: schedule substituted (27.12.2007 and 31.12.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 8(*g*) and sch. 10, commenced as per arts. 2(*e*) and 2(*f*); substituted (25.12.2008 and 29.12.2008) as per E-Note above.

F621[SCHEDULE 7A

Article 28D

REDUCED RATES OF PARTIAL CAPACITY BENEFIT

Degree of restriction on claimant's capacity for work (1)	Weekly rate payable (2)
Profound restriction	Rate of partial capacity benefit payable in accordance with section 46B
Severe restriction	75% of the rate of partial capacity benefit payable in accordance with section 46B
Moderate restriction	50% of the rate of partial capacity benefit payable in accordance with section 46B
Mild restriction	No benefit paid]

Annotations

Amendments:

F621 Schedule inserted (13.02.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012), art. 6, in effect as per art. 3.

F622[SCHEDULE 8

REDUCED RATES OF STATE PENSION (CONTRIBUTORY) AND INCREASES FOR QUALIFIED ADULT WHERE CONTRIBUTION CONDITIONS ARE PARTIALLY SATISFIED AND WHERE PERSON ATTAINS PENSIONABLE AGE ON OR AFTER 1 SEPTEMBER 2012

Article 62

Yearly Average (1)	Weekly Rate (2)	Increase for Qualified Adult who has not attained pensionable age (3)	Increase for Qualified Adult who has attained pensionable age (4)
	€	€	€
Less than 48, but not less than 40	260.10	168.20	225.90
Less than 40, but not less than 30	238.50	160.00	214.20
Less than 30, but not less than 20	225.90	149.70	201.60
Less than 20, but not less than 15	172.90	115.20	154.40
Less than 15, but not less than 10	106.00	70.20	95.60**]**

Annotations

Amendments:

F622 Substituted (6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*g*) and sch. 7, in effect as per art. 2(*f*).

Editorial Notes:

E204 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*g*) and sch. 7, in effect as per art. 3(*g*); substituted (6.01.2023) as per F-Note above.

E205 Previous affecting provision: schedule substituted (29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*g*) and sch. 7, in effect as per art. 2(*f*); substituted (7.01.2022) as per E-Note above.

E206 Previous affecting provision: schedule substituted (30.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*g*) and sch. 7, in effect as per art. 3(*d*); substituted (29.03.2019) as per E-Note above.

E207 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*g*) and sch. 7, in effect as per art. 3(*d*); substituted (30.03.2018) as per E-Note above.

E208 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*e*) and sch. 5, in effect as per art. 2(*b*); substituted (10.03.2017) as per E-Note above.

E209 Previous affecting provision: schedule substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*c*) and sch. 3; substituted (8.01.2016) as per E-Note above.

E210 Previous affecting provision: schedule substituted (2.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 6(*c*) and sch. 3, in effect as per art. 2(*f*); substituted (1.09.2012) as per E-Note above.

E211 Previous affecting provision: schedule substituted (4.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 7(*c*) and sch. 3, commenced as per art. 2(*f*); substituted (2.01.2009) as per E-Note above.

F623[SCHEDULE 8A

Articles 62A and 65A

REDUCED RATES OF STATE PENSION (CONTRIBUTORY) AND INCREASES FOR QUALIFIED ADULT WHERE CONTRIBUTION CONDITIONS ARE PARTIALLY SATISFIED AND WHERE PERSON ATTAINED PENSIONABLE AGE BEFORE 1 SEPTEMBER 2012 AND IS NOT A PERSON TO WHOM SECTION 109(10) APPLIES

Yearly Average (1)	Weekly Rate (2)	Increase for Qualified Adult who has not attained pensionable age (3)	Increase for Qualified Adult who has attained pensionable age (4)
	€	€	€
Less than 48, but not less than 20	260.10	176.70	237.80
Less than 20, but not less than 15	199.00	132.60	178.40
Less than 15, but not less than 10	132.70	88.50	118.80
Less than 10, but not less than 5	63.30	44.10	59.40**]**

Annotations

Amendments:

F623 Substituted (6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*g*) and sch. 7, in effect as per art. 2(*f*).

Editorial Notes:

E212 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*g*) and sch. 7, in effect as per art. 3(*g*); substituted (6.01.2023) as per F-Note above.

E213 Previous affecting provision: schedule substituted (29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*g*) and sch. 7, in effect as per art. 2(*f*); substituted (7.01.2022) as per E-Note above.

E214 Previous affecting provision: schedule substituted (30.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*g*) and sch. 7, in effect as per art. 3(*d*); substituted (29.03.2019) as per E-Note above.

E215 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*g*) and sch. 7, in effect as per art. 3(*d*); substituted (30.03.2018) as per E-Note above.

E216 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*e*) and sch. 5, in effect as per art. 2(*b*); substituted (10.03.2017) as per E-Note above.

E217 Previous affecting provision: schedule inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*c*) and sch. 3; substituted (8.01.2016) as per E-Note above.

F624[SCHEDULE 8B

Articles 62B and 65B

REDUCED RATES OF STATE PENSION (CONTRIBUTORY) AND INCREASES FOR QUALIFIED ADULT WHERE SECTION 109(10) APPLIES

Yearly Average (1)	Weekly Rate (2)	Increase for Qualified Adult who has not attained pensionable age (3)	Increase for Qualified Adult who has attained pensionable age (4)
	€	€	€
Less than 48, but not less than 20	260.10	176.70	237.80
Less than 20, but not less than 15	199.00	138.80	178.40
Less than 15, but not less than 10	132.70	138.80	178.40
Less than 10, but not less than 5	63.30	138.80	178.40]

Annotations

Amendments:

F624 Substituted (6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*g*) and sch. 7, in effect as per art. 2(*f*).

Editorial Notes:

E218 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*g*) and sch. 7, in effect as per art. 3(*g*); substituted (6.01.2023) as per F-Note above.

E219 Previous affecting provision: schedule substituted (29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*g*) and sch. 7, in effect as per art. 2(*f*); substituted (7.01.2022) as per E-Note above.

E220 Previous affecting provision: schedule substituted (30.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*g*) and sch. 7, in effect as per art. 3(*d*); substituted (29.03.2019) as per E-Note above.

E221 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*g*) and sch. 7, in effect as per art. 3(*d*); substituted (30.03.2018) as per E-Note above.

E222 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*e*) and sch. 5, in effect as per art. 2(*b*); substituted (10.03.2017) as per E-Note above.

E223 Previous affecting provision: schedule inserted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*c*) and sch. 3; substituted (8.01.2016) as per E-Note above.

F625[SCHEDULE 9

Articles 62B and 65B

RATES OF TAPERED INCREASES FOR A QUALIFIED ADULT PAYABLE WITH STATE PENSION (CONTRIBUTORY) WHERE SECTION 109(10) APPLIES

Weekly income of Qualified Adult	Increase for Qualified Adult who has not attained pensionable age			Increase for Qualified Adult who has attained pensionable age		
	Where yearly average is less than 48, but not less than 20	Where yearly average is less than 20, but not less than 10	Where yearly average is less than 10, but not less than 5	Where yearly average is less than 48, but not less than 20	Where yearly average is less than 20, but not less than 10	Where yearly average is less than 10, but not less than 5
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	€	€	€	€	€	€
Less than or equal to €100.00	176.70	138.80	138.80	237.80	178.40	178.40
Exceed €100.01 but do not exceed €110.00	169.70	133.00	133.00	228.40	171.30	171.30

Exceed €110.01 but do not exceed €120.00	162.70	127.20	127.20	219.00	164.20	164.20
Exceed €120.01 but do not exceed €130.00	155.70	121.40	121.40	209.60	157.10	157.10
Exceed €130.01 but do not exceed €140.00	148.70	115.60	115.60	200.20	150.00	150.00
Exceed €140.01 but do not exceed €150.00	141.70	109.80	109.80	190.80	142.90	142.90
Exceed €150.01 but do not exceed €160.00	134.70	104.00	104.00	181.40	135.80	135.80
Exceed €160.01 but do not exceed €170.00	127.70	98.20	98.20	172.00	128.70	128.70
Exceed €170.01 but do not exceed €180.00	120.70	92.40	92.40	162.60	121.60	121.60
Exceed €180.01 but do not exceed €190.00	113.70	86.60	86.60	153.20	114.50	114.50
Exceed €190.01 but do not exceed €200.00	106.70	80.80	80.80	143.80	107.40	107.40
Exceed €200.01 but do not exceed €210.00	99.70	75.00	75.00	134.40	100.30	100.30
Exceed €210.01 but do not exceed €220.00	92.70	69.20	69.20	125.00	93.20	93.20
Exceed €220.01 but do not exceed €230.00	85.70	63.40	63.40	115.60	86.10	86.10
Exceed €230.01 but do not exceed €240.00	78.70	57.60	57.60	106.20	79.00	79.00
Exceed €240.01 but do not exceed €250.00	71.70	51.80	51.80	96.80	71.90	71.90
Exceed €250.01 but do not exceed €260.00	64.70	46.00	46.00	87.40	64.80	64.80
Exceed €260.01 but do not exceed €270.00	57.70	40.20	40.20	78.00	57.70	57.70
Exceed €270.01 but do not exceed €280.00	50.70	34.40	34.40	68.60	50.60	50.60
Exceed €280.01 but do not exceed €290.00	43.70	28.60	28.60	59.20	43.50	43.50
Exceed €290.01 but do not exceed €300.00	36.70	22.80	22.80	49.80	36.40	36.40
Exceed €300.01 but do not exceed €310.00	29.70	17.00	17.00	40.40	29.30	29.30**]**

Annotations

Amendments:

F625 Substituted (6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*h*) and sch. 8, in effect as per art. 2(*f*).

Editorial Notes:

E224 Previous affecting provision: schedule substituted (7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*h*) and sch. 8, in effect as per art. 3(*g*); substituted (6.01.2023) as per F-Note above.

E225 Previous affecting provision: schedule substituted (29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*h*) and sch. 8, in effect as per art. 2(*f*); substituted (7.01.2022) as per E-Note above.

E226 Previous affecting provision: schedule substituted (30.03.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*h*) and sch. 8, in effect as per art. 3(*d*); substituted (29.03.2019) as per E-Note above.

E227 Previous affecting provision: schedule substituted (10.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(*h*) and sch. 8, in effect as per art. 3(*d*); substituted (30.03.2018) as per E-Note above.

E228 Previous affecting provision: schedule substituted (8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*f*) and sch. 6, in effect as per art. 2(*b*); substituted (10.03.2017) as per E-Note above.

E229 Previous affecting provision: schedule substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*d*) and sch. 4; substituted (8.01.2016) as per E-Note above.

E230 Previous affecting provision: schedule amended (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011), art. 18(*c*); substituted (1.09.2012) as per E-Note above.

E231 Previous affecting provision: schedule substituted (1.01.2009 and 2.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 7(*e*) and sch. 6, in effect as per arts. 2(*e*) and 2(*f*); substituted (1.09.2012) as per E-Note above.

E232 Previous affecting provision: schedule substituted (3.01.2008 and 4.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 8(*e*) and sch. 6, commenced as per arts. 2(*e*) and 2(*f*); substituted (1.01.2009 and 2.01.2009) as per E-Note above.

F626[SCHEDULE 10

Articles 70A and 71

REDUCED RATES OF STATE PENSION (TRANSITION) WHERE CONTRIBUTION CONDITIONS ARE PARTIALLY SATISFIED AND WHERE PERSON ATTAINS 65 YEARS OF AGE ON OR AFTER 1 SEPTEMBER 2012

Yearly Average (1)	Weekly Rate (2)	Increase for Qualified Adult who has not attained pensionable age (3)	Increase for Qualified Adult who has attained pensionable age (4)
	€	€	€
Less than 48, but not less than 40	225.80	146.00	196.00
Less than 40, but not less than 30	207.00	139.00	186.00
Less than 30, but not less than 24	196.00	130.00	175.00]

Annotations

Amendments:

F626 Substituted (1.01.2013) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012), art. 7(*f*) and sch., in effect as per art. 3.

Editorial Notes:

E233 Previous affecting provision: schedule substituted (1.09.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012), art. 12(*e*) and sch. 5; substituted (1.01.2013) as per F-Note above.

E234 Previous affecting provision: schedule substituted (1.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 6(*d*) and sch. 7, in effect as per art. 2(*e*); substituted (1.09.2012) as per E-Note above.

E235 Previous affecting provision: schedule substituted (3.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 7(*d*) and sch. 3, commenced as per art. 2(*e*); substituted (1.01.2009) as per E-Note above.

F627[SCHEDULE 11

Articles 80, 81, 87 and 88

REDUCED RATES OF WIDOW'S (CONTRIBUTORY) PENSION, WIDOWER'S (CONTRIBUTORY) PENSION SURVIVING CIVIL PARTNER'S (CONTRIBUTORY) PENSION AND A PAYMENT BY VIRTUE OF PARAGRAPH (*A*) IN THE DEFINITION OF "RELEVANT PAYMENT" IN SECTION 178 WHERE CONTRIBUTION CONDITIONS ARE PARTIALLY SATISFIED

Yearly Average	Weekly Rate (under 66)	Weekly Rate (over 66)
(1)	(2)	(3)
	€	€
36 to 47	222.10	260.10

Yearly Average	Weekly Rate (under 66)	Weekly Rate (over 66)
(1)	(2)	(3)
	€	€
24 to 35	219.50	254.00
18 to 23	162.10	190.40
12 to 17	107.10	126.40
5 to 11	54.20	63.30]

Annotations

Amendments:

F627 Substituted (5.01.2023 and 6.01.2023) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022), art. 3(*i*) and sch. 9, in effect as per art. 2(*e*) and (*f*).

Editorial Notes:

E236 Previous affecting provision: schedule substituted (6.01.2022 and 7.01.2022) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021), art. 5(*i*) and sch. 9, in effect as per art. 3(*f*) and 3(*g*); substituted (5.01.2023 and 6.01.2023) as per F-Note above.

E237 Previous affecting provision: schedule substituted (28.03.2019 and 29.03.2019) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019), art. 3(*h*) and sch. 8, in effect as per art. 2(*e*) and (*f*); substituted (6.01.2022 and 7.01.2022) as per E-Note above.

E238 Previous affecting provision: schedule substituted (on dates between 29.03.2018 and 6.04.2018) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018), art. 4(*i*) and sch. 9, in effect as per arts. 3(*c*) and 3(*e*); substituted (28.03.2019 and 29.03.2019) as per E-Note above.

E239 Previous affecting provision: schedule substituted (on dates between 9.03.2017 and 17.03.2017) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017), art. 4(i) and sch. 9, in effect as per arts. 3(*c*) and 3(*e*); substituted (on dates between 29.03.2018 and 6.04.2018) as per E-Note above.

E240 Previous affecting provision: schedule substituted (7.01.2016 and 8.01.2016) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015), art. 3(*g*) and sch. 7, in effect as per art. 2; substituted (on dates between 9.03.2017 and 17.03.2017) as per E-Note above.

E241 Previous affecting provision: schedule amended (21.11.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* S.I. No. 604 of 2011), art. 18(*d*); substituted (7.01.2016 and 8.01.2016) as per E-Note above.

E242 Previous affecting provision: schedule substituted (6.01.2011 and 7.01.2011) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010), art. 6(*d*) and sch. 4, in effect as per arts. 2(*e*) and 2(*f*); substituted (7.01.2016 and 8.01.2016) as per E-Note above.

E243 Previous affecting provision: schedule substituted (7.01.2010 and 8.01.2010) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009), art. 6(*d*) and sch. 4, in effect as per arts. 2(*e*) and 2(*f*); substituted (6.01.2011 and 7.01.2011) as per E-Note above.

E244 Previous affecting provision: schedule substituted (2.01.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008), art. 6(*e*) and sch. 8, in effect as per art. 2(*f*); substituted (7.01.2010 and 8.01.2010) as per E-Note above.

E245 Previous affecting provision: schedule substituted (4.01.2008) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007), art. 7(*e*) and sch. 3, commenced as per art. 2(*f*); substituted (2.01.2009) as per E-Note above.

SCHEDULE 12

Article 89(1)(a)

DESERTED WIFE'S BENEFIT — EFFECT OF INCOME LIMIT

F628**[**...**]**

Annotations

Amendments:

F628 Deleted (3.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 7(*b*), in effect as per art. 2(*b*).

SCHEDULE 13

Articles 89(1)(b)(i) and 89(1)(c)

DESERTED WIFE'S BENEFIT — REDUCED RATES PAYABLE WHERE CONTRIBUTION CONDITIONS ARE PARTIALLY SATISFIED AND EFFECT OF INCOME LIMIT WHERE CLAIMANT IS UNDER 66

F629**[**...**]**

Annotations

Amendments:

F629 Deleted (3.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 7(*b*), in effect as per art. 2(*b*).

SCHEDULE 14

Articles 89(1)(b)(ii) and 89(1)(d)

DESERTED WIFE'S BENEFIT — REDUCED RATES PAYABLE WHERE CONTRIBUTION CONDITIONS ARE PARTIALLY SATISFIED AND EFFECT OF INCOME LIMIT WHERE CLAIMANT IS OVER 66

F630**[**...**]**

Annotations

Amendments:

F630 Deleted (3.05.2007) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007), art. 7(*b*), in effect as per art. 2(*b*).

SCHEDULE 15

Article 185

EXTENSION OF PERIOD FOR PAYMENT OF CLAIMS MADE MORE THAN 12 MONTHS AFTER THE DUE DATE

F631**[**...**]**

Annotations

Amendments:

F631 Deleted (on dates between 2.04.2012 and 6.04.2012) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Claims) Regulations 2012* (S.I. No. 102 of 2012), art. 5(*c*), in effect as per art. 3.

SCHEDULE 16

Article 234

ISLAND ALLOWANCE

Each of the following shall be an island prescribed for the purposes of section 2(1):

An tOileán Ruaidh (also known as Island Roy), Co. Donegal

Árainn Mhr, Co. Donegal,

Árainn, Co. Galway,

Bere Island, Co. Cork,

Claggan Island, Co. Mayo,

Clare Island, Co. Mayo,

Cléire, Co. Cork,

Clynish, Co. Mayo,

Coney Island, Co. Sligo,

F632**[**Dernish Island, Moneygold, Co. Sligo,**]**

Dursey Island, Co. Cork,

Fenit Island, Co. Kerry,

Foynes Island, Co. Limerick,

Gabhla, Co. Donegal,

Heir Island (also know as Inishodriscol), Co. Cork,

Inis Bearachain, Co. Galway,

Inis Bigil, Co. Mayo,

Inis Bó Finne, Co. Donegal,

Inis Fraoich Uachtarach, Co. Donegal,

Inis Meáin, Co. Galway,

Inis Mhic Chionnaith, Co. Galway,

Inis Oírr, Co. Galway,

Inis Treabhair, Co. Galway,

Inishboffin, Co. Galway,

Inishcottle, Co. Mayo,

Inishgort, Co. Mayo,

Inishlyre, Co. Mayo,

Inishnakillew, Co. Mayo,

Inishturk Beg, Co. Mayo,

Inishturk, Co. Mayo,

Inse Ghainnimh, Co. Galway,

Islandmore, Co. Mayo

Lambay Island, Co. Dublin,

Long Island, Co. Cork,

Omey Island, Co. Galway,

Sherkin Island, Co. Cork,

Toraigh, Co. Donegal, and

Whiddy Island, Co. Cork.

Annotations

Amendments:

F632 Inserted (23.06.2009) by *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Island Allowance) Regulations 2009* (S.I. No. 230 of 2009), art. 2.

SCHEDULE 17

Article 5

REVOCATIONS

S.I. Number	Regulations	Extent of Revocation
(1)	(2)	(3)
S.I. No. 126 of 1962	Social Welfare (General Benefit) (Amendment) Regulations 1963	The whole Regulations
S.I. No. 234 of 1967	Social Welfare (Occupational Injuries) (Medical Care) (Amendment) Regulations 1967	The whole Regulations
S.I. No. 417 of 1994	Social Welfare (Consolidated Payments Provisions) Regulations 1994	The whole Regulations
S.I. No. 25 of 1995	European Communities (Social Welfare) Regulations 1995	The whole Regulations
S.I. No. 26 of 1995	Social Welfare (Consolidated Payments Provisions) (Amendment) Regulations 1995	The whole Regulations
S.I. No. 94 of 1995	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) Regulations 1995	The whole Regulations
S.I. No. 146 of 1995	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) Regulations 1995	The whole Regulations
S.I. No. 242 of 1995	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) Regulations 1995	The whole Regulations
S.I. No. 303 of 1995	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) Regulations 1995	The whole Regulations
S.I. No. 95 of 1996	Social Welfare (Consolidated Payments Provisions) (Amendment) Regulations 1996	The whole Regulations
S.I. No. 143 of 1996	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) Regulations 1996	The whole Regulations
S.I. No. 172 of 1996	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) Regulations 1996	The whole Regulations
S.I. No. 189 of 1996	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) Regulations 1996	The whole Regulations
S.I. No. 297 of 1996	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) Regulations 1996	The whole Regulations
S.I. No. 374 of 1996	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 8) (Assessment of Means) Regulations 1996	The whole Regulations

S.I. Number	Regulations	Extent of Revocation
(1)	(2)	(3)
S.I. No. 375 of 1996	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 7) (Unemployment Assistance) Regulations 1996	The whole Regulations
S.I. No. 426 of 1996	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 10) (One-parent Family Payment) Regulations 1996	The whole Regulations
S.I. No. 156 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (Household Budgeting) Regulations 1997	The whole Regulations
S.I. No. 237 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Increase in Rates) Regulations 1997	The whole Regulations
S.I. No. 249 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Maternity and Adoptive Benefit) Regulations 1997	The whole Regulations
S.I. No. 251 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Disability Allowance) Regulations 1997	The whole Regulations
S.I. No. 293 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) (Homemakers) Regulations 1997	The whole Regulations
S.I. No. 333 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) Regulations 1997	The whole Regulations
S.I. No. 436 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 8) Regulations 1997	The whole Regulations
S.I. No. 438 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 9) (Widow's and Widower's (Non-Contributory) Pension) Regulations 1997	The whole Regulations
S.I. No. 489 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 10) (Pensions) Regulations 1997	The whole Regulations
S.I. No. 492 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 11) (Increase for Qualified Adult) Regulations 1997	The whole Regulations
S.I. No. 530 of 1997	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 13) (Treatment Benefit) Regulations 1997	The whole Regulations
S.I. No. 54 of 1998	Social Welfare (Consolidated Payments Provisions) (Amendment) (Educational Opportunities) Regulations 1998	The whole Regulations
S.I. No. 55 of 1998	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Late Claims) Regulations 1998	The whole Regulations
S.I. No. 105 of 1998	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Calculation of Yearly Average) Regulations 1998	The whole Regulations
S.I. No. 137 of 1998	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Availability and Genuinely Seeking Employment Conditions) Regulations 1998	The whole Regulations
S.I. No. 184 of 1998	Social Welfare (Consolidated Payments Provisions) (Amendment) (No.5) (Increase in Rates) Regulations 1998	The whole Regulations

S.I. Number	Regulations	Extent of Revocation
(1)	(2)	(3)
S.I. No. 185 of 1998	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) (Rehabilitative Employment) Regulations 1998	The whole Regulations
S.I. No. 186 of 1998	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 7) (Death Grant) Regulations 1998	The whole Regulations
S.I. No. 187 of 1998	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 8) (Miscellaneous) Regulations 1998	The whole Regulations
S.I. No. 139 of 1999	Social Welfare (Consolidated Payments Provisions) (Amendment) (Miscellaneous Provisions) Regulations 1999	The whole Regulations
S.I. No. 161 of 1999	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Respite Care Grant) Regulations 1999	The whole Regulations
S.I. No. 164 of 1999	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Increases in Rates) Regulations 1999	The whole Regulations
S.I. No. 256 of 1999	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Carer's Allowance) Regulations 1999	The whole Regulations
S.I. No. 300 of 1999	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) (Bereavement Grant and Homemakers) Regulations 1999	The whole Regulations
S.I. No. 301 of 1999	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) (Increase for Qualified Adult) Regulations 1999	The whole Regulations
S.I. No. 324 of 1999	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 7) (Unemployment Assistance, Pre-Retirement Allowance and Farm Assist) Regulations 1999	The whole Regulations
S.I. No. 81 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (Increase for Qualified Adult) Regulations 2000	The whole Regulations
S.I. No. 82 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Homemakers) Regulations 2000	The whole Regulations
S.I. No. 83 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 1) (Disregard from Spouse's Earnings) Regulations 2000	The whole Regulations
S.I. No. 103 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Rehabilitative Employment) Regulations 2000	The whole Regulations
S.I. No. 106 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Carers) Regulations 2000	The whole Regulations
S.I. No. 122 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) (Increase in Rates) Regulations 2000	The whole Regulations
S.I. No. 123 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) (Family Income Supplement) Regulations 2000	The whole Regulations

S.I. Number	Regulations	Extent of Revocation
(1)	(2)	(3)
S.I. No. 124 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 7) (Increase for Qualified Adult) Regulations 2000	The whole Regulations
S.I. No. 159 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 8) (Late Claims) Regulations 2000	The whole Regulations
S.I. No. 160 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 9) (Loss of Purchasing Power) Regulations 2000	The whole Regulations
S.I. No. 232 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 10) (Sale of Residence) Regulations 2000	The whole Regulations
S.I. No. 265 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 11) (Child Benefit) Regulations 2000	The whole Regulations
S.I. No. 313 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 12) (Capital Assessment) Regulations 2000	The whole Regulations
S.I. No. 340 of 2000	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 13) (Carers) Regulations 2000	The whole Regulations
S.I. No. 99 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (Increase in Rates) Regulations 2001	The whole Regulations
S.I. No. 103 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 1) (Miscellaneous Provisions) Regulations 2001	The whole Regulations
S.I. No. 132 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Miscellaneous Provisions) Regulations 2001	The whole Regulations
S.I. No. 242 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Sharing of Information) Regulations 2001	The whole Regulations
S.I. No. 326 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Island Allowance) Regulations 2001	The whole Regulations
S.I. No. 408 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) (Educational Opportunities) Regulations 2001	The whole Regulations
S.I. No. 548 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) (Widowed Parent Grant) Regulations 2001	The whole Regulations
S.I. No. 614 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 7) (Euro) Regulations 2001	The whole Regulations
S.I. No. 650 of 2001	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 8) (Increase in Rates) Regulations 2001	The whole Regulations
S.I. No. 120 of 2002	Social Welfare (Consolidated Payments Provisions) (Amendment) (Miscellaneous Provisions) Regulations 2002	The whole Regulations
S.I. No. 332 of 2002	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 1) (Qualified Child) Regulations 2002	The whole Regulations

S.I. Number	Regulations	Extent of Revocation
(1)	(2)	(3)
S.I. No. 461 of 2002	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Means Assessment) Regulations 2002	The whole Regulations
S.I. No. 631 of 2002	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Increase in Rates) Regulations 2002	The whole Regulations
S.I. No. 121 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (Carers) Regulations 2003	The whole Regulations
S.I. No. 170 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 1) (Means Assessment) Regulations 2003	The whole Regulations
S.I. No. 235 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Means Assessment) Regulations 2003	The whole Regulations
S.I. No. 323 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Compensation Payments) Regulations 2003	The whole Regulations
S.I. No. 396 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Child Benefit) Regulations 2003	The whole Regulations
S.I. No. 427 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) (Compensation Payments) Regulations 2003	The whole Regulations
S.I. No. 453 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) (Qualified Child Increase) Regulations 2003	The whole Regulations
S.I. No. 696 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 9) (Miscellaneous Provisions) Regulations 2003	The whole Regulations
S.I. No. 724 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 7) (Increase in Rates) Regulations 2003	The whole Regulations
S.I. No. 725 of 2003	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 8) (Graduated Rates) Regulations 2003	The whole Regulations
S.I. No. 9 of 2004	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 1) (Qualified Child Increase) Regulations 2004	The whole Regulations
S.I. No. 125 of 2004	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) Regulations 2004	The whole Regulations
S.I. No. 145 of 2004	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Overlapping Payments) Regulations 2004	The whole Regulations
S.I. No. 660 of 2004	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Maternity Benefit) Regulations 2004	The whole Regulations
S.I. No. 846 of 2004	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) (Miscellaneous Provisions) Regulations 2004	The whole Regulations

S.I. Number	Regulations	Extent of Revocation
(1)	(2)	(3)
S.I. No. 847 of 2004	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 7) (Qualified Child Increase) Regulations 2004	The whole Regulations
S.I. No. 850 of 2004	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) (Increase in Rates) Regulations 2004	The whole Regulations
S.I. No. 184 of 2005	Social Welfare (Consolidated Payments Provisions) (Amendment) (Capital Assessment and Carer's) Regulations 2005	The whole Regulations
S.I. No. 185 of 2005	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 1) (Treatment Benefit) Regulations 2005	The whole Regulations
S.I. No. 186 of 2005	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Homemakers) Regulations 2005	The whole Regulations
S.I. No. 231 of 2005	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Respite Care Grant) Regulations 2005	The whole Regulations
S.I. No. 350 of 2005	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Family Income Supplement) Regulations 2005	The whole Regulations
S.I. No. 351 of 2005	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) (Island Allowance) Regulations 2005	The whole Regulations
S.I. No. 880 of 2005	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) (Increase in Rates) Regulations 2005	The whole Regulations
S.I. No. 120 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (Benefit and Privilege) Regulations 2006	The whole Regulations
S.I. No. 145 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) (Carers) Regulations 2006	The whole Regulations
S.I. No. 147 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 1) (Early Childcare Supplement) Regulations 2006	The whole Regulations
S.I. No. 199 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 3) (Island Allowance) Regulations 2006	The whole Regulations
S.I. No. 200 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 4) (Assessment of Maintenance) Regulations 2006	The whole Regulations
S.I. No. 201 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 5) (Treatment Benefit) Regulations 2006	The whole Regulations
S.I. No. 202 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 7) (Maternity and Adoptive Benefit) Regulations 2006	The whole Regulations
S.I. No. 219 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 6) (Qualified Adult and Earnings from Rehabilitative Employment) Regulations 2006	The whole Regulations

S.I. Number	Regulations	Extent of Revocation
(1)	(2)	(3)
S.I. No. 288 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 8) (Carers and Homemakers) Regulations 2006	The whole Regulations
S.I. No. 486 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 9) (One-Parent Family Payment) (Assessment of Earnings) Regulations 2006	The whole Regulations
S.I. No. 487 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 10) (Treatment Benefit) Regulations 2006	The whole Regulations
S.I. No. 497 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 11) (Compensation Payments) Regulations 2006	The whole Regulations
S.I. No. 519 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 12) (State and Widow(er)'s Pension (Non-Contributory) Earnings Disregard) Regulations 2006	The whole Regulations
S.I. No. 571 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 13) (Miscellaneous Provisions) Regulations 2006	The whole Regulations
S.I. No. 681 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 16) (Early Childcare Supplement) Regulations 2006	The whole Regulations
S.I. No. 692 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 14) (Increase in Rates) Regulations 2006	The whole Regulations
S.I. No. 696 of 2006	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 15) (Absence from State and Imprisonment) Regulations 2006	The whole Regulations
S.I. No. 43 of 2007	Social Welfare (Consolidated Payments Provisions) (Amendment) (Jobseeker's Benefit) (Redundancy — Exemption from Disqualification) Regulations 2007	The whole Regulations
S.I. No. 128 of 2007	Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 1) (Maternity Benefit and Miscellaneous Provisions) Regulations 2007	The whole Regulations

L.S.

GIVEN under my Official Seal

28 March 2007

SÉAMUS BRENNAN

Minister for Social and Family Affairs.

The Minister for Health and Children hereby consents to the making of the foregoing regulations.

L.S.

GIVEN under my Official Seal

28 March 2007

MARY HARNEY

Minister for Health and Children

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

GIVEN under my Official Seal

L.S.

28 March 2007

BRIAN COWEN

Minister for Finance.

EXPLANATORY NOTE

(*This note is not part of the Instrument and does not purport to be a legal interpretation.*)

These regulations consolidate the regulatory provisions relating to—

- All of the social insurance payments other than Occupational Injuries Benefits (Part 2),
- All of the social assistance payments, other than supplementary welfare allowance (Part 3),
- Child Benefit (Part 4),
- Respite Care Grant (Part 5),
- Family Income Supplement (Part 6),
- Related provisions governing the making of claims and payments (Part 7) including—
  - — Loss of purchasing power,
  - — Absence from State and Imprisonment,
  - — Overlapping payments — provisions which set out the circumstances in which a person may receive more than one social welfare payment at the same time,
  - — Island allowance,
- Control provisions (Part 8),
- Overpayments (Part 9), and
- Liable Relatives (Part 10).

S.I. No. 142 *of* 2007

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) REGULATIONS 2007

REVISED

Updated to 4 May 2023

About this Revised Statutory Instrument

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 (Consolidated Claims, Payments and Control) Regulations 2007 to 2023*:** this statutory instrument is one of a group of statutory instruments included in this collective citation, to be construed together as one (*Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023* (S.I. No. 234 of 2023), art. 1(2)). The instruments in this group are:

- *Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007* (S.I. No. 142 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard and Family Income Supplement) Regulations 2007* (S.I. No. 148 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Miscellaneous Provisions) Regulations 2007* (S.I. No. 176 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Pre-Retirement Allowance) Regulations 2007* (S.I. No. 223 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment No. 4) (Bereavement Grant and Payments after Death) Regulations 2007* (S.I. No. 536 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Child Benefit) Regulations 2007* (S.I. No. 859 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Entitlement to Pro-rata State Pension) Regulations 2007* (S.I. No. 860 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard) Regulations 2008* (S.I. No. 75 of 2008)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Earnings Disregard) Regulations 2008* (S.I. No. 138 of 2008)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Prescribed Time) Regulations 2008* (S.I. No. 243 of 2008)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Jobseeker's Benefit) Regulations 2009* (S.I. No. 24 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Early Childcare Supplement) Regulations 2009* (S.I. No. 54 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Island Allowance) Regulations 2009* (S.I. No. 230 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2009* (S.I. No. 240 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Nominated Persons) Regulations 2009* (S.I. No. 378 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Homemakers) (Prescribed Time) Regulations 2009* (S.I. No. 564 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Assessment of Means) Regulations 2010* (S.I. No. 157 of 2010)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Prescribed Time) Regulations 2010* (S.I. No. 545 of 2010)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Claims) Regulations 2010* (S.I. No. 661 of 2010)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (One-Parent Family Payment) Regulations 2011* (S.I. No. 90 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Jobseeker's Payments) Regulations 2011* (S.I. No. 320 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Overpayments) Regulations 2011* (S.I. No. 392 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Overpayments) Regulations 2011* (S.I. No. 461 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Qualified Adult) Regulations 2011* (S.I. No. 616 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Homemakers) Regulations 2011* (S.I. No. 719 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2011* (S.I. No. 720 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Family Income Supplement) Regulations 2011* (S.I. No. 728 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overlapping Benefits) Regulations 2012* (S.I. No. 38 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Claims) Regulations 2012* (S.I. No. 102 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (One-Parent Family Payment) Regulations 2012* (S.I. No. 141 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2012* (S.I. No. 196 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Qualified Child Increase) Regulations 2012* (S.I. No. 218 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Proving Unemployment) Regulations 2012* (S.I. No. 250 of 2012)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Information) Regulations 2012* (S.I. No. 373 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Homemakers) Regulations 2012* (S.I. No. 567 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overpayments) Regulations 2013* (S.I. No. 24 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Night Workers) Regulations 2013* (S.I. No. 62 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Family Income Supplement) Regulations 2013* (S.I. No. 235 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Allowance Transition) Regulations 2013* (S.I. No. 244 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Retained Fire Fighters) Regulations 2013* (S.I. No. 254 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Activation Measures) Regulations 2013* (S.I. No. 259 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013* (S.I. No. 340 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Homemakers) Regulations 2013* (S.I. No. 492 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Maternity and Adoptive Benefit) Regulations 2013* (S.I. No. 514 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Pre-Retirement Allowance) Regulations 2013* (S.I. No. 515 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 155 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 332 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Discrimination on Grounds of Age) Regulations 2014* (S.I. No. 369 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Prescribed Employment Schemes) Regulations 2014* (S.I. No. 440 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 497 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Overpayments) Regulations 2014* (S.I. No. 511 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Homemakers) Regulations 2014* (S.I. No. 569 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2014* (S.I. No. 595 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Recovery of Certain Benefits and Assistance) Regulations 2015* (S.I. No. 177 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Sharing of Information) Regulations 2015* (S.I. No. 317 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Manner of Payment) Regulations 2015* (S.I. No. 376 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Payments to Nominated Persons) Regulations 2015* (S.I. No. 408 of 2015)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Homemakers) Regulations 2015* (S.I. No. 596 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Jobseeker's Allowance Transition) Regulations 2015* (S.I. No. 597 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Exemption from Disqualification for Course of Study) Regulations 2016* (S.I. No. 327 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Carer's Allowance) Regulations 2016* (S.I. No. 620 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Transitional Payment) Regulations 2016* (S.I. No. 621 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2016* (S.I. No. 670 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Absence from the State) Regulations 2017* (S.I. No. 12 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Nominated Persons) Regulations 2017* (S.I. No. 13 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Household Budgeting) Regulations 2017* (S.I. No. 185 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Treatment Benefit) Regulations 2017* (S.I. No. 381 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2018* (S.I. No. 61 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Jobseeker's Transitional Payment) Regulations 2018* (S.I. No. 103 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Assessment of Means) Regulations 2018* (S.I. No. 306 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Prescribed Time) Regulations 2018* (S.I. No. 375 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Assessment of Means) Regulations 2018* (S.I. No. 649 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Subsidiary Employment) Regulations 2018* (S.I. No. 651 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Domiciliary Care Allowance - Normal Residence of Qualified Child) Regulations 2019* (S.I. No. 11 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Earnings Disregard) Regulations 2019* (S.I. No. 42 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Transitional Payment) Regulations 2019* (S.I. No. 103 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Working Family Payment) Regulations 2019* (S.I. No. 109 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2019* (S.I. No. 202 of 2019)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Days to be treated as days of Incapacity for Work) Regulations 2019* (S.I. No. 241 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Assessment of Means) Regulations 2019* (S.I. No. 303 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Working Family Payment) Regulations 2019* (S.I. No. 634 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Carers) Regulations 2019* (S.I. No. 635 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Jobseeker's Transitional Payment) Regulations 2019* (S.I. No. 636 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.16) (Assessment of Means) Regulations 2019* (S.I. No. 666 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Payments after Death) Regulations 2020* (S.I. No. 50 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 94 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 95 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 163 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 164 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 222 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 223 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Absence from the State) Regulations 2020* (S.I. No. 242 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 309 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 310 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 368 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 369 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2020* (S.I. No. 370 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Covid-19 Pandemic Unemployment Payment — New Band of Payment and Reference Period) Regulations 2020* (S.I. No. 572 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment — Ancillary Provisions) Regulations 2020* (S.I. No. 573 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 17) (Persons Regarded as Genuinely Seeking Employment) Regulations 2020* (S.I. No. 574 of 2020)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Treatment Benefit — Payment by the Minister) Regulations 2020* (S.I. No. 716 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Covid-19 Pandemic Unemployment Payment — Self-Employment Income Limits) Regulations 2021* (S.I. No. 32 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Emergency Measures in the Public Interest —Jobseeker's Allowance) Regulations 2021* (S.I. No. 33 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2021* (S.I. No. 34 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2021* (S.I. No. 35 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Allowance) Regulations 2021* (S.I. No. 76 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2021* (S.I. No. 77 of 2021)
- *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 8) (Earnings Disregard) Regulations 2021* (S.I. No. 78 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2021* (S.I. No. 109 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Covid-19 Pandemic Unemployment Payment — Entitlement to Increase for Qualified Adult) Regulations 2021* (S.I. No. 160 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2021* (S.I. No. 161 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2021* (S.I. No. 162 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 332 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 448 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 546 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021)
- *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 17) (Earnings Disregard) Regulations 2021* (S.I. No. 783 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness Benefit payments arising from COVID-19) Regulations 2022* (S.I. No. 26 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Income Disregard) Regulations 2022* (S.I. No. 125 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.1) (Domiciliary Care Allowance - Temporary Residence in an Institution) Regulations 2022* (S.I. No. 200 of 2022)
- *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 6) (Carers Allowance) Regulations 2022* (S.I. No. 201 of 2022)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (One-Parent Family Payment) Regulations 2022* (S.I. No. 285 of 2022)
- *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022* (S.I. No. 291 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Treatment Benefit) Regulations 2022* (S.I. No. 360 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022.* (S.I. No. 397 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Absence from the State) Regulations 2022* (S.I. No. 495 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Weeks Not to be Treated as Weeks of Unemployment) Regulations 2022* (S.I. No. 540 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Earnings Disregard) Regulations 2022* (S.I. No. 614 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Income Limit - Qualified Adult) Regulations 2022* (S.I. No. 616 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Domiciliary Care Allowance) Regulations 2023* (S.I. No. 129 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Income Disregard) Regulations 2023* (S.I. No. 162 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023* (S.I. No. 234 of 2023)

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 1972, 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

- *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019)
- *Social Welfare Act 2017* (38/2017)
- *Social Welfare and Pensions Act 2015* (47/2015)
- *Value-Added Tax Consolidation Act 2010* (31/2010)

All Acts up to and including *Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023* (10/2023), enacted 2 May 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023* (S.I. No. 234 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Income Disregard) Regulations 2023* (S.I. No. 162 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2023* (S.I. No. 160 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Domiciliary Care Allowance) Regulations 2023* (S.I. No. 129 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Spouse's Earnings) Regulations 2023* (S.I. No. 128 of 2023)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Change in Rates) Regulations 2022* (S.I. No. 718 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Income Limit - Qualified Adult) Regulations 2022* (S.I. No. 616 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Earnings Disregard) Regulations 2022* (S.I. No. 614 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Weeks Not to be Treated as Weeks of Unemployment) Regulations 2022* (S.I. No. 540 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Absence from the State) Regulations 2022* (S.I. No. 495 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Income Disregard) Regulations 2022* (S.I. No. 430 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022.* (S.I. No. 397 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Treatment Benefit) Regulations 2022* (S.I. No. 360 of 2022)
- *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 9) (Income Disregard) Regulations 2022* (S.I. No. 291 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (One-Parent Family Payment) Regulations 2022* (S.I. No. 285 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022* (S.I. No. 259 of 2022)
- *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 6) (Carers Allowance) Regulations 2022* (S.I. No. 201 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.1) (Domiciliary Care Allowance - Temporary Residence in an Institution) Regulations 2022* (S.I. No. 200 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Income Disregard) Regulations 2022* (S.I. No. 125 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Covid-19 Pandemic Unemployment Payment) Regulations 2022* (S.I. No. 74 of 2022)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness Benefit payments arising from COVID-19) Regulations 2022* (S.I. No. 26 of 2022)
- *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 17) (Earnings Disregard) Regulations 2021* (S.I. No. 783 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 19) (Change in Rates) Regulations 2021* (S.I. No. 780 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 699 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Carers) Regulations 2021* (S.I. No. 623 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 546 of 2021)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 448 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Covid-19 Pandemic Unemployment Payment) Regulations 2021* (S.I. No. 332 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2021* (S.I. No. 162 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2021* (S.I. No. 161 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Covid-19 Pandemic Unemployment Payment — Entitlement to Increase for Qualified Adult) Regulations 2021* (S.I. No. 160 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2021* (S.I. No. 109 of 2021)
- *Social Welfare (Consolidated Claims, Payment and Control) (Amendment) (No. 8) (Earnings Disregard) Regulations 2021* (S.I. No. 78 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2021* (S.I. No. 77 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Carer's Allowance) Regulations 2021* (S.I. No. 76 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Benefit and Jobseeker's Benefit (Self-Employed) — Persons who have attained the age of 65 years) Regulations 2021* (S.I. No. 36 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Income Disregard) Regulations 2021* (S.I. No. 35 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2021* (S.I. No. 34 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2021* (S.I. No. 33 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Covid-19 Pandemic Unemployment Payment — Self-Employment Income Limits) Regulations 2021* (S.I. No. 32 of 2021)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 18) (Treatment Benefit — Payment by the Minister) Regulations 2020* (S.I. No. 716 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 17) (Persons Regarded as Genuinely Seeking Employment) Regulations 2020* (S.I. No. 574 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 16) (Covid-19 Pandemic Unemployment Payment — Ancillary Provisions) Regulations 2020* (S.I. No. 573 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Covid-19 Pandemic Unemployment Payment — New Band of Payment and Reference Period) Regulations 2020* (S.I. No. 572 of 2020)
- *Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 447 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Covid-19 Pandemic Unemployment Payment) Regulations 2020* (S.I. No. 370 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 369 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 368 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 310 of 201X)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 309 of 2020)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Absence from the State) Regulations 2020* (S.I. No. 242 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 223 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 222 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 164 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 163 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Illness Benefit payments arising from COVID-19) Regulations 2020* (S.I. No. 97 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Emergency Measures in the Public Interest — Jobseeker's Benefit) Regulations 2020* (S.I. No. 95 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Emergency Measures in the Public Interest — Jobseeker's Allowance) Regulations 2020* (S.I. No. 94 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Payments after Death) Regulations 2020* (S.I. No. 50 of 2020)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.16) (Assessment of Means) Regulations 2019* (S.I. No. 666 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 15) (Jobseeker's Transitional Payment) Regulations 2019* (S.I. No. 636 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 14) (Carers) Regulations 2019* (S.I. No. 635 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 13) (Working Family Payment) Regulations 2019* (S.I. No. 634 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Parent's Benefit) Regulations 2019* (S.I. No. 554 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Jobseekers Benefit (Self-Employed)) Regulations 2019* (S.I. No. 551 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Assessment of Means) Regulations 2019* (S.I. No. 303 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Days to be treated as days of Incapacity for Work) Regulations 2019* (S.I. No. X of 201X)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2019* (S.I. No. 202 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2019* (S.I. No. 130 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Working Family Payment) Regulations 2019* (S.I. No. 109 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Jobseeker's Transitional Payment) Regulations 2019* (S.I. No. 103 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Change in Rates) Regulations 2019* (S.I. No. 102 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Earnings Disregard) Regulations 2019* (S.I. No. 42 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (State Pension (Contributory)) Regulations 2019* (S.I. No. 40 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Domiciliary Care Allowance - Normal Residence of Qualified Child) Regulations 2019* (S.I. No. 11 of 2019)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2018* (S.I. No. 654 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Subsidiary Employment) Regulations 2018* (S.I. No. 651 of 2018)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Assessment of Means) Regulations 2018* (S.I. No. 649 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Assessment of Means) Regulations 2018* (S.I. No. 389 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Prescribed Time) Regulations 2018* (S.I. No. 375 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Means) Regulations 2018* (S.I. No. 333 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Assessment of Means) Regulations 2018* (S.I. No. 306 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Jobseeker's Transitional Payment) Regulations 2018* (S.I. No. 103 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Change in Rates) Regulations 2018* (S.I. No. 102 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2018* (S.I. No. 61 of 2018)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Treatment Benefit) Regulations 2017* (S.I. No. 381 of 2017)
- *Social Protection (Alteration of Name of Department and Title of Minister) Order 2017* (S.I. No. 366 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Household Budgeting) Regulations 2017* (S.I. No. 185 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2017* (S.I. No. 64 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Nominated Persons) Regulations 2017* (S.I. No. 13 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Absence from the State) Regulations 2017* (S.I. No. 12 of 2017)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2016* (S.I. No. 670 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Transitional Payment) Regulations 2016* (S.I. No. 621 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Carer's Allowance) Regulations 2016* (S.I. No. 620 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Paternity Benefit) Regulations 2016* (S.I. No. 442 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Exemption from Disqualification for Course of Study) Regulations 2016* (S.I. No. 327 of 2016)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Change in Rates) Regulations 2015* (S.I. No. 598 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Jobseeker's Allowance Transition) Regulations 2015* (S.I. No. 597 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Homemakers) Regulations 2015* (S.I. No. 596 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Payments to Nominated Persons) Regulations 2015* (S.I. No. 408 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Manner of Payment) Regulations 2015* (S.I. No. 376 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Sharing of Information) Regulations 2015* (S.I. No. 317 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Back to Work Family Dividend) Regulations 2015* (S.I. No. 180 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Medical Assessor and Medical Certification) Regulations 2015* (S.I. No. 179 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Recovery of Certain Benefits and Assistance) Regulations 2015* (S.I. No. 177 of 2015)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Assessment of Means) Regulations 2014* (S.I. No. 595 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Homemakers) Regulations 2014* (S.I. No. 569 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Overpayments) Regulations 2014* (S.I. No. 511 of 2014)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 497 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Prescribed Employment Schemes) Regulations 2014* (S.I. No. 440 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Discrimination on Grounds of Age) Regulations 2014* (S.I. No. 369 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Recovery of Certain Benefits and Assistance) Regulations 2014* (S.I. No. 332 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Assessment of Means) Regulations 2014* (S.I. No. 155 of 2014)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Budgeting in Relation to Social Welfare Payments) Regulations 2013* (S.I. No. 580 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Pre-Retirement Allowance) Regulations 2013* (S.I. No. 515 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Maternity and Adoptive Benefit) Regulations 2013* (S.I. No. 514 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Homemakers) Regulations 2013* (S.I. No. 492 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Partial Capacity Benefit) Regulations 2013* (S.I. No. 340 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Activation Measures) Regulations 2013* (S.I. No. 259 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Retained Fire Fighters) Regulations 2013* (S.I. No. 254 of 2013)
- Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Jobseeker's Allowance Transition) Regulations 2013 (S.I. No. 244 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Family Income Supplement) Regulations 2013* (S.I. No. 235 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Night Workers) Regulations 2013* (S.I. No. 62 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overpayments) Regulations 2013* (S.I. No. 24 of 2013)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 12) (Reduced Rates) Regulations 2012* (S.I. No. 573 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 11) (Homemakers) Regulations 2012* (S.I. No. 567 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Miscellaneous Amendments) Regulations 2012* (S.I. No. 447 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Information) Regulations 2012* (S.I. No. 373 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Reduced Rates) Regulations 2012* (S.I. No. 321 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Proving Unemployment) Regulations 2012* (S.I. No. 250 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Qualified Child Increase) Regulations 2012* (S.I. No. 218 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2012* (S.I. No. 196 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (One-Parent Family Payment) Regulations 2012* (S.I. No. 141 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Claims) Regulations 2012* (S.I. No. 102 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Partial Capacity Benefit) Regulations 2012* (S.I. No. 43 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Overlapping Benefits) Regulations 2012* (S.I. No. 38 of 2012)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Family Income Supplement) Regulations 2011* (S.I. No. 728 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2011* (S.I. No. 720 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Homemakers) Regulations 2011* (S.I. No. 719 of 2011)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Qualified Adult) Regulations 2011* (S.I. No. 616 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Civil Partnership) Regulations 2011* (S.I. No. 604 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Administrative Responsibility for Supplementary Welfare Allowance) Regulations 2011* (S.I. No. 498 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Overpayments) Regulations 2011* (S.I. No. 461 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Overpayments) Regulations 2011* (S.I. No. 392 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Jobseeker's Payments) Regulations 2011* (S.I. No. 320 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (One-Parent Family Payment) Regulations 2011* (S.I. No. 90 of 2011)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Change in Rates) Regulations 2010* (S.I. No. 681 of 2010)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Claims) Regulations 2010* (S.I. No. 661 of 2010)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Prescribed Time) Regulations 2010* (S.I. No. 545 of 2010)
- *Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010* (S.I. No. 186 of 2010)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Assessment of Means) Regulations 2010* (S.I. No. 157 of 2010)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No.7) (Increase Change in Rates) Regulations 2009* (S.I. No. 584 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 9) (Treatment Benefit) Regulations 2009* (S.I. No. 578 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Homemakers) (Prescribed Time) Regulations 2009* (S.I. No. 564 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Nominated Persons) Regulations 2009* (S.I. No. 378 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Prescribed Time) Regulations 2009* (S.I. No. 240 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Island Allowance) Regulations 2009* (S.I. No. 230 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Domiciliary Care Allowance) (Amendment) (No. 3) Regulations 2009* (S.I. No. 162 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Early Childcare Supplement) Regulations 2009* (S.I. No. 54 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Jobseeker's Benefit) Regulations 2009* (S.I. No. 24 of 2009)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 4) (Increase in Rates) Regulations 2008* (S.I. No. 601 of 2008)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Prescribed Time) Regulations 2008* (S.I. No. 243 of 2008)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Earnings Disregard) Regulations 2008* (S.I. No. 138 of 2008)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard) Regulations 2008* (S.I. No. 75 of 2008)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 8) (Increase in Rates) Regulations 2007* (S.I. No. 862 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 6) (Entitlement to Pro-rata State Pension) Regulations 2007* (S.I. No. 860 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Child Benefit) Regulations 2007* (S.I. No. 859 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Assessment of Earnings) Regulations 2007* (S.I. No. 700 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment No. 4) (Bereavement Grant and Payments after Death) Regulations 2007* (S.I. No. 536 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 3) (Pre-Retirement Allowance) Regulations 2007* (S.I. No. 223 of 2007)

- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Illness, Jobseeker's, Maternity, Adoptive and Deserted Wife's Benefit) Regulations 2007* (S.I. No. 222 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Miscellaneous Provisions) Regulations 2007* (S.I. No. 176 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (Carer's Income Disregard and Family Income Supplement) Regulations 2007* (S.I. No. 148 of 2007)
- *Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007* (S.I. No. 142 of 2007)

All statutory instruments up to and including *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Income Disregard) Regulations 2023* (S.I. No. 234 of 2023), made 4 May 2023, were considered in the preparation of this revision.